

**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, JULY 11, 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 6-13-2022

6) PUBLIC HEARING

A) ACTION 2022-05-22AZ: A REQUEST BY #745 PIONEER EXCHANGE AND SUNSET ASSOCIATES LP FOR AN ANNEXATION AND REZONE OF PROPERTY FROM UGA RESIDENTIAL RS-50 (UGA-RS-50) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50).

7) COMMENTS FROM COMMISSIONERS

8) ADJOURN



PLANNING COMMISSION MEETING MINUTES

Monday, June 13, 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, and John Breidenbach. Max Twombly, Mike Allen and Blu Fortner were absent. James Grissett attended online via Zoom.

City Staff present: Dan Cummings, Community Development Director and Pro Tem City Manager (Ex-Officio) and Marcy Siriwardene, Building Official. Ex-Officio Ken Hart was excused.

The meeting was recorded and is on file at the City Community Development Center. The agenda for this meeting was emailed on or before June 7, 2022. Copies of the Agenda were available at the City Community Development Center.

Ralph Poole led everyone in the Pledge of Allegiance.

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-out; Breidenbach-yes; Twombly-out; Poole-yes. Motion carried 4/0/3.

There were no unscheduled public appearances.

ADOPTION OF MINUTES

John Breidenbach moved, seconded by Mike Allen, to approve the May 2, 2022 meeting minutes as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-out; Breidenbach-yes; Twombly-out; Poole-yes. Motion carried 4/0/3.

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.

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

Commissioner Hall asked for clarification on the project location and zoning.

There were no proponents or opponents to this action.

Chairman Poole closed public comment for this action.

Commissioner Breidenbach liked the terminology of the report.

APPROVAL OF PLANNING ACTION 2022-03-13RZ – FINDINGS OF FACT

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

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

PUBLIC HEARING- 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 (IBP), UGA Residential to City Single Family Residential (RS-50) and UGA Commercial (UGA-C) to City General Commercial (C-2).

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.

Mr. Cummings presented a staff report on the project.

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

Commissioner Breidenbach asked about the facility. Mr. Cummings mentioned that this was an outdoor grow and treated like an agriculture site, but an indoor facility will require bathrooms, etc. He mentioned this location will not require expanding the water/sewer, until they pull a building permit. Commissioner Hall asked about annexations. Mr. Cummings mentioned a neighboring retail location. He stated that every business should be treated the same, but all businesses must follow the city code. Commissioner Breidenbach asked about a neighboring cul-de-sac. Mr. Cummings described upcoming activities in the area and light-industrial zoning.

Ex-officio Ken Hart asked about moving them into the city. Mr. Cummings reminded everyone that no cannabis business are allowed in Malheur County, outside of Ontario city limits.

Chairman Poole asked about the notifications to surrounding properties. Mr. Cummings answered that the notifications are only for a change in zoning, not for what the property will be used for. Their conditional use permit has already been reviewed.

Commissioner Breidenbach asked about any complaints to City Council. Mr. Cummings explained hemp and cannabis activities.

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

APPROVAL OF ACTION 2022-03-13AZ – FINDINGS OF FACT

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

APPROVAL OF PLANNING ACTION 2022-03-13AZ

Commissioner Hall moved, seconded by Commissioner Breidenbach, to approve the action. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Twombly-out; Hall-out; Breidenbach-yes; Poole-yes. Motion carried 4/0/3.

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 July 11th, 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-out; Breidenbach-yes; Poole-yes.

Motion carried 4/0/3.

Ralph Poole
Commission Chairman

Attest: Marcy Siriwardene
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
July 11, 2022**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2022-05-22AZ: A REQUEST BY #745 PIONEER EXCHANGE AND SUNSET ASSOCIATES LP FOR AN ANNEXATION AND REZONE OF PROPERTY FROM UGA RESIDENTIAL RS-50 (UGA-RS-50) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50).**

DATE: June 3, 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 RESIDENTIAL (UGA-RS-50) TO CITY SINGLE FAMILY RESIDENTIAL (R-50) AS SET FORTH IN ACTION 2022-05-22AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS "A" AND "B" OF THIS REPORT.**
- 2. I MOVE THAT THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA-RS-50) TO CITY SINGLE FAMILY RESIDENTIAL (R-50) AS SET FORTH IN ACTION 2022-05-22AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS "A" AND "B" OF THIS REPORT.**

B. DENIAL:

- 1. I MOVE THAT THE REQUEST FOR ANNEAXTION AND REZONE OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA-RS-50) TO CITY SINGLE FAMILY RESIDENTIAL (R-50) AS SET FORTH IN ACTION 2022-05-22AZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS "A" AND "B" OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).**

SUMMARY:

The applicant/owner owns a parcel, known as Tax Map 18S4705, tax lot 3401. The tax lot is currently zoned UGA Residential(UGA-RS-50) and is requesting the property be zoned city Single Family Residential (RS-50).

BACKGROUND:

The applicant has submitted an application for the annexation and rezone of a parcel of land known as Tax Lot 3401 on assessor's map 18SR05, which was found to be complete on May 23, 2022 and provided enough information to schedule a public hearing on the matter.

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 rezone from UGA Residential (UGA-RS-50) to City Single Family Residential (R-50) within the City Limits of the City of Ontario.

There are no recent city planning actions on the property. The property was part of a property line adjustment while in the county in 2006.

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 Single Family Residential zone 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 makes 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 map amendment is to bring the property into the City of Ontario and maintain the zoning of the property consistent with the state wide planning goals and the guidelines to allow for development of the property..

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 property is within the City of Ontario Urban Growth Boundary (UGA) and the annexation and rezoning of the property is in compliance with the acknowledged Comprehensive plan and zoning.

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 error, the requested zone of Single Family Residential RS-50 is in compliance with the Comprehensive plan for the zoning of this property.

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.

Allowing the annexation and rezoning of the property allows the property to be developed into much needed housing lots. The request is in harmony with the surrounding zoning and matches the zoning as per the comprehensive plan and zoning map.

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 parcel of the proposed rezone far exceeds the minimum parcel size for the type of requested zone and will be able to be developed into single family lots as planned in the Comprehensive Plan.

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 in the UGA and is part of the City Transportation Master Plan, City Water

*Master Plan, City Waste Water Master Plan and the City Storm Water Master Plan and, therefore, has been approved to provide city services.
Currently, there is one single family dwelling on the property with a failing sewer drain field. There is city sewer and water within NW 4th Avenue that can be extended to this property to connect the existing dwelling, as well as new lots to the city system.*

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 already part of the city approved zoning and has been approved for residential use and can be developed once brought into the City limits and is in harmony with the surrounding properties zoned accordingly.

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 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 Residential RS-50 zone to the City Single Family Residential RS-50 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, south, east and north of this property. 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 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

Rezone 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 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 along the west and south sides of the property.
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, and the annexation of the property is consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and by providing much needed residential housing building sites.

Annexation 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 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. **All conditions and criteria have been met and therefore the Planning commission may approve and recommend the action.**

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 (UGA) Residential (UGA-RS-50) to the City Single Family Residential (RS-50) zone of the subject property.

ATTACHMENTS:

- 1. Attachment 1_3401 Before
- 2. Attachment 2_3401 After
- 3. Attachment 3_Tax Map
- 4. Attachment 4_Annexation Description

3604

3601

3200

2677
2675

3402

3600

3401

2825

3500

2601

3400

2565

NW 4TH AVE

2800

2600

200

300

101

11100

11200

11300

11400

2625

2583

2555

2529

11000

233

PATRICIA AVE

208

2546

2512

12600

12500

400

400

YIPPIE BELTLINE

LAUREL

3604

3601

3200

2677
2675

3402

3600

3401

2825

3500

2601

3400

2565

Ordinance
#2806-2022

2800

300

2600

200

11100

2625

11200

2583

11300

2555

11400

2529

11000

233

PATRICIA AVE

208

2546

2512

12600

12500

YURRI BELTINE

31

32

6

5

3604
62.59 AC

DRAIN

3604

3603
2.98 AC

1203
14.96 AC

3600
0.51 AC

4

3

ST

UNION

STELLING

CS 18-47-0239

LOT 4 40.88

LOT 3 40.63

HWY.

SEE HWY. DRC. 10B-14-2

3602
10.45 AC

1203

1501
0.16 AC

NW
SEE

1500
4.62 AC

SEE MAP 18S 47E 06A

30TH

3604

NW

3601
11.43 AC

NW

49+988.061 P.O.S. =
NF 1+322-381 P.O.T.

RELOCATED
TONY

4TH

FERRY-

INS 2002-4038

3402
6.86 AC

CS
18-47-0797
18-47-0836

15

3401
1.51 AC

ONTARIO

YTURRI

SUBDIVISION

DR

DORIAN

N

SEE MAP
18S 47E 05BD

AVE

P.O.T.

City of Ontario Annexation Description

Land in the NW1/4 of Section 5, Township 18 South, Range 47 East, W.M., Malheur County Oregon, according to the Corrected Plat thereof as follows:

Beginning at the CW1/16 corner of said Section 5; thence S87°40'17"W 327.68 feet, coincident with the city limits as per city Ordinance #2806-2022; thence N02°32'07" W 25 feet; thence N87°40'17"E 100.42 feet; thence N02°19'43"W 151.00 feet; thence N87°40'17"E 227.26 feet; thence N87°41'00"E 208.77; Thence S02°19'00"E 201.00 feet to the south right of way of NW 4th Avenue; Thence coincident with said south right of way, S87°41'00"W 208.8 feet, more or less, to a point of the existing city limits as per City Ordinance #2806-2022; Thence North coincident with said city limits line, 25 feet, more or less to the Point of Beginnings.

Account No 8015, Code 15, Map 18S47e05, Tax Lot No. 3401

- End of Description -

