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 10, 2024, 6:00 PM, MT

Zoom Link

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the Commission has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during a meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Blu Fortner _____ Mike Allen _____ James Grissett _____ Max Twombly _____
Vice-Chair Michael Braden _____ Chair John Briedenbach _____ Vacant _____

Council Ex-Officio _____ City Manager ____ Planning & Zoning Director _____
Planning & Zoning Technician _____

2) PLEDGE OF ALLEGIANCE

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.

3) MOTION TO ADOPT THE AGENDA

4) MOTION TO ADOPT MINUTES

A) Motion to Adopt Amended Minutes for September 11, 2023

B) Motion to Adopt Minutes for April 8, 2024

5) 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.

6) PRESENTATIONS

7) OLD BUSINESS

8) NEW BUSINESS

9) PUBLIC HEARING

A) ACTION 2024-02-04 CPAMD: A request for Comprehensive Plan / Zoning Map Amendment and Rezone of a parcel of land being located at 1625 North Oregon Street. The owner is EDIRT, LLC, dba Edge Performance Sports.

10) HAND-OUTS/DISCUSSION ITEMS

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) ADJOURN

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at (541) 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

PLANNING COMMISSION MEETING MINUTES
Monday
SEPTEMBER 11, 2023

The Ontario Planning Commission was called to order at 6:00 pm in the Council Chambers of City Hall. Commission members present were: Blu Fortner, Mike Allen, Antonio Sunseri, John Breidenbach, and Max Twombly and Chairman Ralph Poole. James Grissett was excused.

City Staff present were; Dan Cummings, Community Development Director/City Manager; Marcy Siriwardene, Building Dept; and Jennifer Braden, Planning Dept. Susanne Mills, Ex-Officio was present.

The meeting was recorded on tape and the tape is on file at the City Community Development Center. The Agenda for this meeting was emailed on or before September 4, 2023. Copies of the Agenda were available at the City Community Development Center.

Ralph Poole led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

Mike Allen moved, seconded by John Briedenbach, to adopt the Agenda as presented. Roll call vote: Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

ADOPTION OF MINUTES FROM NOVEMBER 22, 2022 MEETING

Blu Fortner moved, seconded by Max Twombly, to adopt the minutes from November 22, 2022 as presented. Roll call vote: Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

ADOPTION OF MINUTES FROM JUNE 12, 2023 MEETING

John Briedenbach moved, seconded by Max Twombly, to adopt the minutes from June 12, 2023 as presented. Roll call vote: Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

There were no unscheduled public appearances.

ACTION 2023-07-10CPAMD: A REQUEST FOR COMPREHENSIVE PLAN/ZONING MAP AMENDMENT AND REZONE OF A PARCEL OF LAND BEING LOCATED AT SW CORNER OF NW WASHINGTON AVE & SW 9TH STREET. THE OWNER IS KZ INVESTMENTS, LLC.

Chairman Ralph Poole opened the Public Hearing.

There were no objections to Planning Commission jurisdiction, no abstentions or ex-parte contact, or conflict of interest declarations.

Chairman Poole said that he spoke Mr. and Mrs. Mills about the property, as he was the owner of adjacent property but that it would not have any impact on his voting.

There were no Old Business Discussion Items.

Dan Cummings, Community Development Director and City Manager, gave the staff report.

SUMMARY:

The applicant owns a parcel of land, known as 17S47E33D, tax lot 2900. The applicants wish to rezone the property for further development of the property for individual indoor stage units as they further develop the property to its fullest potential. This application, if approved, will result in the rezoning of 9.25 Acres plus the adjacent right of way, rezoning the property from

City High Density Residential (RM-10) to City Light Industrial (I-1). The rezone also requires a Comprehensive Plan and Map amendment.

The owner is proposing to develop the site into Mini-Warehousing (Mini-storage) and Recreational Vehicle/trailer storage.

BACKGROUND:

This request for Comprehensive Plan and Map amendment and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the City Council as the decision making body for Plan amendments and rezones by Ordinance. State Law requires an Ordinance to be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance.

The 35 day notice was posted to DLCD and public notice was sent out to affected property owners within the area required by law as well as public agencies that may be affected by this action.

On August 17, 2023 the Community Development Director, Dan Cummings, received a letter (see attachment 5) by email from the Oregon Department of Transportation (ODOT) indicating their concerns about the rezoning of the property from RM-10 High Density Residential to the

I-1 Light Industrial Zone. (attached to this report and made a part hereof) and the concerns that under allowed uses in the I-1 zone some of the allowed uses would trigger the need for a traffic study to address the increase in traffic load to the City and State Road system.

On August 24, 2023 the applicants, property owner, Community Development Director and staff from ODOT met in an online virtual TEAMS meeting and discussed the concerns and the solution to ensure that any use of the property that by the city's current TSP (Transportation System Plan) would require a traffic impact study be done, the study would be done before any development occurred on the property that triggered the need for the study.

The conditions of approval have been undated (see condition number 4) to include the requirement agreed upon, which includes putting this condition (see attachment 6) into a DIA Agreement approved by the City of Ontario and recorded in the deed records of the Malheur County Recorders Office.

CURRENT SITUATION:

ACTION 2023-07-10 CPAMD: A request for Comprehensive Plan / Zoning Map Amendment and Rezone of a parcel of land being located at the SW corner of NW Washington Street and NW 9th Avenue. If approved, this action will result in the rezoning of 9.25 acres of land from City High Density Residential to the City Light Industrial (I-1) Zone. The applicant is Amanda Philp, Winterbrook Planning and the property owners are KZ Investments, LLC, Zach Mills Member, along with the adjacent right of way of NW Washinton Avenue on the North, NW 9th Street on the East, NW Park Boulevard on the Weast and NW 16th Avenue on the South.

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #17S47E33D; Tax Lot #2900.

APPLICANT/AGENT: Amanda Philips Winterbrook Planning
610 SW Alder Street, Suite 810
Portland, OR 97209
(503)827-4422 Ext 111

PROPERTY OWNER: KZ Investments, LLC, Zach Mills, Member 40 NE 6th Avenue
Ontario, OR 97914
(208) 230-3631

The applicant and owners discussed the Plan with Community Development Director Dan Cummings and all requirements were discussed for meeting the requested changes.

The Community Development Director has reviewed the application and the Findings of Facts within the Application for completeness and meeting the requirements and is supportive of these finds of facts and applicant's request and therefore has forward this action with a favorable recommendation onto the City Planning Commission for a Public Hearing and Planning Commission decision.

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1, LABELED MILLS ZONE CHANGE APPLICATION NARRATIVE MADE A PART HEREOF:

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.

Rezone:

DRAFT

The Applicant submitted a detailed Narrative (See attachment 1 "Mills Zone Change Application Narrative") addressing all the required findings of facts and decision criteria meeting the rezoning requirements of Title 10B-20-30 and Annexation title 10B-45-10.

Rezoning Conclusion: The proposed rezone is consistent with all applicable criteria and standards as stated in the attached narrative.

Conditions of Approval:

1. *The owner will sign a lien causing any unpaid utility bill to be a lien against the property once connected to city sewer and water.*

2. *The owners will make all the improvements to the site and public utility infrastructure as per city code or sign a Deferred Improvement Agreement approved by City Staff based on development of the site.*

3. *The owner shall abide by all the conditions of the City of Ontario Municipal Code.*

4. *To ensure that there will be no significant effect on state facilities (in particular Highway 201 aka Yturri Beltline) from rezoning the subject 9.25-acre site from High Density Residential (RM- 10) to Industrial (I-1), the following conditions of zone change approval shall be incorporated as a binding development agreement into the required Deferred Improvement Agreement (DIA). The DIA, along with the development agreement, shall be recorded. Conditions of Zone Change Approval*

A. *A trip cap of 1,040 vehicle trips per day shall be applied to the entire 9.25-acre site (17S47E33D, tax lot 2900). This trip cap is equal to the daily vehicle trips that would have been generated by residential development allowed under RM-10 zone development standards, assuming the reasonable worst-case scenario of 229 multi-family dwelling units.*

B. *If the cumulative development on the 9.25-acre site exceeds this trip cap based on the most recent edition of the ITE Manual, a transportation impact analysis (TIA) shall be required. The TIA shall address the impact of all existing and proposed development on the 9.25-acre site. The TIA shall be prepared in coordination with the Oregon Department of Transportation by a transportation engineer licensed in the state of Oregon.*

C. *Moreover, if any development proposal on the 9.25-acre site would result in 600 or more vehicle trips per day, a TIA shall be required pursuant to the Ontario Zoning Ordinance, Section 10C-25.06 Transportation Impact Study Requirements. This TIA shall be submitted to the city of Ontario and the Oregon Department of Transportation for review as part of the required development application. The City will not consider the development application to be complete and will not process the development application without the required TIA.*

ANALYSIS:

A. ***STRATEGIC PLAN*** *This action is consistent with the City Council Strategic Plan by providing Desirable Industrial lands allowing new Growth to the City of Ontario.*

B. ***FINANCIAL*** *Development of the property will benefit the City by increased tax revenue as well as provide needed industrial land to promote new jobs.*

C. ***TIMING*** *This rezoning is the first step in the process of being able to develop the property and therefore there is a need to move forward as soon as possible to bring the needed development to the city.*

D. ***POLICY/LEGAL*** *The quasi-judicial Comprehensive Plan Map and Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council. Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the comprehensive plan and zoning ordinances or Zoning Map*

ALTERNATIVES:

1. *Table and continue this item to a certain future meeting date, to obtain clarification on issues raised at this Public Hearing*

2. *Deny the action by determining it is not in the best interest of the public to rezone this property.*

RECOMMENDATION:

Staff recommends the Planning Commission approve the action.

Commissioner Breidenbach asked if any opponents had contacted Mr. Cummings by phone before the meeting.

Mr. Cummings said he was only contacted by ODOT as an opponent and that their concern was strictly the traffic issue. He had received a few calls from people asking for information but had no other proponent or opponent statements by phone or in person.

Chairman Poole stated that one of his companies owned Tax Lot 3700, which was adjacent to the proponent's Tax Lot 2900. He asked if his tax lot was zoned differently than Tax Lot 2900, and what zoning possibilities were available for Tax Lot 3700 once Tax Lot 2900 was rezoned.

Mr. Cummings said he thought Mr. Poole's property was zoned E-2.

Chairman Poole asked if his tax lot should be rezoned after Tax Lot 2900 was rezoned.

Mr. Cummings advised waiting until he was sure of the intended use for his tax lot. He said that if the property were to be rezoned, there would likely be the same requirements from ODOT as the adjoining property. He stated that if Mr. Poole sold the property to the adjoining owner that they may want to rezone at that point, that decision would be up to the owners.

Commissioner Breidenbach asked how many units would be built on the property.

Zach Mills, KZ Investments, LLC, stated that they would start with a small office and 100 units and then continue to build in phases, depending on the success of the first 100 units. He said that 80-100 units could be built on each acre and there was a total of 9.25 acres. Storage units would be fenced with plenty of lighting.

Chairman Poole asked for comments from the proponents.

Mr. Mills reiterated that they intended to build 100 units in the first phase and continue the project if the first units were successful, with the goal of filling the entire property with storage units. The agreement they had with ODOT would be revisited if the use of the property changed and the impact to traffic would be revisited.

Commissioner Breidenbach asked if there would be open bays for boat and RV storage.

Mr. Mills said they would like to do both enclosed storage units and boat and RV storage.

Commissioner Breidenbach commented that there was a need in the community for that type of storage.

The public hearing was closed.

APPROVAL OF PLANNING ACTION 2023-07-10C FINDINGS OF FACT

John Briedenbach moved, seconded by Max Twombly, to approve the Finding of Facts as presented. Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

APPROVAL OF PLANNING ACTION 2023-07-10CPAMD – COMPREHENSIVE PLAN AMENDMENT AND REZONE

Blu Fortner moved, seconded by John Breidenbach, to approve. Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

Mr. Cummings told the Planning Commission that this action would be before City Council on the September 26, 2023 meeting. He also told the Commission he did not expect to hold an October Planning Commission meeting.

MOTION TO ADJOURN

Blu Fortner moved, seconded by John Briedenbach, to adjourn. Roll call vote: Fortner-yes; Allen-yes; Grissett-out; Sunseri-yes; Briedenbach-yes; Twombly-yes; Poole-yes. Motion carried 6/1/0.

Ralph Poole
Chairman

Attest: Marcy Siriwardene
Planning & Zoning Technician

DRAFT

PLANNING COMMISSION MEETING MINUTES
Monday, April 8, 2024

The Ontario Planning Commission was called to order at 6:00 pm in the Council Chambers of City Hall. Commission members present were: James Grissett, Michael Braden, John Breidenbach and Max Twombly. Blue Fortner and Mike Allen were excused. One chair was vacant.

City Staff present were; Dan Cummings, Community Development Director/City Manager; Marcy Siriwardene, Building Dept; and Jennifer Braden, Planning Dept. Susanne Mills, Ex-Officio was present.

The meeting was recorded on tape and the tape was on file at the City Community Development Center. The Agenda for this meeting was emailed on or before April 1, 2024. Copies of the Agenda were available at the City Community Development Center.

Max Twombly led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

John Breidenbach moved, seconded by Michael Braden, to adopt the Agenda as presented. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

ADOPTION OF MINUTES FROM SEPTEMBER 11, 2023 MEETING

John Breidenbach moved, seconded by Max Twombly, to adopt the minutes from September 11, 2023, as presented. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

There were no unscheduled public appearances.

NEW BUSINESS -ELECTION OF OFFICERS

John Breidenbach and Michael Braden were nominated for position of Chairman.

Max Twombly moved to appoint John Breidenbach as Chairman, seconded by Michael Braden. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

John Breidenbach moved to appoint Michael Braden as Vice Chairman, seconded by Max Twombly. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

ACTION 2024-01-01RZ: A REQUEST BY DEMETRE BOOKER, JR., REPRESENTING THE ELEVATION ONTARIO, LLC, AND ELEVATED ONTARIO B, LLC, FOR A REZONE OF TWO PARCELS OF PROPERTY FROM CITY COMMERCIAL (C-2) TO CITY RS-50 SINGLE-FAMILY RESIDENTIAL (TAX LOT 100), AND CITY RMH MOBILE HOME PARK (TAX LOT 200).

Chairman John Breidenbach opened the Public Hearing.

There were no objections to Planning Commission jurisdiction, no abstentions or ex-parte contact, or conflict of interest declarations.

There were no Old Business Discussion Items.

Dan Cummings, Community Development Director and City Manager, gave the staff report:

SUMMARY:

The applicant/owners own parcels of land, known as Tax Map 18S4710BA, tax lots 100, and 200, which said tax lots currently have one zoning, being City General Commercial (C-2), and would like to rezone Tax Lot 200 to City RS-50 Single Family Residential to match the current use and to rezone Tax Lot 100 to Mobile Home Park (RMH) to match the current use of the property as shown in this report.

BACKGROUND:

The applicant has submitted an application for the rezone of the parcels of land known as Tax Map 18S4710BA, tax lots 100, and 200, which said tax lots currently are zoned City General Commercial (C-2), and would like to rezone Tax Lot 200 to City RS-50 Single Family Residential to match the current use and to rezone Tax Lot 100 to Mobile Home Park (RMH) to match the current use of the property, the application was found to be complete on January 5, 2024 and provided enough information to schedule a public hearing on the matter once all the reports and exhibits where created.

The property consists of Tax Lot 100 being 13,644 square feet or 0.31 acres and Tax Lot 200 being 6,014 square feet or 0.14 acres.

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 6,014 square feet from General Commercial to Single Family Residential and 13,644 square feet from General Commercial to Mobile Home Park within the City Limits of the City of Ontario.

The most recent planning action on the property was a Property Line Adjustment of the two parcels to fix setback issues, as well as to match the zoning use of the property under Planning Action 2023-08-12PLA.

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 parcels are currently zoned General Commercial but historically have been used as residential uses. It is a natural progression per the Comprehensive Plan that this parcel be zoned to allow the use of the property it has been used for since the 1940's which will fix the issue of being non-conforming structures that hinder the sale and use of the property.

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

The property is within the City of Ontario and rezoning of the property is in compliance to the acknowledged Comprehensive Plan and in fact, will bring further compliance by fixing the current use of the property, allowing for future development of much needed affordable residential housing.

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 does not imply that there has been a mistake or an error in the original zone, but the property use may have been overlooked in the 2007 Comprehensive Plan amendment and zones changes within 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.*

The public will benefit by the rezoning of these parcels through increased development of the property and creating more affordable housing within the City of Ontario. This will also benefit the public by attracting business and employees to this location providing for work force housing.

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 consists of 19,658 square feet or 0.45 acres zoned commercial which is large enough to allow for development into the allowed 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 meet the minimum parcel size for each zoning and will be able to be further developed. The property is adjacent to existing streets and utilities. The property has been part of the City Transportation Master Plan, Water Master Plan, Wastewater Master Plan and the City Storm Water Master Plan and therefore have 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 in harmony with the surrounding developed property and will be zoned accordingly and the current uses match the surrounding uses and will not result in any adverse effects to 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 information in finding 3, indicates 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 finding 4, rezoning the properties 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 with the area 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. *In the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air are uncommon in this type of use.* ***CRITERION IS MET***

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

*A request for 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 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*** *There is no direct cost to the city for this action.*

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 rezoning of the subject property as per the report.

PROPOSED MOTION:

A. ***APPROVAL:***

1. ***I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MOBILE HOME PARK ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.***

2. ***I MOVE THAT THE REQUEST FOR REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL***

COMMERCIAL TO MOBILE HOME PARK ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

B. ***DENIAL:***

1. ***I MOVE THAT THE REQUEST FOR THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MOBILE HOME PARK ZONES AS SET FORTH IN ACTION 2024-01-01RZ, BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).***

Mr. Cummings opened the floor to questions.

Chairman Breidenbach asked how many units would be on the lots once they were rezoned.

Mr. Cummings clarified the current boundaries of the park and number of units currently in the park. He stated the owners wanted to add a minimum of 2 units to the lots in question, possibly up to five or six. He explained that this property should've been zoned more appropriately in the past but had been missed in past Master Plan updates, and that a rezone application by the current owners was the best course of action to correct the zoning.

Commissioner Braden pointed out a typographical error in the staff report. Mr. Cummings clarified the wording.

Chairman Breidenbach asked about legal notification process for this meeting. Mr. Cummings explained that because the action was on the Planning Commission Agenda for March 11, 2024, all legal notification requirements had been met. No action was taken in March because there was no quorum. Mr. Cummings announced at the March meeting that the Elevate LLC action would be moved to April 8, 2024, and that announcement sufficiently met legal notification requirements for the June meeting.

Chairman Breidenbach asked if Mr. Cummings had received any comments regarding this action. Mr. Cummings stated he had not.

There were no opponents.

The public hearing was closed.

No further discussion by the Commission.

APPROVAL OF PLANNING ACTION 2024-01-01RZ– FINDINGS OF FACT

Michael Braden moved, seconded by James Grissett, to adopt the Finding of Fact as presented. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

APPROVAL OF PLANNING ACTION 2024-01-01RZ

Michael Braden moved, seconded by Max Twombly, to approve the Rezone as presented. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

Mr. Cummings announced the hiring of the new City Planner and Community Development Director, Tatiana Burgess, who would be starting mid-May.

Commissioner Braden thanked Mr. Cummings for his success in finding a suitable candidate for the position and thanked Mr. Cummings for all his work as the City Planner.

Discussion was held regarding acknowledgment of a past commissioner's contribution to Planning Commission.

MOTION TO ADJOURN

Max Twombly moved, seconded by Michael Braden, to adjourn. Roll call vote: Fortner-out; Allen-out; Grissett-yes; Braden-yes; Briedenbach-yes; Twombly-yes; Vacant-out. Motion carried 4/2/0.

_____

John Breidenbach
Chairman

_____

Attest: Marcy Siriwardene
Planning & Zoning Technician

DRAFT

AGENDA REPORT
PUBLIC HEARING
June 10, 2024

TO: Planning Commission

FROM: Dan Cummings, City Manager/Community Development Director

SUBJECT: **ACTION 2024-02-04 CPAMD: A REQUEST FOR COMPREHENSIVE PLAN / ZONING MAP AMENDMENT AND REZONE OF A PARCEL OF LAND BEING LOCATED AT 1625 NORTH OREGON STREET. THE OWNER IS EDIRT, LLC, DBA EDGE PERFORMANCE SPORTS.**

DATE: March 1, 2024

PROPOSED MOTION:

A. APPROVAL

1. I MOVE THAT THE PLANNING COMMISSION ACCEPT THE FINDINGS OF FACTS AS OUTLINED IN THE ATTACHMENT #1 APPLICATION NARRATIVE FOR THE COMPREHENSIVE PLAN AND MAP AMENDMENT, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM CITY HEAVY INDUSTRIAL (I-2) TO CITY GENERAL COMMERCIAL (C-2), AS SET FORTH IN ACTION 2024-02-04 CPAMD.

2. I MOVE THAT THE REQUEST FOR THE COMPREHENSIVE PLAN AND MAP AMENDMENT, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM CITY HEAVY INDUSTRIAL (I-2) TO CITY GENERAL COMMERCIAL (C-2), AS SET FORTH IN ACTION 2024-02-04 CPAMD BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT AND ATTACHED NARRATIVE, SUBJECT TO THE CONDITIONS OF APPROVAL AS SET FORTH IN THIS REPORT.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR THE COMPREHENSIVE PLAN AND MAP AMENDMENT, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM CITY HEAVY INDUSTRIAL (I-2) TO CITY GENERAL COMMERCIAL (C-2), AS SET FORTH IN ACTION 2024-02-04 CPAMD BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATED BELOW:

SUMMARY:

The applicant owns a parcel of land, known as 17S47E33D, tax lots 3600 and 3700 and 17S47E33DD, tax lots 200, 300 and 400. The applicants wish to rezone the property for further development of the property in addition to their existing facility as well as for other outdoor sports events as they further develop the property to its fullest potential. This application, if

approved, will result in the rezoning of 22.07 acres plus the adjacent right of way, rezoning the property from City Heavy Industrial (I-2) to City General Commercial (C-2). The rezone also requires a Comprehensive Plan and Map amendment.

BACKGROUND:

This request for Comprehensive Plan and Map amendment and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the City Council as the decision-making body for Plan amendments and rezones by Ordinance. State Law requires an Ordinance to be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance.

The 35-day notice was posted to DLCD and public notice was sent out to affected property owners within the area required by law as well as public agencies that may be affected by this action.
The property was zoned Heavy Industrial many years ago due to the fact that there was a gravel pit and concrete plant on the property which required the Industrial zone. The gravel pit and concrete plant has been gone for over 20 years and the property has been vacant since, except for being used once in a while for a farm equipment auction site.
History has shown that this area has a greater and better potential for use as a commercial property.

The Oregon Department of Transportation (ODOT) contacted the Planning Department with concerns about the potential increase in traffic volumes between the new and existing zones. The owner, planning staff and ODOT team worked together to find a solution that meets everyone's needs and determined to put a trip cap of 3050 total daily trips as a condition of approval which is based on the existing zones. The owner is agreeable to this condition.

Mr. Samuel Goldberg of the Fair Housing Council of Oregon emailed Dan Cummings, Community Development Director, about meeting State Goal 10 on housing capacity. Dan Cummings from the Planning Department emailed Mr. Goldberg with clarification of how the finds in the report and the allowed multifamily housing allowed in the proposed C-2 zone meets housing Goal 10. On April 29, 2024, Mr. Goldberg emailed Dan Cummings stating that the supplemental findings of the C-2 zone were well argued, and they have no objections to the zone change. Both ODOT and Fair Housing correspondence are of record in the planning file 2024-02-04-CPAMD-RZ in the Planning Department at the City Community Development Center.

CURRENT SITUATION:

ACTION 2024-02-04 CPAMD: A request for Comprehensive Plan / Zoning Map Amendment and Rezone of a parcel of land being located at 1625 North Oregon Street. If approved, this action will result in the rezoning of 22.07 acres of land from City Heavy Industrial (I-2) to City General Commercial (C-2). The applicant is Ryan Gentry and the property owners are EDIRT, LLC, Ryan Gentry Member.

The applicant and owners discussed the Plan with Community Development Director Dan Cummings and all requirements were discussed for meeting the requested changes.
The Community Development Director has reviewed the application and the Findings of Facts within the Application for completeness and meeting the requirements and is supportive of these finds of facts and applicant's request and therefore has forwarded this action with a favorable recommendation onto the City Planning Commission for a Public Hearing and Planning Commission decision.

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1, LABELED EDGE PERFORMANCE COMPREHENSIVE PLAN & ZONE CHANGE APPLICATION NARRATIVE MADE A PART HEREOF:

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.

Rezone:

The Applicant submitted a detailed Narrative (See attachment 1 "Edge Performance Comprehensive Plan and Zone Change Application Narrative") addressing all the required findings of facts and decision criteria meeting the rezoning requirements of Title 10B-20-30 and Annexation title 10B-45-10.

Rezoning Conclusion: The proposed rezone is consistent with all applicable criteria and standards as stated in the attached narrative.

Conditions of Approval:

1. The owner is aware that any unpaid utility bill will be a lien against the property once connected to city sewer and water.

2. The owners will make all the improvements to the site and public utility infrastructure as per city code or sign a Deferred Improvement Agreement approved by City Staff based on development of the site at the time of development.

3. The owner shall abide by all the conditions of the City of Ontario Municipal Code.

4. To ensure that there will be no significant effect on city and state facilities from rezoning the 22.07-acre site, the following conditions of approval of the zone change approval shall apply at the time of development of any new portion of the property:

A. That there is a cap of 3050 total daily trips on the 22.07-acre site.

B. That a traffic letter or a TIA shall be required pursuant to the Ontario Zoning Ordinance, Section 10C-25.06 Transportation Impact Study on any new building.

C. This TIA shall be submitted to the City of Ontario and the Oregon Department of Transportation for review as part of the required development application.

D. The City will not consider the development application to be complete and will not

process the development application without the required letter or TIA.

ANALYSIS:

A. **STRATEGIC PLAN** This action is consistent with the City Council Strategic Plan by providing Desirable Commercial lands allowing new Growth to the City of Ontario.

B. **FINANCIAL** Development of the property will benefit the City by increased tax revenue as well as provide needed commercial land to promote new jobs as well as recreational needs.

C. **TIMING** This rezoning is the first step in the process of being able to develop the property and therefore there is a need to move forward as soon as possible to bring the needed development to the city.

D. **POLICY/LEGAL** The quasi-judicial Comprehensive Plan Map and Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council. Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the comprehensive plan and zoning ordinances or Zoning Map

ALTERNATIVES:

1. Table and continue this item to a certain future meeting date, to obtain clarification on issues raised at this Public Hearing.

2. Deny the action by determining it is not in the best interest of the public to rezone this property.

RECOMMENDATION:

Staff recommends the Planning Commission approve the action.

ATTACHMENTS:

1. Edge Performance Zone Change Narrative
2. 2024-02-04CPAMD Application
3. Attachment 3 Zoning Before
4. Attachment 4 Zoning After

Attachment 1 to Application

Edge Performance Comprehensive Plan & Zone Change Application Narrative

Prepared by Ryan Gentry

February 18, 2024

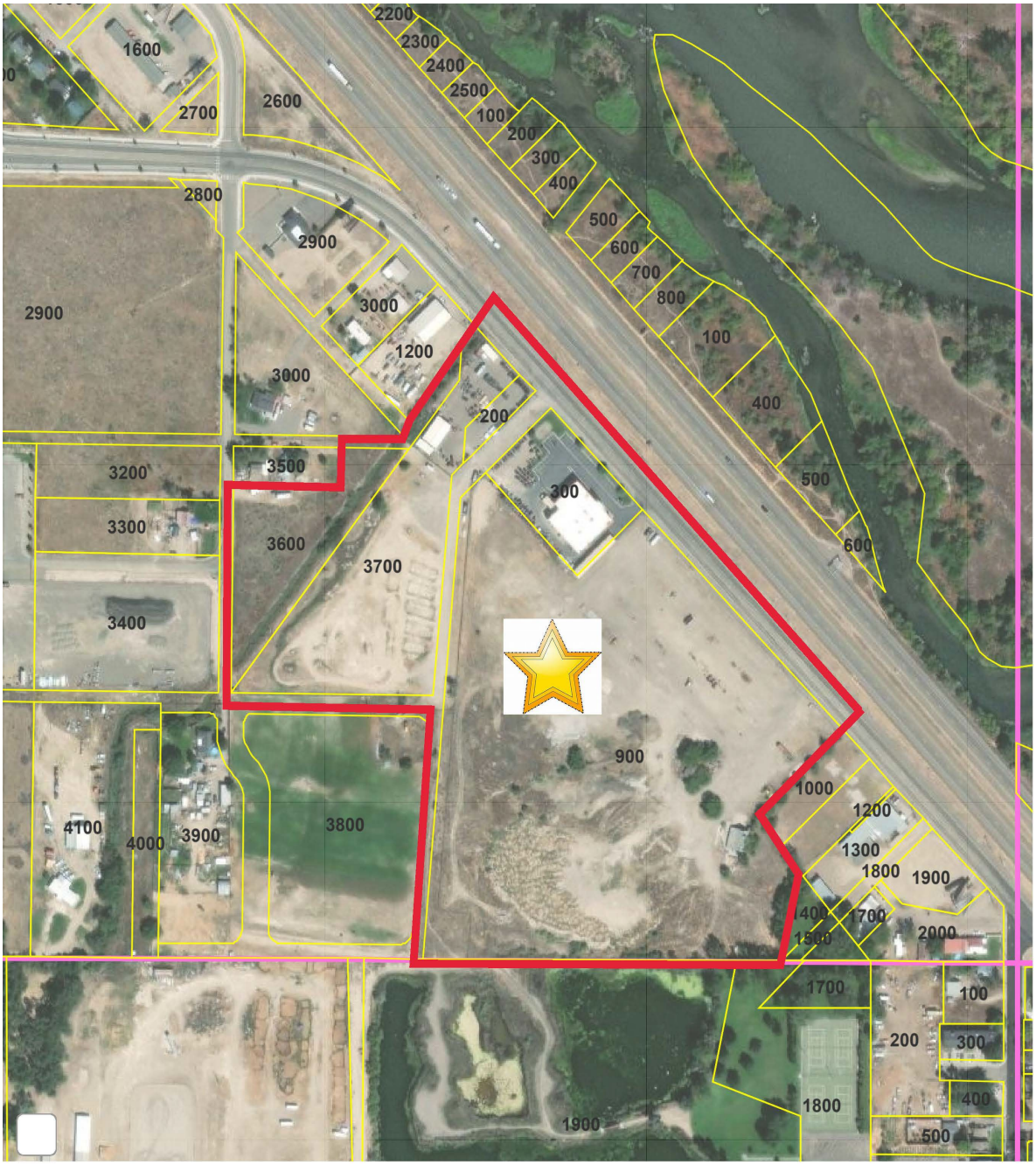

Figure 1: Property Proposed for Zone Change

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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....20
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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....21
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....21
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I. GENERAL INFORMATION:

PROPOSAL: The applicant requests City approval of a Comprehensive Plan/Zoning Map Amendment for their property from City High Density Residential (RMl0) and City Heavy Industrial (I2) to City General Commercial (C-2) to allow for expansion of their Sports Facility as shown on Figures 1-4.

PROPERTY OWNER: Ryan Gentry, on behalf of EDIRT, LLC and Edge Performance Sports.
1625 N. Oregon Street, Ontario, OR 97914

REPRESENTED BY: Chuck Scott, General Manager
Ryan Gentry, Principal
1625 N. Oregon, Ontario, OR 97914

SUBJECT PROPERTY: The proposed zone change is for **Tax Lots 3600 & 3700** Map:17S47E33D & **Tax Lots 200, 300, & 900** Map 17S47E33DD).
Being approximately 22.07 acres by County Assessor records.

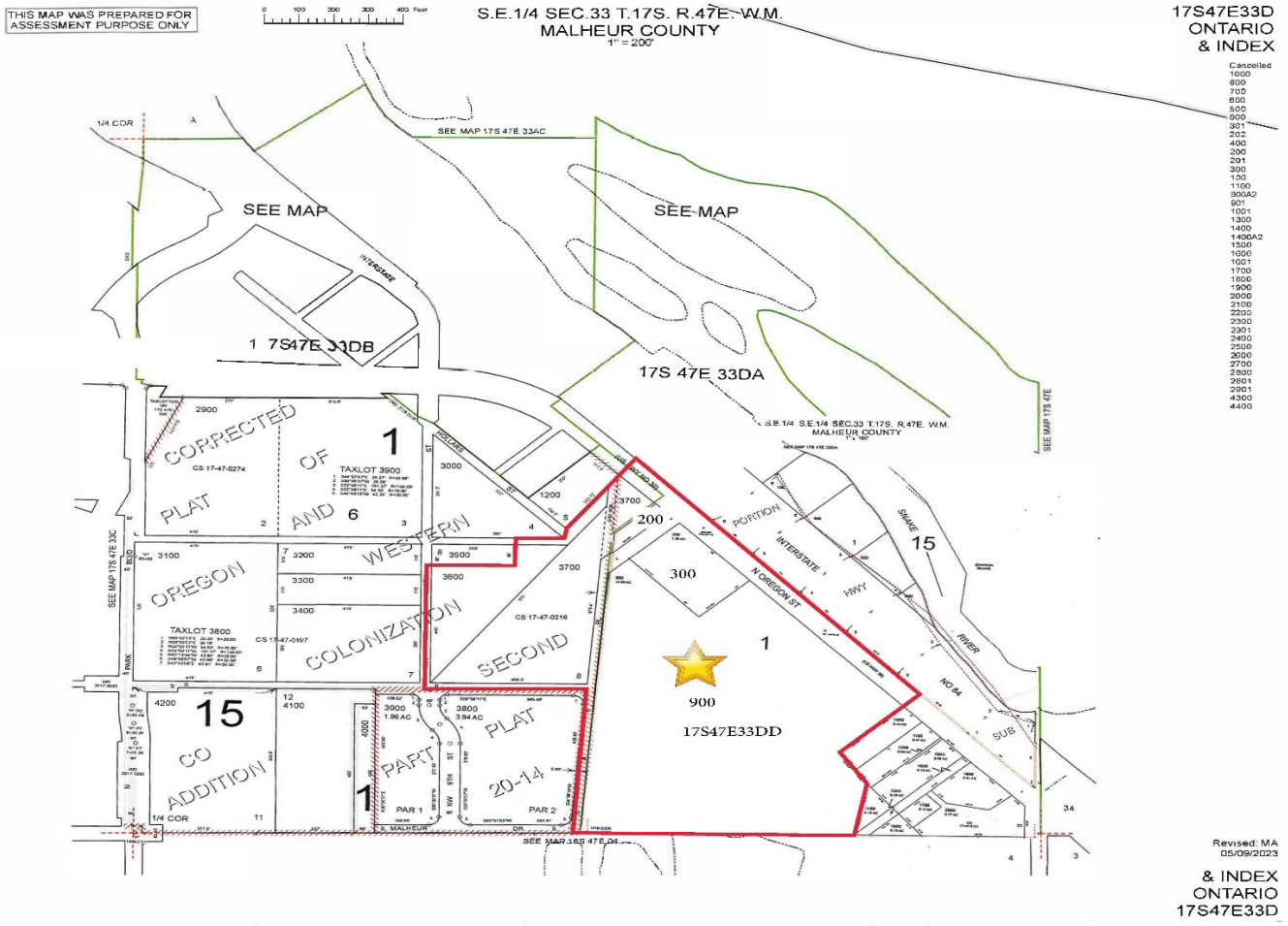

Figure 2: Tax Map

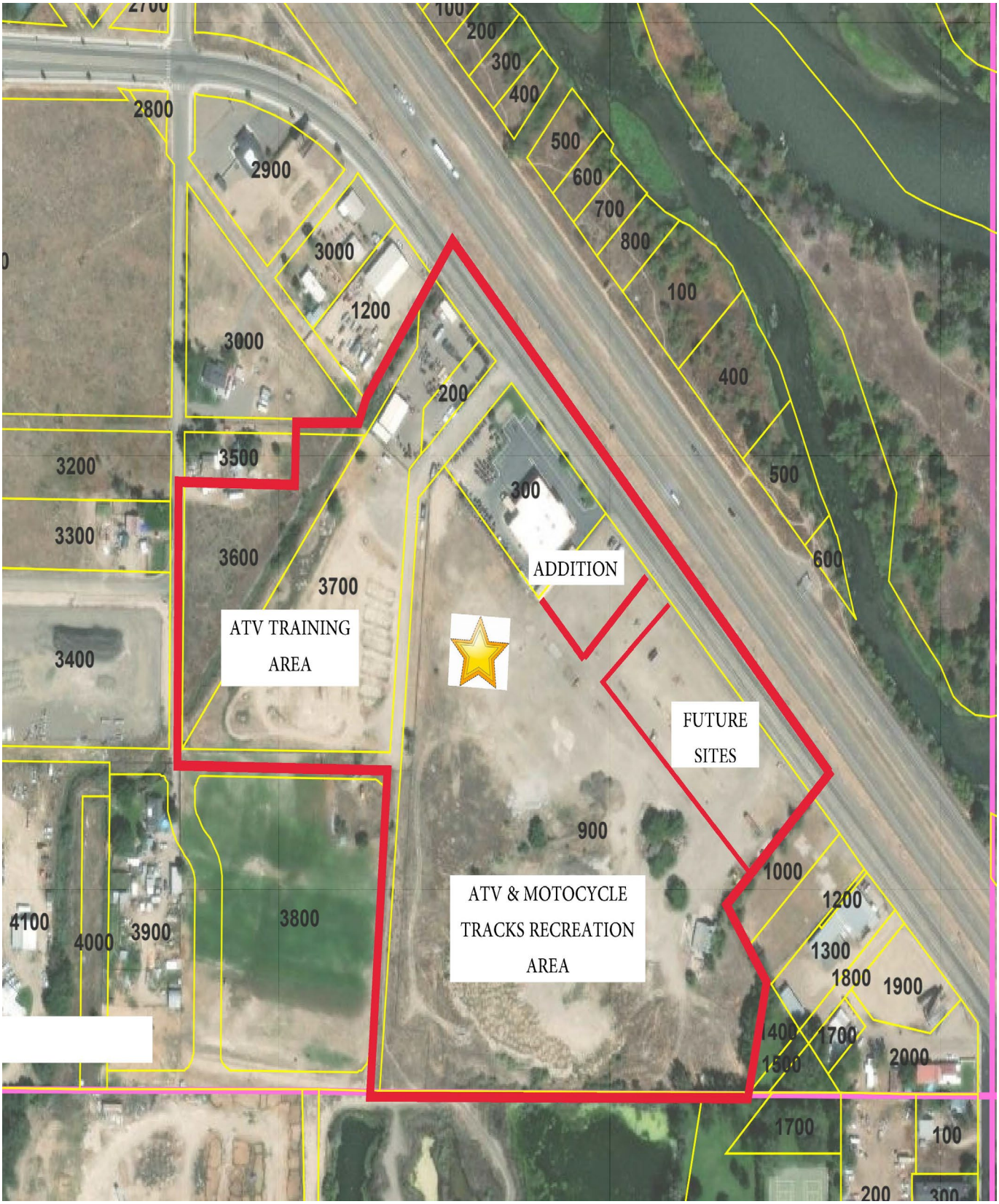

Figure 3: Rough Site Plan for Proposed Future Uses

II. SUMMARY & BACKGROUND INFORMATION:

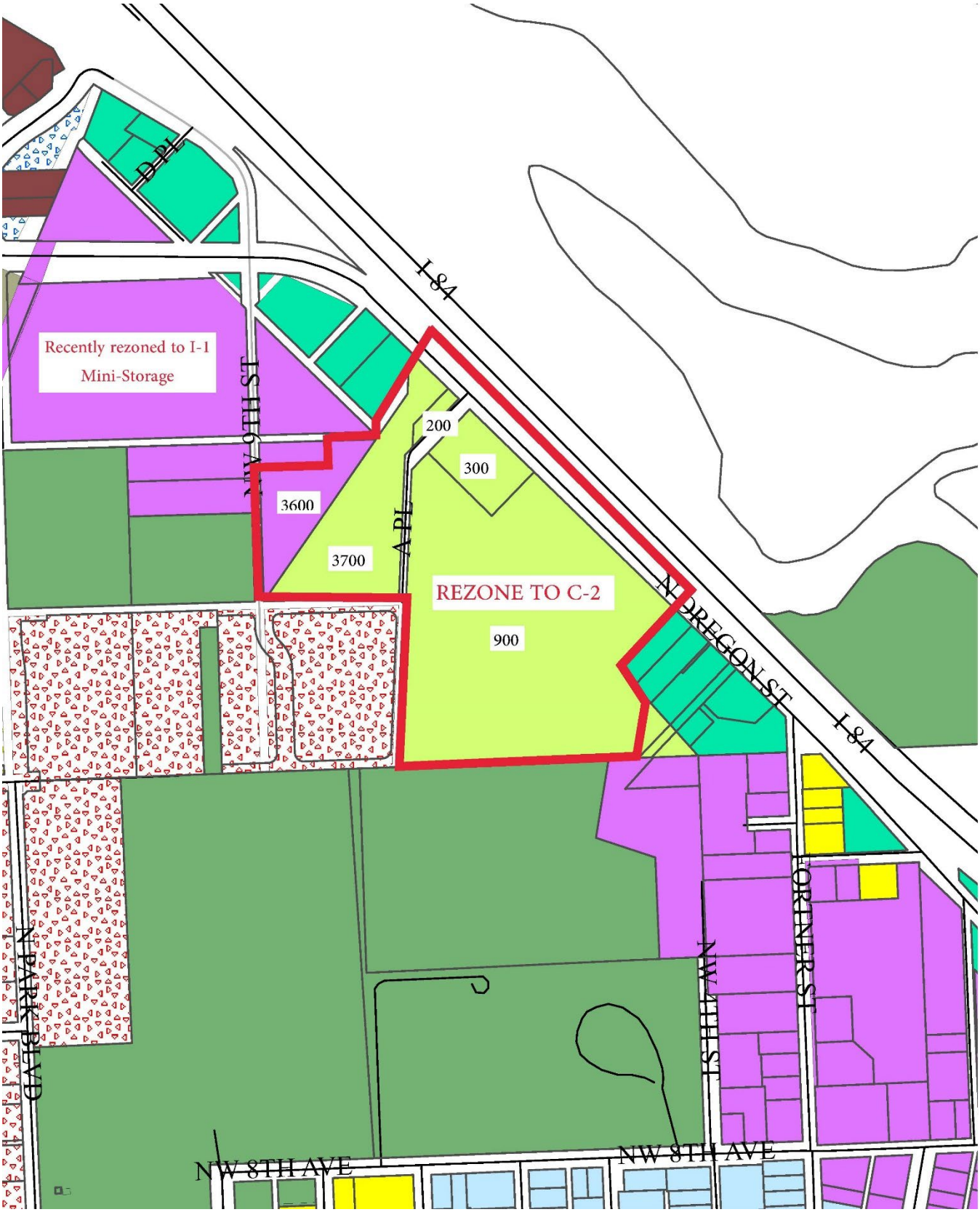

Figure 4: Existing Zoning Map

Proposed Comprehensive/ Zoning Map Amendment

As shown on **Figure 4,** Tax Lots are located near the north perimeter of Ontario City Limits shown in a bold red line and is currently zoned RM10 High Density Residential and I2 Heavy Industrial Zones. The site is defined by N. Oregon Street to the north, NW 9th Street to the west, Commercial properties to the east and Beck Kawanis Park to the south.

As shown on **Figures 1 - 5:**

- Tax Lots are mostly vacant, with Tax Lot 300 being the existing Edge Performance Sports retail facility and ATV repair. However, this area is surrounded by land zoned and used for commercial, employment, and public facility purposes.
- The applicant proposes to rezone the site to C-2 General Commercial consistent with the commercial, employment, and public facility character of the area. As discussed under Statewide Planning Goal 9 and 10, Ontario has a large surplus of residential land and a small deficit in Commercial land in this area. The zone change helps meet Ontario's identified Commercial land need and the area to the NW as being recently rezoned to I-1 replaces the industrial zone being rezoned in this action.

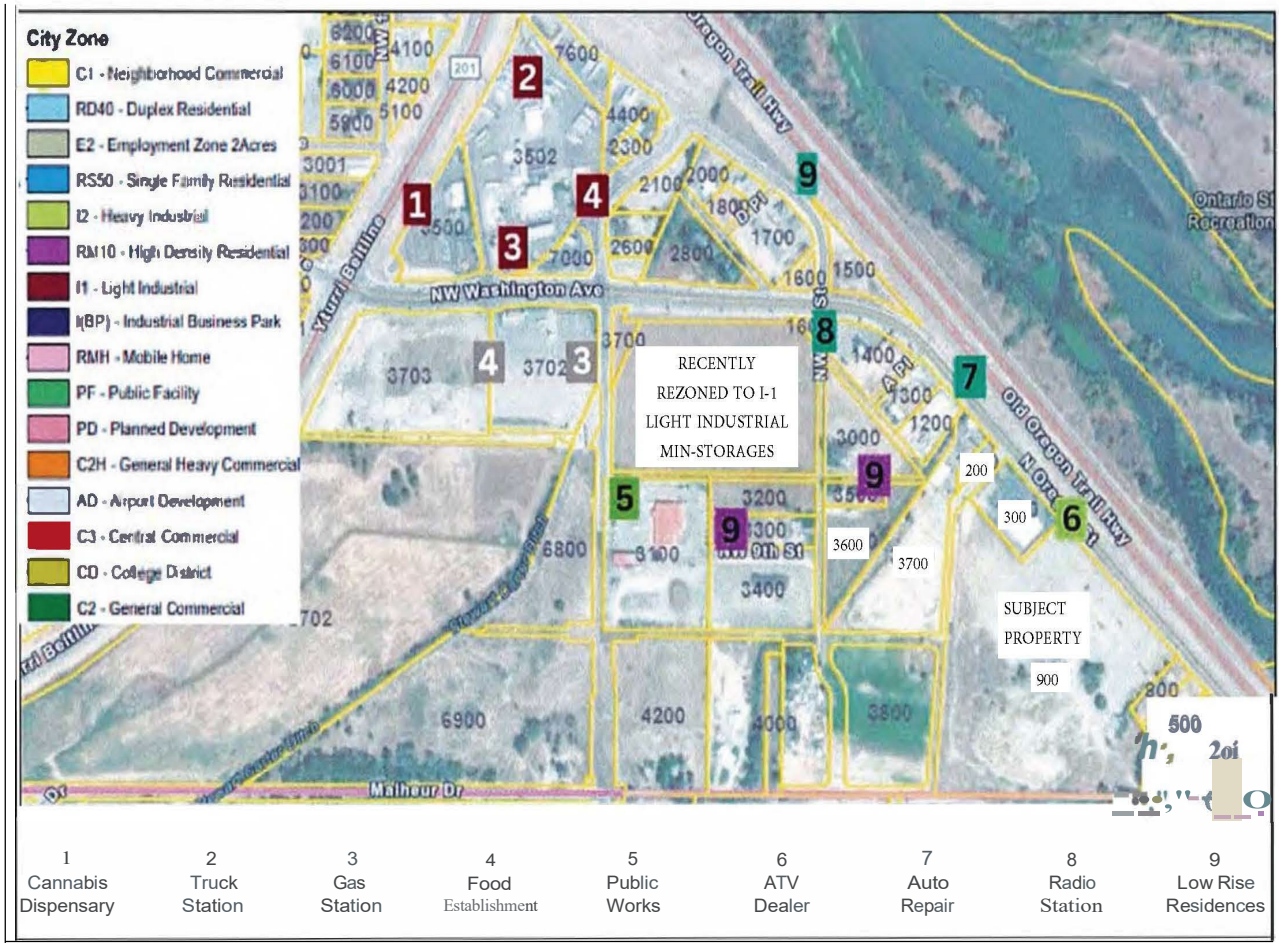

Figure 5: Surrounding Land Uses

Surrounding Land Use and Zoning
Tax Lot 3600 (1.88 acres) is one of seven tax lots zoned RM 10 with no existing high-density residential development. This small area of RMl0 tax lot is surrounded by:

- North and NW:
  - Zoning: RM-10 and General Commercial.
  - Land Use: Auto Repair Shop, U-Haul Dealer, Bar, Food Establishment a few one-story Residences
- West:
  - Zoning: RM-10 & PF Public Facility
  - Land Use: Public Works Department and a one-story residence.
- South and East:
  - Zoning: General Commercial and Heavy Industrial
  - ATV dealer

Tax Lot 3700, 200 and 300 are zoned I-2 Heavy Industrial which is mostly vacant except for the existing ATV dealer (Edge Performance Sports). These Tax lots are surrounded by:

- North NW West:
  - Zoning: General Commercial and N-Oregon Street- I-84 Freeway.
  - Land Use: Auto Shop

- West:
  - Zoning: RM-10 & PF Public Facility, UGA Residential
  - Land Use: Public Works Department and a one-story residence.

- South and East:
  - Zoning: General Commercial and Heavy Industrial
  - Vacant & Secondhand Store
- South:
  - Zoning: Public Facility (PF)
  - Land Use: Public Park

III. APPLICABLE CRITERIA AND STANDARDS:

Zone changes must meet the requirements of **Section 10-20-30** of the Ontario Zoning Ordinance (OZO), including applicable Comprehensive Plan policies, Statewide Planning Goals and Administrative Rules.

A. Zoning Map Amendment Criteria

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.*

Findings: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 7 (Natural Hazards), 9 (Economic Development), 10 (Housing), 11 (Public Facilities and Services), and 12 (Transportation) are applicable to this zone change application.

Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 5 (Natural Resources), 6 (Air, Land and Water Resource Quality), 8 (Park and Recreational Needs), 13 (Energy Conservation), 14 (Urbanization), 15 (Willamette River Greenway), and 16-19 (Coastal Goals) are not applicable to or will have no significant impacts from the proposed zone change.

Statewide Planning Goal 1 requires that the city provide opportunities for public comment on quasi-judicial land use decisions. Public hearings before the Planning Commission are required for zone changes. The public will be duly notified in accordance with Ontario Zoning Ordinance
Chapter 10B-03 Notice of Public Hearing.

Notice includes:

- First class mail to individuals listed in **Chapter 10-03-10.**
- Publication in a newspaper of general local circulation at least ten days prior to the hearing.
- Sign posting that is visible from at least one adjacent public way.

Conclusion: The application will be consistent with Goal 1 (Citizen Involvement) provided that public notice is properly given and that members of the public be given the opportunity to comment on this proposal through the planning commission and city council public hearing processes.

Statewide Planning Goal 2 requires coordination among governmental agencies, an adequate factual basis for decision-making, and consistency with the Ontario Comprehensive Plan.

- Any proposed zoning map amendment shall be submitted to City department heads, Malheur County and State or Federal agencies at the discretion of the Planning Director.
- The Planning Commission will hold a public hearing with an opportunity to appeal to the City Council. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals.
- This application narrative provides an adequate factual basis for approval of the proposed zone change.
- As documented below, the zoning map amendment is consistent with the acknowledged Ontario Comprehensive Plan.

Conclusion: The City will follow its acknowledged Comprehensive Plan policies and implementation measures to ensure Goal 2 compliance.

Statewide Planning Goal 7 requires that cities identify potential natural hazards and adopt measures to ensure public safety.

As shown on Figure 9 on page 14 of this narrative, Tax Lot 3600 is within the 100-year floodplain.[2] Development of land within the floodplain is subject to Ontario Zoning Ordinance **Section 10A-47-110,** which requires that non-residential development be flood-proofed or that the habitable floor of buildings be constructed at least one foot above the base flood level as determined by the Federal Emergency Management Agency (FEMA).

Conclusion: Goal 7 (Natural Hazards) can be met because future development on land within the floodplain is subject to regulations to protect life and property within the 100-year floodplain.

[2] Map from FEMA's National Flood Hazard Layer Viewer

Statewide Planning Goal 9 requires that cities provide sufficient suitable land for planned economic development consistent with the Ontario Comprehensive Plan.

- The Ontario Comprehensive Plan Goal 14: Urbanization, Table 14-4a (Figure 6) indicates that there is an unmet need for 11.2 acres of Commercial Land.
- The proposal is to rezone approximately 22.07 acres of RM10 land I-2 to C-2 Commercial which reduces this deficit from 11.2 acres to a surplus of 10.8 acres of much needed undeveloped C-2 in this area.

Conclusion: The proposed zone change is consistent with Goal 9 (Economic Development) because it will reduce the deficit of suitable commercial land within the NW Ontario area.

Table 14-4a: Ontario Employment and Public/Semi-Public Land Need and Supply 2006-2026 and Ontario Residential Land Need and Supply 2020-2040 (Revised 2013, and 2021)			
Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	**242.9**	254.1	**(11.2)**
Industrial	**485.8**	507.3	**(21.5)**
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)
TOTAL	1,088.6	1,195.4	(106.8)
Residential Need	Buildable Acres Supply within City Limits	Need 2020-2040	Surplus (Deficit) 2020-2040
Low Density Residential	126	PRC Need: 2.3 Aspirational Need: 174.2	PRC Surplus (Deficit): 123.7 Aspirational Surplus (Deficit): (48.2)
Medium Density Residential	11	PRC Need: 0.38 Aspirational Need: 18.7	PRC Surplus (Deficit): 10.62 Aspirational Surplus (Deficit): (7.6)
High Density Residential	40	PRC Need: 0.33 Aspirational Need: 0.33	PRC Surplus (Deficit): 39.67 Aspirational Surplus (Deficit): 15.1
City Residential **SUBTOTAL**	177	PRC Need: 3.0 Aspirational Need: 177	PRC Surplus (Deficit): 174 within City Limits Aspirational Surplus (Deficit): (40.7) within City Limits
TOTAL Need from Residential UGA	414	Aspirational Deficit in City: 40.7	Remaining UGA Surplus (Deficit): 373.3

Figure 6: Ontario Comprehensive Plan, Goal 14 Table 14-4a

Statewide Planning Goal 10 requires that cities provide sufficient buildable residential land to meet identified housing needs. Figure 7 is also derived from Comprehensive Plan Table 14.4a.

COMPREHENSIVE PLAN DESIGNATION	PROJECTED GROSS BUILDABLE RESIDENTIAL ACREAGE NEED	GROSS BUILDABLE ACRE SUPPLY WITHIN CITY LIMITS	RESIDENTIAL BUILDABLE ACRE SURPLUS OR (DEFICIT)
Low Density Residential	2.3	126	123.7
Medium Density Residential	**0.38**	11	10.62
High Density Residential	0.33	**40**	39.67
TOTAL	**3.0 acres**	**177**	**174**

Figure 7: Comparison of Residential Buildable Land Need and Supply by Plan Designation, 2020 to 2040

- According to the Ontario Housing Report: Housing Needs Analysis & Residential Buildable Lands Inventory, the City of Ontario has a 39.67-acre surplus of High Density Residential buildable acres required to accommodate housing based on the PRC[3] 2040 population forecast. The projected High Density Residential buildable acres need is less than an acre (0.33 acres) and the buildable land supply is 40 acres.
- The recent rezone I-1 for approximately 9.25 acres from RM10 to I1. Removing 9.25 acres from the 39.67 High Density Residential buildable acres *surplus* still results in 30.42 acres of surplus and this rezone of 1.88 acres results in 28.54 surplus acres.
- The proposed rezone reduces the total *surplus* residential buildable land supply from 164.75 buildable acres to approximately 162.87 buildable acres.
- The Rezone of the above recently rezoned Industrial land help replaces the 20.2 acres of Industrial land being rezoned to Commercial in this action.

Conclusion: The proposed zone change is consistent with Goal 10 (Housing) because the City will continue to have an oversupply of buildable residential land within its UGB after the zone change. The Ontario UGB has a substantial surplus of residential land in general and of RM10 land in particular.

Statewide Planning Goal 11 requires that public facilities be available and adequate to serve planned land uses.

Figure 8 shows sanitary sewers, storm sewers, and water lines available in the area and adequate for a variety of uses including the planned commercial and recreational uses once extended to the site.

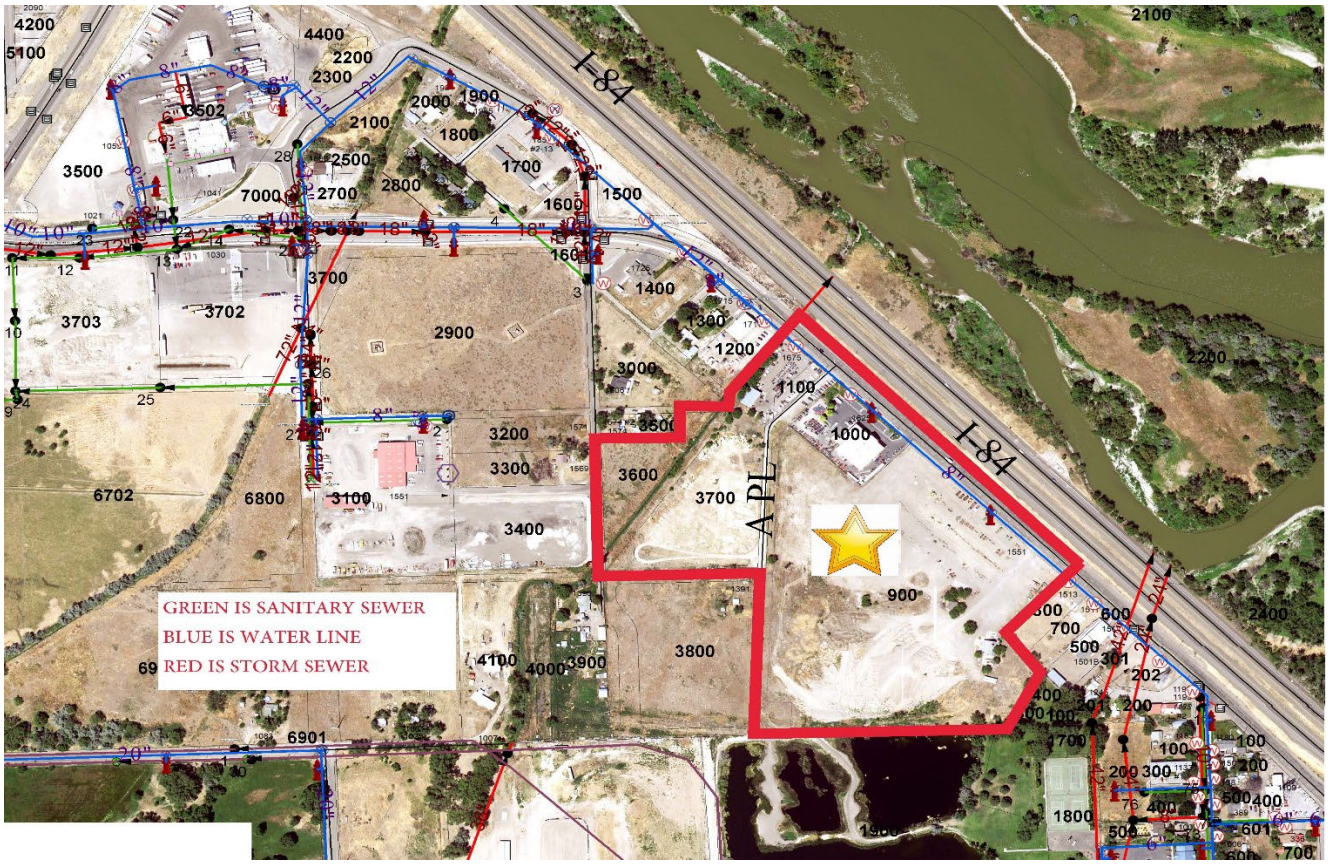

Figure 8: Public Facilities that Serve Proposed Zone Change Area

Conclusion: The proposed zone change is consistent with Goal 11.

Statewide Planning Goal 12 requires that the zone change not have a significant adverse impact on transportation facilities that serve the site.

As shown on Figure 9 below, the subject property is adjacent to:

- NW Washington Ave - minor arterial
- N. Park Blvd - minor collector with future connections
- NW 9th St - local road Connection to NW Washington
- N Oregon – minor arterial main connection

The following is a comparison between daily trips that will likely be generated from permitted multi-family development under the existing RM 10 zone and the existing heavy industrial development to the proposed Commercial zone.

The existing zoning allows residential development at up to 31 dwelling units per net buildable acre. Assuming 10% of the 1.87-acre site will be devoted to streets, the reasonable worst-case scenario for residential development of this site would be 52 multi-family dwelling units. Based on the ITE Manual, at 4.4 vehicle trips per day, multi-family development would generate about

228 vehicle trips per day. Many of these trips would occur during the morning and evening peak hours.

The existing Industrial lands have an Average Daily Vehicle Trip for a half-acre site of 8,509 daily trips. Which could be approximately 375,576 Vehicle trips for the 20.19 acres of Industrial lands.

Commercial zones can have an Average Daily Vehicle Trip for a half-acre site of 13,089. Which could be approximately 577,748 Vehicle Trips for the total 22.07 acres.

The owners propose to use the site for the existing ATV sales and a few commercial sites about the same size with the remainder as a Sports complex for ATV and Motorcycles. Based on the rough site plan (Figure 3), the site even with the large change in vehicle trip the existing connections to the available streets there should be no adverse impact to the road system not the interchange to the west.

Figure 9: Transportation Facilities

As the property develops based on the type of development a Traffic Impact study may be required to determine the required street connections and traffic access into and out of the property.

Conclusion: The proposed zone change will not significantly impact a state highway or major streets in Ontario; therefore, the proposal will not violate Goal 12 (Transportation),

Overall Statewide Planning Goal Conclusion: The proposed zone change is consistent with applicable statewide planning goals based on the factual evidence and analysis presented above.

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

Findings: The Ontario Comprehensive Plan includes several policies that support the proposed zone change and no policies that are directly opposed to the proposed zone change. Each relevant policy is quoted in *italic font* below followed by findings explaining how the proposal addresses the policy.

10-1-5 Policies: Citizen Participation, Agency Coordination

5) The Ontario City Planning Commission shall act as the committee for citizen involvement.
6) The Council may of its own choice, or may upon the recommendation of the Commission, appoint such ad hoc citizen or agency committees, task forces, or other citizen or agency committees, task forces, or other advisory groups as are necessary to accomplish the planning needs of the community.
7) The Planning Director shall be responsible for assuring that adequate publicity and information is available to the public and parties affected by planning related actions of the City. The Planning Director shall maintain contact with agencies that may have an interest in planning related actions.

Findings: The Ontario Planning Commission makes recommendations to the City Council on proposed rezonings. Public hearings before both bodies are required. The Planning Director will prepare the staff report for both bodies, which must be available at least seven days before public hearings. These policies will be met.

10-2-4 Policies: Land Use Planning, General

4. The land use planning process shall be utilized to assure an adequate supply of land, properly serviced, for the various residential, commercial, industrial, recreational and institutional needs of the community.
5. Land use planning decisions, particularly quasi-judicial actions shall be in harmony with the policies adopted in this document[...]

Findings: The proposed zone change from RM10 AND I-2 to C-2 Commercial redresses the existing imbalance between land need and supply within the Ontario UGB. As mentioned in Statewide Planning Goal 9 and Goal 10, there is a current surplus of residential land and a deficit of Commercial Land in the NW area of Ontario. The remainder of this document demonstrates that the proposed zone change is in harmony with applicable comprehensive plan policies.

10-2-5 Policies: Visual Image, Development Pattern

3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.
4. Utility extension policies shall be designed and administered so as to enforce compact development. Urban type development shall be discouraged on land that cannot be efficiently supplied with municipal utilities at the time of occupancy.

Findings: As discussed in Zoning Map Amendment Criteria (g), the proposal will concentrate commercial development in an area dominated by industrial and other commercial land uses.

As documented under Statewide Planning Goal 11, storm sewer, sanitary sewer, and water lines can serve the site. Thus, the site can be served efficiently when development occurs on the site.

10-2-4 Residential Policies

1. *Residential areas shall be planned so they do not intrude into industrial areas or predominantly commercial areas.*

10-2-7 - Policies: Commercial Land Use

1. *New commercial development shall be concentrated in and around existing commercial areas as much as possible.*

10-2-8 Industrial Land Use Policies

3.Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.

Findings: Tax Lot 3600 is currently zoned for high density residential use. The proposed rezoning of Tax Lot 3600 is one lot of seven RMI10 surrounded by the following zones: Light Industrial, General Commercial, Employment Zone 2Acres, Employment Zone 5Acres UGA, Public Facility, and Heavy Industrial. The area is partially developed as seen in Figure 5. Most of the surrounding land uses are industrial and commercial in nature, however there are three existing one-story residences in tax lots zoned RMI10.

These industrial policies suggest that residential land should not be planned in predominantly industrial and commercial areas. Thus, the site's existing RM10 zoning appears to be inconsistent with Residential Policy 1.

Commercial policy 1 supports the rezoning of this property.

Inconsistent with Industrial Policy 5, the 20.1 acres of industrial lands has no buffers between non-industrial lands to the west, south and east.

Industrial policy 5 suggests it is not compatible with the surrounding area.

In summary, the proposed rezoning is consistent with Comprehensive Plan policies regarding industrial and residential zoned land.

10-7-4 Flooding and Steep Slope Hazard Policies

1. The City recognizes that land within the 100-year floodplain has been inappropriately designated for urban uses in the past, resulting in the loss of flood storage capacity and potential hazards to life and property. The City, therefore, is committed to working with Malheur County to avoid this mistake in the future. a. The City will not propose future UGB expansions for residential, commercial or industrial uses within the flood hazard zones (100-year floodplains) of the Snake or Malheur Rivers. b. Industrial land within the 100-year floodplain is not considered suitable for meeting the City's long-term employment needs. c. Residential land within the 100-year floodplain is not considered buildable for residential purposes. d. The

City will actively pursue the creation of a flood storage and wetland mitigation bank on public land, to compensate for the loss of flood storage capacity and wetland values resulting from urban development within floodplain areas.

2. The City, in cooperation with State and Federal agencies, shall continue to collect and refine information bearing on the delineation of areas of potential flooding.3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding.

Findings: The 100-year floodplain in relation the property is shown in Figure 9 below. Development on commercial land within the floodplain may occur consistent with Ontario Zoning Ordinance Section 1OA-47-110 - Nonresidential Construction.

Proposed commercial uses are subject to Ontario Zoning Ordinance Section l0A-47-110 - Nonresidential Construction. This section requires that non-residential development either be flood-proofed or that habitable floor areas be constructed at least one foot above the base flood elevation, as determined by a licensed engineer.

[4] Existing land uses detailed above in the Summary and Background Information

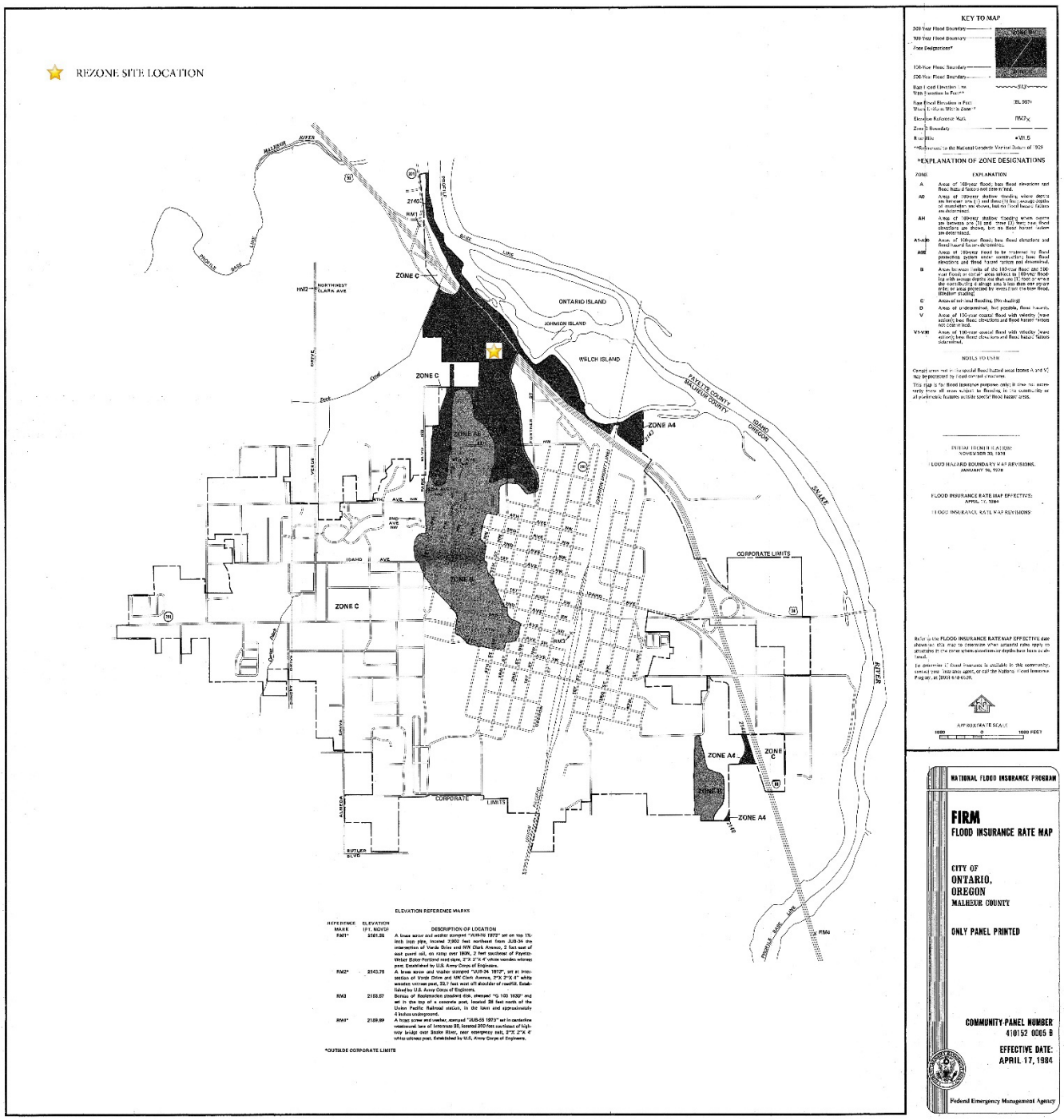

Figure **11:** Location of Subject Property in 100-Year Floodplain

Conclusion: The rezoning proposal is consistent with Goal 7 (Natural Hazards) because new development will be within the 100-year floodplain will be subject to review for compliance with Ontario Zoning Ordinance provisions related to floodplain hazard mitigation.

10-11-5 Public Facilities Policies

5) Information regarding system and line capacities shall be among the considerations used in making immediate and long range land use decisions. The capital improvement program and land use policies shall assure that all facilities will be efficiently utilized.
8) Development proposals for industrial or commercial uses shall include descriptions of water and sewer requirements. Provisions for financing shall be developed in accordance with the City's ordinances and policies.

Findings: As shown on Figure 8, storm sewer, sanitary sewer and water lines are available to serve Parcel being considered for rezoning, including:

- An 8" sanitary sewer line is available to be extended to the site.
- Water lines ranging from 8" to 12".
- Storm sewer lines that range from 12" to 24". All new development will be retained on site.

Conclusion: The proposed zone change is consistent with applicable public facilities policies because sanitary sewers and water lines are available to serve the site by extension of the lines.

10-12-4 Transportation Policies

Findings: Ontario transportation polices are designed to implement Statewide Planning Goal 12 Transportation and the Transportation Planning Rule. Please see discussion under Statewide Planning Goal 12.

The proposed commercial zoning has the potential to generate more trips than would be generated if the existing RM10 and Industrial zones were to remain in place. And a transportation impact study or letter may be required as the property develops depending on the uses.

The subject property has connection ability to North Oregon Street, NW Washington Ave, N Park Blvd, and NW 9th Street and Malheur Drive right of ways with future development of these street depending on the site development at the time.

Conclusion: Is there is adequate road infrastructure in the area to support the Commercial rezone and access determined during the development stage of the property.

Urbanization - Comparison of Land Need and Supply (10-14-6)

As noted in the Statewide Planning Goal 9 and Goal 10 discussion above, the Ontario UGB has a shortage of commercial land in the area and a large surplus of residential land. Comprehensive Plan **Table 14- 4a, Figure 6,** compares land use need and supply within the Ontario UGB.

Conclusion: The proposed zoning change from Residential (which has a surplus of 174 acres) and Commercial (which has a deficit of 11.5 acres) is consistent with Goal 14 because it will result in a more balanced relationship between land need and supply as set forth in Table 14-4a.

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.

Findings 1: Tax Lot 3600, along with six other adjacent parcels, is zoned for high density residential and has not been developed for that purpose. The property owner has no interest in developing the property for residential use and believes the highest and best use of the properties is Commercial.

There is less demand for residential land within the UGB - especially at this location, which is well-suited for commercial development. By rezoning the subject property from high density residential to commercial, this tax lot is more likely to be used for employment purposes. If additional employment opportunities come to the community, residential development is likely to follow. As shown in Figures 5 and 12, much of the vicinity is vacant along with transportation-oriented amenities like truck stops, fuel stations, two food establishments, and an auto repair store.

Findings 2: The remaining tax Lots, which is zoned Heavy Industrial was once a Asphalt Concrete Plant which is not compatible to the area now. The property owner has no interest in developing the property for Industrial use and believes the highest and best use of the properties is Commercial.

There is less demand for Industrial Use in this area - especially at this location, which is well-suited for commercial development. By rezoning the subject property from industrial use to commercial, this parcel is more likely to be used for employment purposes. If additional employment opportunities come to the community, residential development is likely to follow in the residential areas. As shown in Figures 5 and 12, much of the vicinity is vacant along with transportation-oriented amenities like truck stops, fuel stations, two food establishments, and an auto repair store.

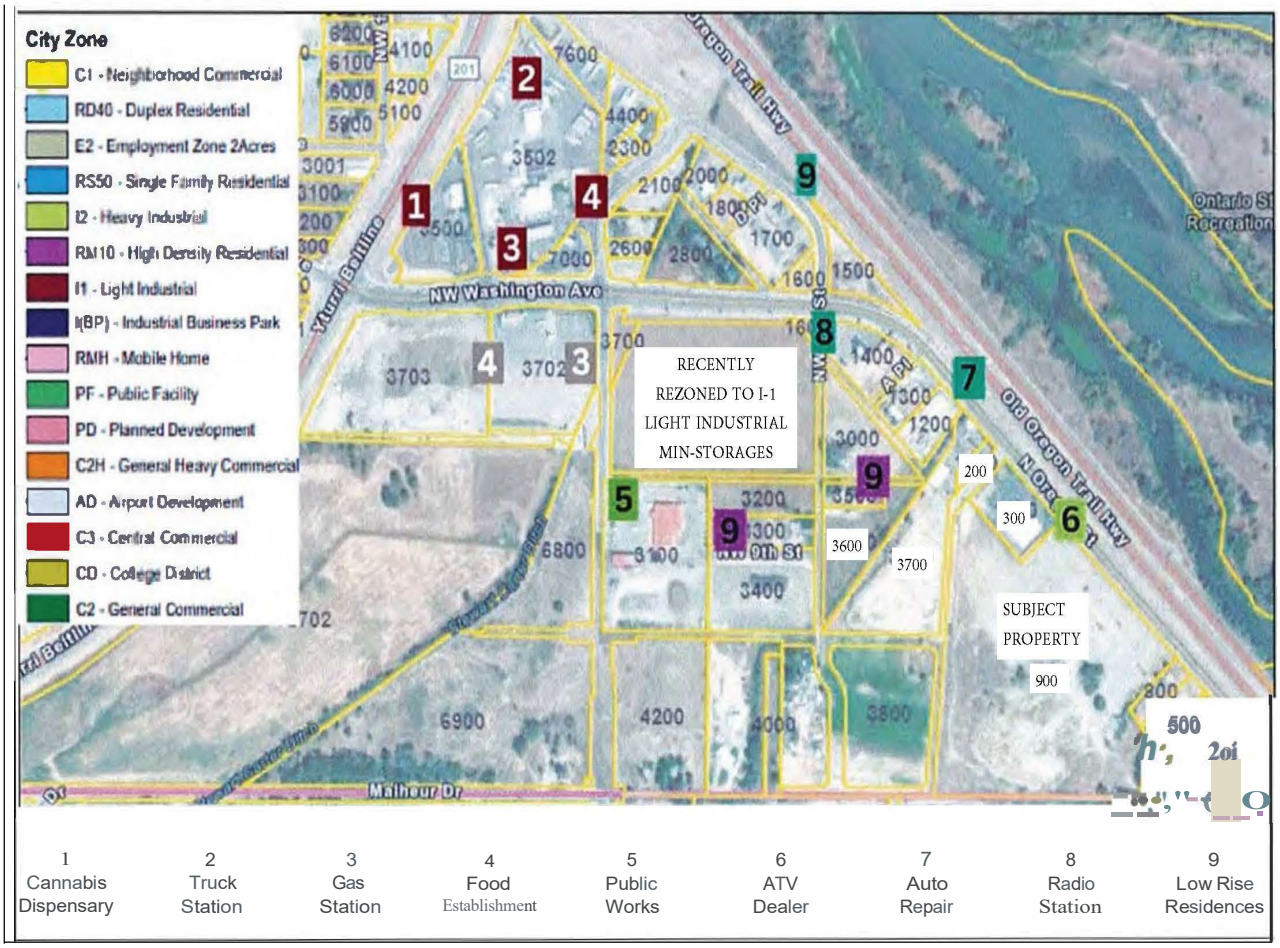

Figure 12: Larger Development Pattern Around Proposed Zone Change Site

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.

Findings: Public need is determined by demonstrating compliance with the publicly adopted comprehensive plan. In this narrative, the applicant has shown that there is a deficit of commercial land and a surplus of residential land based on **Table 14-4a, Figure** 7, of the comprehensive plan. See discussion in Goal 9, 10 and 14 findings for more detailed findings.

The applicant has also shown that the property is better suited for commercial use than residential use, based on Residential and Industrial Land Use Policies (10-2-6 and 10-2-8).

The proposed rezoning helps meet the need of commercial land by decreasing the surplus of residential buildable land and increasing the need for commercial development.

Conclusion: For the above reason, there is a public need for the proposed zone change at this location.

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.

Findings: Tax Lots 22.07 acres which satisfies the need for commercial parcels between 5- 20 acres, identified in the OCP Goal 9- Economic Development (Table 9-3) section. It can accommodate a variety of commercial uses.

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.

Findings: In Statewide Planning Goal 1, as shown on Figure 8, sanitary sewer (green), storm sewer (red), and water (blue) lines serve the property.

The property is well-served by transportation facilities. The site is adjacent to North Oregon and has connects to NW Washington which connects with Yturri Beltline, a state highway, to the west. Because there will be no significant impacts on these facilities from the "worst case" development scenario for these properties, no transportation improvements are necessary to serve the site at this time.

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: As documented above, overall, the proposed zoning change will help meet Ontario's commercial land need which is compatible with the existing zoning and land use pattern in the area as well as remove the Heavy Industrial zone which is no longer compatible with the surrounding uses, and the commercial use does not typically result in dust, noise, vibration, odor, heat, glare, lighting, or discharges into the environment.

However, any external impacts from the development and commercial use of the site must meet City performance standards related to mitigation of impacts from dust, noise, vibration, odor, heat. Glare, lighting or discharges into the air, water or land, as set forth in the Ontario Zoning Ordinance, **10A-29-25 - GENERAL PROVISIONS. The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-2 Zone.** as well as Oregon Department of Environmental Quality environmental standards.

B. Overall Conclusion:

The proposed zone change makes sense for two primary reasons: first, it is consistent with the pattern of existing zoning and land use development in the vicinity, and second, it provides a better balance between land use need and supply, as per the Ontario Comprehensive plan.

City of Ontario Planning and Zoning Application Form
444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / (541) 881-3222
Fax (541) 881-3251

COMPREHENSIVE PLAN AMENDMENT and REZONE.

This form shall be used for any legislative code amendment application

FILE # 2024-02-04 CPAMD

Date Received 2/23/24

Time Received N/A

Accepted as Complete 2/23/24

Fee: $510.00+ $220.00 = $730.00
(Mailing & Advertising: $220.00)

If Also a Rezone Total Fee: $730 + $330 =

$1,060.00

Property Owner(s) – attach additional sheets as necessary

Name Ryan Gentry
Address 1625 N. Oregon Street
Ontario, OR 97914

Telephone (541) 212-9478
email ryan@edgeperformancesports.com
signature

EDIRT, LLC
Ryan Gentry
1625 N. Oregon Street
Ontario, OR 97914
(541) 889-4382
ryan@edgeperformancesports.com

Description of proposed action: To rezone the parcels from RM-10 High Density Residential and I-2 Heavy Industrial to C-2 General Commercial to allow for the addition to the existing Edge Performance Sports Retail Facility and allow for more commercial devlopment as well as additional ATV Sports uses

If the application includes any site plans or other drawings, please submit electronic copies in pdf format

Property information:

Address 1625 North Oregon Street
Tax Map # 17S4733D & 33DD
Tax Lot #(s) 3600, 3700 & 200, 300, 900
Lot size 22.07
Zoning RM-1o and I-2
Existing use Edge Performance Sports - ATV Sales and Service Center

OFFICE USE ONLY

120 day time limit	Accepted as complete	Final decision by
DLCD 45-day notice required	Y/N Date mailed	Date of first hearing
Notice of PC Hearing	Date mailed	Posted on site
Notice to media	Publication date	Emailed
Hearing dates	PC	CC
Notice of Decision	Date mailed	Appeal deadline
Associated applications		

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

CHAPTER 10B-15 LEGISLATIVE AMENDMENT PROCEDURES

10B-15-05 LEGISLATIVE AMENDMENT, INITIATION OF ACTION. Amendments to Title 10A, 10B, 10C or other Titles in the development code series, or to the Comprehensive Plan may be initiated by the Council or Commission by motion, or by individuals by application as provided for in this Title. Amendment actions shall first be referred to the Planning Commission for the public hearing and recommendation. The Department of Land Conservation and Development shall be notified of the pending action at least 45 days before the final hearing date, unless a shorter time is authorized by Oregon administrative regulations for the type of action being taken.

10B-15-20 COMMISSION HEARING, DECISION. The Commission shall hold a public hearing on the action and shall recommend approval, disapproval, or modification of the proposed amendment and shall make findings as appropriate to support the recommendation. Written findings and recommendations shall be forwarded to the Council by the Planning Director.

Upon receipt of the Commission's recommendation, the Council shall set a date for a public hearing on the recommendation. If the hearing is to be the final hearing on the action, the date must be set late enough to allow the Department of Land Conservation and Development notice period to expire. The Council may approve, reverse or modify the amendment and may adopt the Commissions findings, create new findings or add to or delete from the Commission's findings. The Council may remand the action to the Commission for further consideration. A copy of the final decision shall be transmitted to the Department of Land Conservation and Development.

There are no specific approval criteria for an amendment to the Comprehensive Plan; the only requirement is that the Planning Commission shall make findings as appropriate to support a recommendation to the City Council. The applicant bears the burden of proof to show that the application has merit. This burden may include providing data to show that the City of Ontario is deficient in some area, and that the requested change will address the deficiency. The applicant is encouraged to provide as much information as possible, and will be responsible for defending the request to both the Planning Commission and City Council.

If the request involves a subsequent rezone, the applicant shall file a separate Rezone application, along with the requisite fee.

Comprehensive Plan Amendment applications go to the City Council for a final decision. However, the application must first go to the Planning Commission for a recommendation on the request. The City must mail a Notice of Proposed Amendment form to DLCD at minimum of 45 days prior to the Planning Commission hearing. Applicants should allow a minimum of 2 ½ months for an application to be processed by the City.

COMPREHENSIVE PLAN AMENDMENT FILE # 2024-02-04 CPAMD

Applicant is:

X The owner of the property
___ The purchaser of the property under a duly executed written consent of the owner to make such application
___ A lessee in possession of the property who has the written consent of the owner to make such authorization
___ The agent of any of the above, who is duly authorized in writing by the principal

AUTHORIZATION:
I hereby consent that I am authorized to make the application for a rezone and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

Signature of applicant — Date

Signature of applicant — Date

Signature of property owner — Date 2/21/2024

Signature of property owner — Date

Signature of property owner — Date

Attach additional sheets if necessary

Incomplete applications, or insufficient information, may result in delay or denial of the application.

REZONE JUSTIFICATION

THE FOLLOWING INFORMATION MUST BE COMPLETED IN FULL. AN APPLICATION WILL NOT BE ACCEPTED FOR A ZONE CHANGE REQUEST WITHOUT THIS INFORMATION

THE CITY WILL USE THESE ANSWERS IN ITS ANALYSIS OF THE MERITS OF THE APPLICATION

PLEASE PRINT CLEARLY OR TYPE

A. DESCRIPTION OF PROPERTY:

Township 17 S Range 47 E Section 33, Willamette Meridian

Tax Lot # 17S4733D 3600 & 3700 - 17S4733DD 200, 300 &900

Lot Size 22.07 Acres (ACRES OR SQUARE FEET) Current Zoning RM-10 & I-2

Property Address 1625 North Oregon Street

Name of Subdivision N/A

EXISTING RECORDED EASEMENTS:

Purpose & Description: N/A

Book & Page No. N/A Inst. # NA

EXISTING DEED RESTRICTIONS:

Purpose & Description: N/A

Book & Page No. N/A Inst. # N/A

B. SPECIFICATION OF REQUEST

Zone Requested C-2 General Commecial

Intended use under new zone (Explain in detail, including all operational characteristics, use extra sheets.) Expansion of Existing Sports facility as well as providing more ATV and Motorcycles tracks and training facilities.

C. JUSTIFICATION

PROPOSED FINDINGS

In preparing findings of fact to support a 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 proposal.

Explain in detail, using extra sheets as needed, how the proposed zone change complies with the following required findings:

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

   See Attachment 1

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

   See Attachment 1

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.

   See Attachment 1

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.

See Attachment 1

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.

See Attachment 1

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.

See Attachment 1

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.

See Attachment 1

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

CHAPTER 10B-20 QUASI-JUDICIAL ZONING MAP AMENDMENT

10B-20-05 PURPOSE, AUTHORITY. The quasi-judicial zoning map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official zoning map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Commission shall be the final decision of the City unless an appeal is filed as authorized by this Title.

10B-20-25 HEARING DECISION. The Commission shall hold a public hearing on the action and shall approve, deny, or modify the proposed zoning map amendment and shall make findings as appropriate to support the decision. The Planning Director shall notify the applicant of the decision of the Commission and notify any person appearing at the hearing in person, if they are not present when the final decision is rendered, or if the person has appeared in writing. During the hearing, persons appearing shall be advised that they must testify in favor of or in opposition to the action to gain standing to appeal the Commission's decision to the Council. Persons testifying shall be advised that they must address one or more of the criteria or required findings set forth in this Title for quasi- judicial zoning map amendment decisions in order to establish standing to appeal the final local decision to the Oregon Land Use Board of Appeals.

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 findings clearly does not apply to the current action:

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

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.

Note:

Rezone applications are decided by the City Council. However, the application must first go to the Planning Commission for a recommendation on the new zone. Applicants should allow a minimum of two months for an application to be processed by the City; additional time may be necessary if the request involves a Comprehensive Plan change.

SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:

The following additional data may be required at the discretion of the Planning or Public works Official:

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and, the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9 The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
    a. Total area of the property in square feet.
    b. Building coverage in square feet and percent total.
    c. Parking lot in square feet and percent total.
    d. Landscaped area in parking lot in square feet.
    e. All other landscaped areas in square feet.
    f. Number of parking spaces provided.
    g. Number of residential units if appropriate.
    h. Existing and proposed gross floor area in square feet.

If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:

A. A description of the property and the specific action for which approval is sought
B. Signature of owner
C. Date of consent
D. Party to whom consent is given
E. Notarization of consent

If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.

Electronic copies of all written materials are appreciated if available.

Edge Performance Comprehensive Plan & Zone Change Application Narrative

Prepared by Ryan Gentry

February 18, 2024

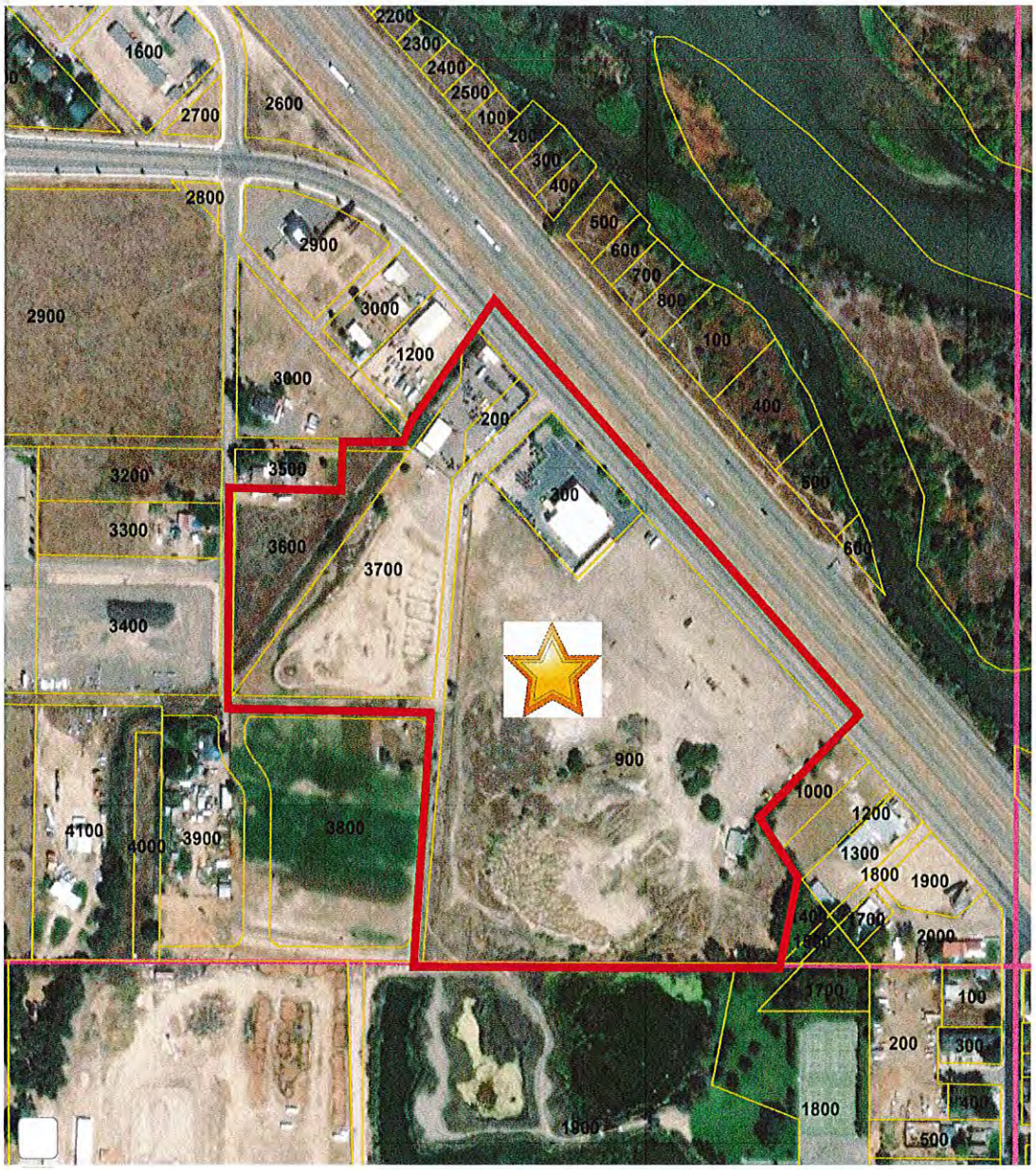

Figure 1: Property Proposed for Zone Change

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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 20
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 21
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 21
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 21
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I. GENERAL INFORMATION:

PROPOSAL: The applicant requests City approval of a Comprehensive Plan/Zoning Map Amendment for their property from City High Density Residential (RMl0) and City Heavy Industrial (I2) to City General Commercial (C-2) to allow for expansion of their Sports Facility as shown on Figures 1-4.

PROPERTY OWNER: Ryan Gentry, on behalf of EDIRT, LLC and Edge Performance Sports.
1625 N. Oregon Street, Ontario, OR 97914

REPRESENTED BY: Chuck Scott, General Manager
Ryan Gentry, Principal
1625 N. Oregon, Ontario, OR 97914

SUBJECT PROPERTY: The proposed zone change is for **Tax Lots 3600 & 3700** Map:17S47E33D & **Tax Lots 200, 300, & 900** Map 17S47E33DD).
Being approximately 22.07 acres by County Assessor records.

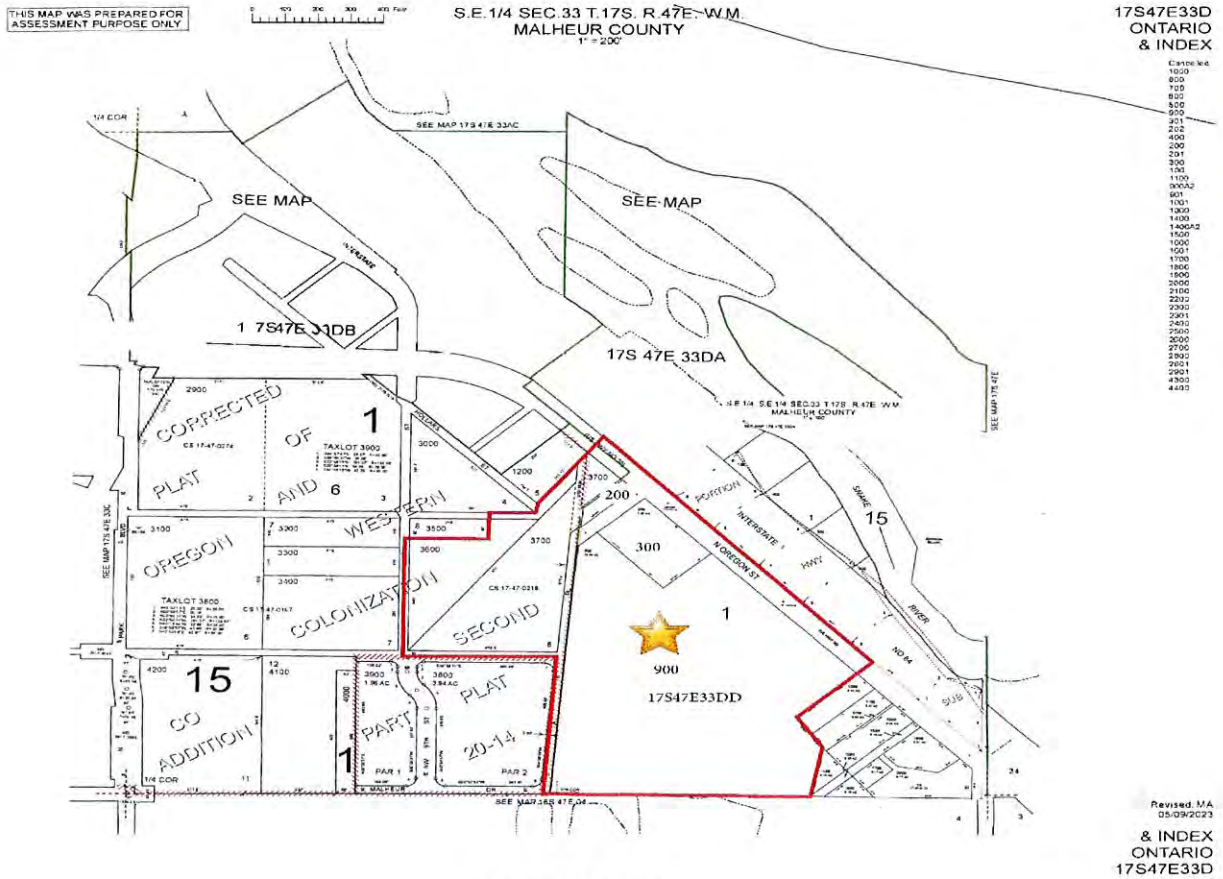

Figure 2: Tax Map

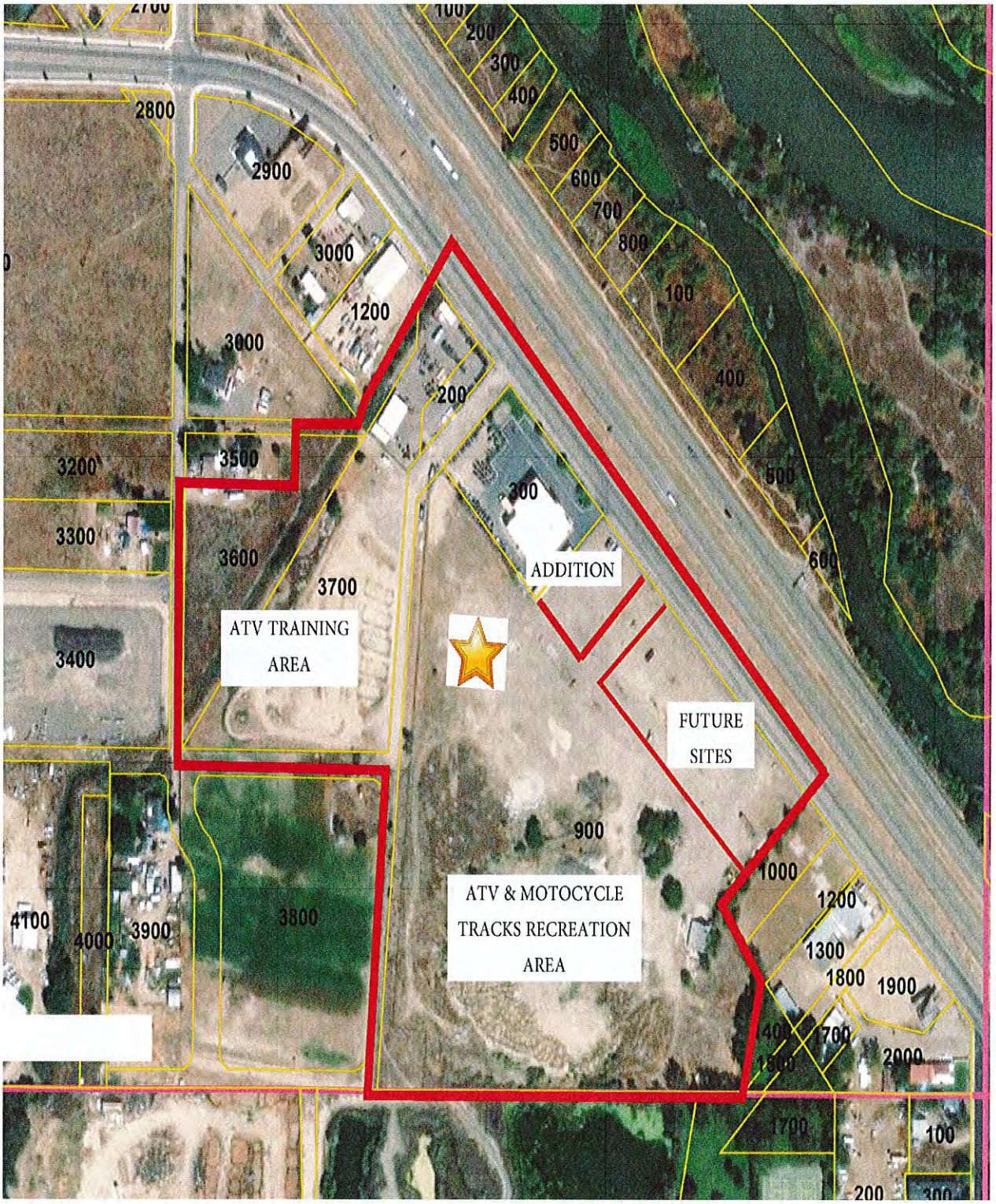

Figure 3: Rough Site Plan for Proposed Future Uses

II. SUMMARY & BACKGROUND INFORMATION:

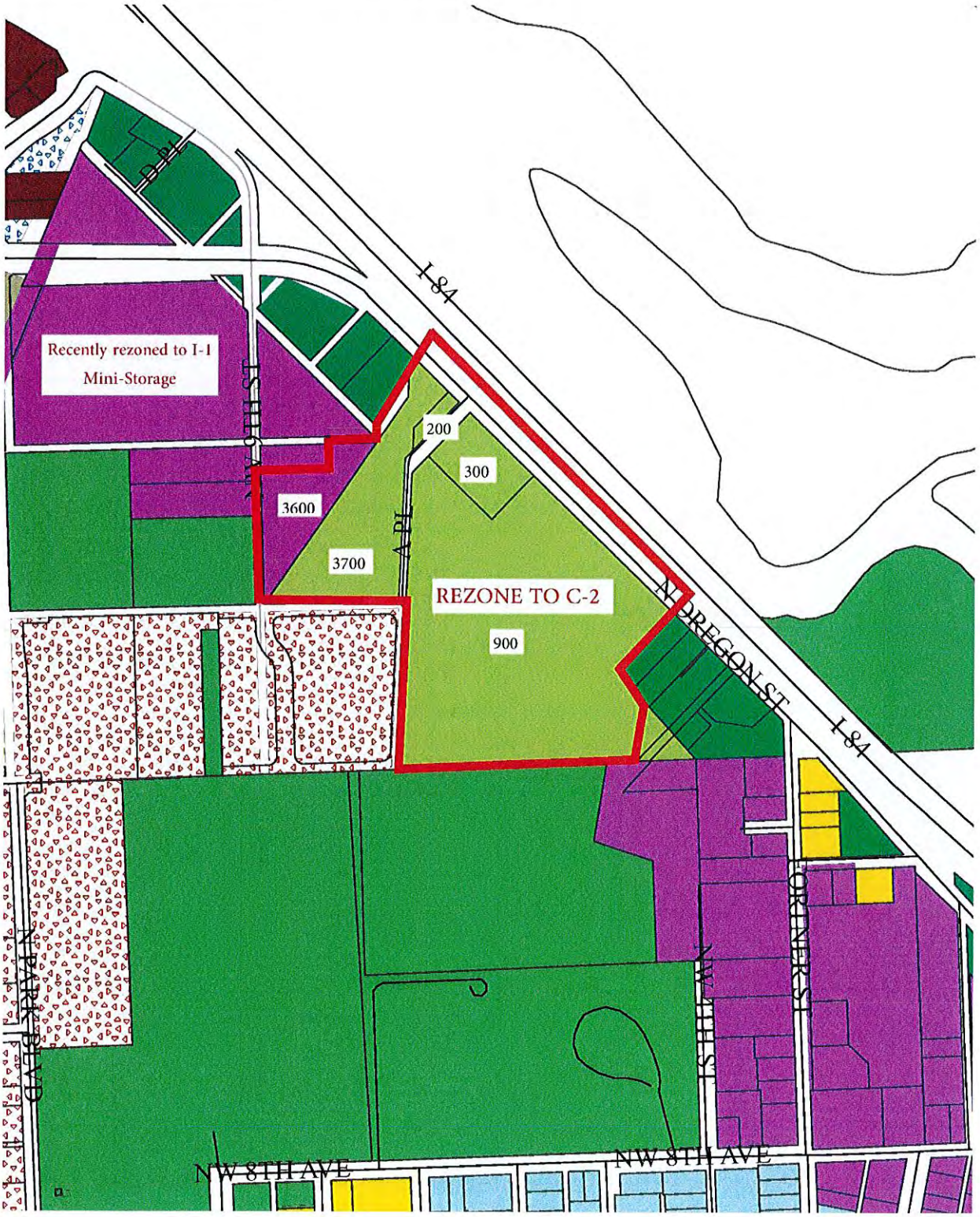

Figure 4: Existing Zoning Map

Proposed Comprehensive/ Zoning Map Amendment

As shown on **Figure 4,** Tax Lots are located near the north perimeter of Ontario City Limits shown in a bold red line and is currently zoned RM10 High Density Residential and I2 Heavy Industrial Zones. The site is defined by N. Oregon Street to the north, NW 9th Street to the west, Commercial properties to the east and Beck Kawanis Park to the south.

As shown on **Figures 1 - 5:**

- Tax Lots are mostly vacant, with Tax Lot 300 being the existing Edge Performance Sports retail facility and ATV repair. However, this area is surrounded by land zoned and used for commercial, employment, and public facility purposes.
- The applicant proposes to rezone the site to C-2 General Commercial consistent with the commercial, employment, and public facility character of the area. As discussed under Statewide Planning Goal 9 and 10, Ontario has a large surplus of residential land and a small deficit in Commercial land in this area. The zone change helps meet Ontario's identified Commercial land need and the area to the NW as being recently rezoned to I-1 replaces the industrial zone being rezoned in this action.

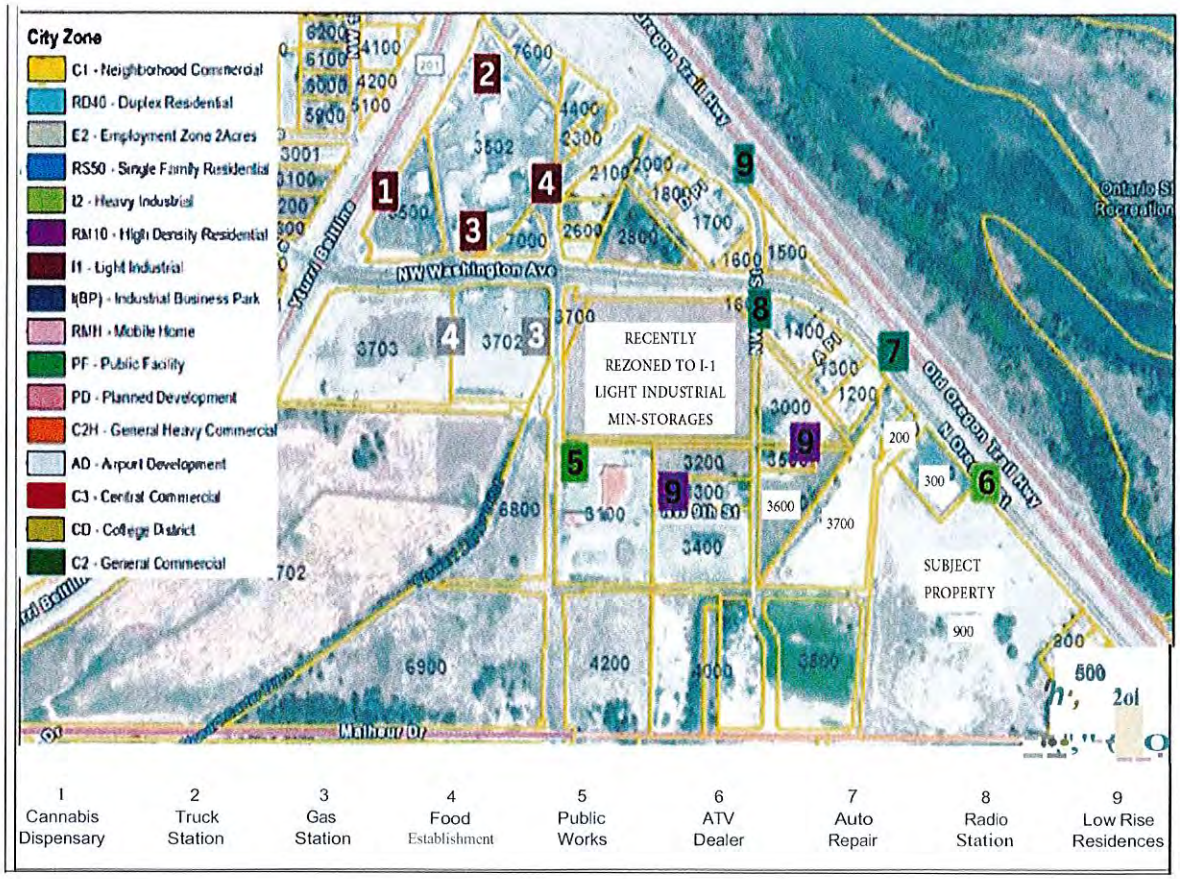

Figure 5: Surrounding Land Uses

Surrounding Land Use and Zoning
Tax Lot 3600 (1.88 acres) is one of seven tax lots zoned RM 10 with no existing high-density residential development. This small area of RM10 tax lot is surrounded by:

- North and NW:
  - Zoning: RM-10 and General Commercial.
  - Land Use: Auto Repair Shop, U-Haul Dealer, Bar, Food Establishment a few one-story Residences
- West:
  - Zoning: RM-10 & PF Public Facility
  - Land Use: Public Works Department and a one-story residence.
- South and East:
  - Zoning: General Commercial and Heavy Industrial
  - ATV dealer

Tax Lot 3700, 200 and 300 are zoned I-2 Heavy Industrial which is mostly vacant except for the existing ATV dealer (Edge Performance Sports). These Tax lots are surrounded by:

- North NW West:
  - Zoning: General Commercial and N-Oregon Street- I-84 Freeway.
  - Land Use: Auto Shop

- West:
  - Zoning: RM-10 & PF Public Facility, UGA Residential
  - Land Use: Public Works Department and a one-story residence.

- South and East:
  - Zoning: General Commercial and Heavy Industrial
  - Vacant & Secondhand Store
- South:
  - Zoning: Public Facility (PF)
  - Land Use: Public Park

III. APPLICABLE CRITERIA AND STANDARDS:

Zone changes must meet the requirements of **Section 10-20-30** of the Ontario Zoning Ordinance (OZO), including applicable Comprehensive Plan policies, Statewide Planning Goals and Administrative Rules.

A. Zoning Map Amendment Criteria

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.***

Findings: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 7 (Natural Hazards), 9 (Economic Development), 10 (Housing), 11 (Public Facilities and Services), and 12 (Transportation) are applicable to this zone change application.

Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 5 (Natural Resources), 6 (Air, Land and Water Resource Quality), 8 (Park and Recreational Needs), 13 (Energy Conservation), 14 (Urbanization), 15 (Willamette River Greenway), and 16-19 (Coastal Goals) are not applicable to or will have no significant impacts from the proposed zone change.

Statewide Planning Goal 1 requires that the city provide opportunities for public comment on quasi-judicial land use decisions. Public hearings before the Planning Commission are required for zone changes. The public will be duly notified in accordance with Ontario Zoning Ordinance
Chapter 10B-03 Notice of Public Hearing.

Notice includes:

- First class mail to individuals listed in **Chapter 10-03-10.**
- Publication in a newspaper of general local circulation at least ten days prior to the hearing.
- Sign posting that is visible from at least one adjacent public way.

Conclusion: The application will be consistent with Goal 1 (Citizen Involvement) provided that public notice is properly given and that members of the public be given the opportunity to comment on this proposal through the planning commission and city council public hearing processes.

Statewide Planning Goal 2 requires coordination among governmental agencies, an adequate factual basis for decision-making, and consistency with the Ontario Comprehensive Plan.

- Any proposed zoning map amendment shall be submitted to City department heads, Malheur County and State or Federal agencies at the discretion of the Planning Director.
- The Planning Commission will hold a public hearing with an opportunity to appeal to the City Council. The City Council's decision may be appealed to the Oregon Land Use Board of Appeals.
- This application narrative provides an adequate factual basis for approval of the proposed zone change.
- As documented below, the zoning map amendment is consistent with the acknowledged Ontario Comprehensive Plan.

Conclusion: The City will follow its acknowledged Comprehensive Plan policies and implementation measures to ensure Goal 2 compliance.

Statewide Planning Goal 7 requires that cities identify potential natural hazards and adopt measures to ensure public safety.

As shown on Figure 9 on page 14 of this narrative, Tax Lot 3600 is within the 100-year floodplain.[2] Development of land within the floodplain is subject to Ontario Zoning Ordinance **Section 10A-47-110,** which requires that non-residential development be flood-proofed or that the habitable floor of buildings be constructed at least one foot above the base flood level as determined by the Federal Emergency Management Agency (FEMA).

Conclusion: Goal 7 (Natural Hazards) can be met because future development on land within the floodplain is subject to regulations to protect life and property within the 100-year floodplain.

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[2] Map from FEMA's National Flood Hazard Layer Viewer

Statewide Planning Goal 9 requires that cities provide sufficient suitable land for planned economic development consistent with the Ontario Comprehensive Plan.

- The Ontario Comprehensive Plan Goal 14: Urbanization, Table 14-4a (Figure 6) indicates that there is an unmet need for 11.2 acres of Commercial Land.
- The proposal is to rezone approximately 22.07 acres of RM10 land I-2 to C-2 Commercial which reduces this deficit from 11.2 acres to a surplus of 10.8 acres of much needed undeveloped C-2 in this area.

Conclusion: The proposed zone change is consistent with Goal 9 (Economic Development) because it will reduce the deficit of suitable commercial land within the NW Ontario area.

Table 14-4a: Ontario Employment and Public/Semi-Public Land Need and Supply 2006-2026 and Ontario Residential Land Need and Supply 2020-2040 (Revised 2013, and 2021)			
Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	**242.9**	254.1	**(11.2)**
Industrial	**485.8**	507.3	**(21.5)**
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)
TOTAL	1,088.6	1,195.4	(106.8)
Residential Need	Buildable Acres Supply within City Limits	Need 2020-2040	Surplus (Deficit) 2020-2040
Low Density Residential	126	PRC Need: 2.3 Aspirational Need: 174.2	PRC Surplus (Deficit): 123.7 Aspirational Surplus (Deficit): (48.2)
Medium Density Residential	11	PRC Need: 0.38 Aspirational Need: 18.7	PRC Surplus (Deficit): 10.62 Aspirational Surplus (Deficit): (7.6)
High Density Residential	40	PRC Need: 0.33 Aspirational Need: 0.33	PRC Surplus (Deficit): 39.67 Aspirational Surplus (Deficit): 15.1
City Residential **SUBTOTAL**	177	PRC Need: 3.0 Aspirational Need: 177	PRC Surplus (Deficit): 174 within City Limits Aspirational Surplus (Deficit): (40.7) within City Limits
TOTAL Need from Residential UGA	414	Aspirational Deficit in City: 40.7	Remaining UGA Surplus (Deficit): 373.3

Figure 6: Ontario Comprehensive Plan, Goal 14 Table 14-4a

Statewide Planning Goal 10 requires that cities provide sufficient buildable residential land to meet identified housing needs. Figure 7 is also derived from Comprehensive Plan Table 14.4a.

COMPREHENSIVE PLAN DESIGNATION	PROJECTED GROSS BUILDABLE RESIDENTIAL ACREAGE NEED	GROSS BUILDABLE ACRE SUPPLY WITHIN CITY LIMITS	RESIDENTIAL BUILDABLE ACRE SURPLUS OR (DEFICIT)
Low Density Residential	2.3	126	123.7
Medium Density Residential	**0.38**	11	10.62
High Density Residential	0.33	**40**	39.67
TOTAL	**3.0 acres**	**177**	**174**

Figure 7: Comparison of Residential Buildable Land Need and Supply by Plan Designation, 2020 to 2040

- According to the Ontario Housing Report: Housing Needs Analysis & Residential Buildable Lands Inventory, the City of Ontario has a 39.67-acre surplus of High Density Residential buildable acres required to accommodate housing based on the PRC[3] 2040 population forecast. The projected High Density Residential buildable acres need is less than an acre (0.33 acres) and the buildable land supply is 40 acres.
- The recent rezone I-1 for approximately 9.25 acres from RM10 to I1. Removing 9.25 acres from the 39.67 High Density Residential buildable acres *surplus* still results in 30.42 acres of surplus and this rezone of 1.88 acres results in 28.54 surplus acres.
- The proposed rezone reduces the total *surplus* residential buildable land supply from 164.75 buildable acres to approximately 162.87 buildable acres.
- The Rezone of the above recently rezoned Industrial land help replaces the 20.2 acres of Industrial land being rezoned to Commercial in this action.

Conclusion: The proposed zone change is consistent with Goal 10 (Housing) because the City will continue to have an oversupply of buildable residential land within its UGB after the zone change. The Ontario UGB has a substantial surplus of residential land in general and of RM10 land in particular.

Statewide Planning Goal 11 requires that public facilities be available and adequate to serve planned land uses.

Figure 8 shows sanitary sewers, storm sewers, and water lines available in the area and adequate for a variety of uses including the planned commercial and recreational uses once extended to the site.

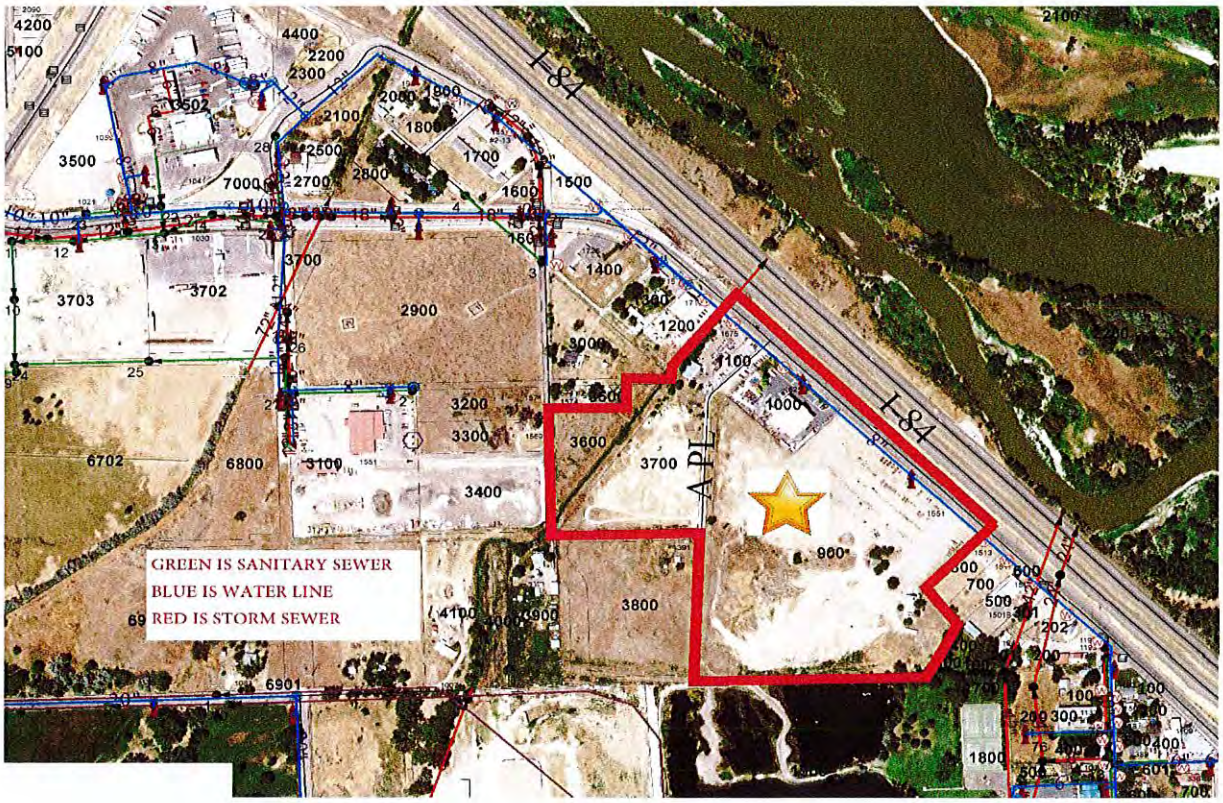


Figure 8: Public Facilities that Serve Proposed Zone Change Area

Conclusion: The proposed zone change is consistent with Goal 11.

Statewide Planning Goal 12 requires that the zone change not have a significant adverse impact on transportation facilities that serve the site.

As shown on Figure 9 below, the subject property is adjacent to:

- NW Washington Ave - minor arterial
- N. Park Blvd - minor collector with future connections
- NW 9th St - local road Connection to NW Washington
- N Oregon – minor arterial main connection

The following is a comparison between daily trips that will likely be generated from permitted multi-family development under the existing RM 10 zone and the existing heavy industrial development to the proposed Commercial zone.

The existing zoning allows residential development at up to 31 dwelling units per net buildable acre. Assuming 10% of the 1.87-acre site will be devoted to streets, the reasonable worst-case scenario for residential development of this site would be 52 multi-family dwelling units. Based on the ITE Manual, at 4.4 vehicle trips per day, multi-family development would generate about

228 vehicle trips per day. Many of these trips would occur during the morning and evening peak hours.

The existing Industrial lands have an Average Daily Vehicle Trip for a half-acre site of 8,509 daily trips. Which could be approximately 375,576 Vehicle trips for the 20.19 acres of Industrial lands.

Commercial zones can have an Average Daily Vehicle Trip for a half-acre site of 13,089. Which could be approximately 577,748 Vehicle Trips for the total 22.07 acres.

The owners propose to use the site for the existing ATV sales and a few commercial sites about the same size with the remainder as a Sports complex for ATV and Motorcycles. Based on the rough site plan (Figure 3), the site even with the large change in vehicle trip the existing connections to the available streets there should be no adverse impact to the road system not the interchange to the west.

Figure 9: Transportation Facilities

As the property develops based on the type of development a Traffic Impact study may be required to determine the required street connections and traffic access into and out of the property.

Conclusion: The proposed zone change will not significantly impact a state highway or major streets in Ontario; therefore, the proposal will not violate Goal 12 (Transportation),

Overall Statewide Planning Goal Conclusion: The proposed zone change is consistent with applicable statewide planning goals based on the factual evidence and analysis presented above.

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

Findings: The Ontario Comprehensive Plan includes several policies that support the proposed zone change and no policies that are directly opposed to the proposed zone change. Each relevant policy is quoted in *italic font* below followed by findings explaining how the proposal addresses the policy.

10-1-5 Policies: Citizen Participation, Agency Coordination

5) The Ontario City Planning Commission shall act as the committee for citizen involvement.
6) The Council may of its own choice, or may upon the recommendation of the Commission, appoint such ad hoc citizen or agency committees, task forces, or other citizen or agency committees, task forces, or other advisory groups as are necessary to accomplish the planning needs of the community.
7) The Planning Director shall be responsible for assuring that adequate publicity and information is available to the public and parties affected by planning related actions of the City. The Planning Director shall maintain contact with agencies that may have an interest in planning related actions.

Findings: The Ontario Planning Commission makes recommendations to the City Council on proposed rezonings. Public hearings before both bodies are required. The Planning Director will prepare the staff report for both bodies, which must be available at least seven days before public hearings. These policies will be met.

10-2-4 Policies: Land Use Planning, General

4. The land use planning process shall be utilized to assure an adequate supply of land, properly serviced, for the various residential, commercial, industrial, recreational and institutional needs of the community.
5. Land use planning decisions, particularly quasi-judicial actions shall be in harmony with the policies adopted in this document[...]

Findings: The proposed zone change from RM10 AND I-2 to C-2 Commercial redresses the existing imbalance between land need and supply within the Ontario UGB. As mentioned in Statewide Planning Goal 9 and Goal 10, there is a current surplus of residential land and a deficit of Commercial Land in the NW area of Ontario. The remainder of this document demonstrates that the proposed zone change is in harmony with applicable comprehensive plan policies.

10-2-5 Policies: Visual Image, Development Pattern

3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.
4. Utility extension policies shall be designed and administered so as to enforce compact development. Urban type development shall be discouraged on land that cannot be efficiently supplied with municipal utilities at the time of occupancy.

Findings: As discussed in Zoning Map Amendment Criteria (g), the proposal will concentrate commercial development in an area dominated by industrial and other commercial land uses.

As documented under Statewide Planning Goal 11, storm sewer, sanitary sewer, and water lines can serve the site. Thus, the site can be served efficiently when development occurs on the site.

10-2-4 Residential Policies

1. *Residential areas shall be planned so they do not intrude into industrial areas or predominantly commercial areas.*

10-2-7 - Policies: Commercial Land Use

1. *New commercial development shall be concentrated in and around existing commercial areas as much as possible.*

10-2-8 Industrial Land Use Policies

3.Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.

Findings: Tax Lot 3600 is currently zoned for high density residential use. The proposed rezoning of Tax Lot 3600 is one lot of seven RMI10 surrounded by the following zones: Light Industrial, General Commercial, Employment Zone 2Acres, Employment Zone 5Acres UGA, Public Facility, and Heavy Industrial. The area is partially developed as seen in Figure 5. Most of the surrounding land uses are industrial and commercial in nature, however there are three existing one-story residences in tax lots zoned RMI10.

These industrial policies suggest that residential land should not be planned in predominantly industrial and commercial areas. Thus, the site's existing RM10 zoning appears to be inconsistent with Residential Policy 1.

Commercial policy 1 supports the rezoning of this property.

Inconsistent with Industrial Policy 5, the 20.1 acres of industrial lands has no buffers between non-industrial lands to the west, south and east.

Industrial policy 5 suggests it is not compatible with the surrounding area.

In summary, the proposed rezoning is consistent with Comprehensive Plan policies regarding industrial and residential zoned land.

10-7-4 Flooding and Steep Slope Hazard Policies

1. The City recognizes that land within the 100-year floodplain has been inappropriately designated for urban uses in the past, resulting in the loss of flood storage capacity and potential hazards to life and property. The City, therefore, is committed to working with Malheur County to avoid this mistake in the future. a. The City will not propose future UGB expansions for residential, commercial or industrial uses within the flood hazard zones (100-year floodplains) of the Snake or Malheur Rivers. b. Industrial land within the 100-year floodplain is not considered suitable for meeting the City's long-term employment needs. c. Residential land within the 100-year floodplain is not considered buildable for residential purposes. d. The

City will actively pursue the creation of a flood storage and wetland mitigation bank on public land, to compensate for the loss of flood storage capacity and wetland values resulting from urban development within floodplain areas.

2. The City, in cooperation with State and Federal agencies, shall continue to collect and refine information bearing on the delineation of areas of potential flooding.3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding.

Findings: The 100-year floodplain in relation the property is shown in Figure 9 below. Development on commercial land within the floodplain may occur consistent with Ontario Zoning Ordinance Section 1OA-47-110 - Nonresidential Construction.

Proposed commercial uses are subject to Ontario Zoning Ordinance Section l0A-47-110 - Nonresidential Construction. This section requires that non-residential development either be flood-proofed or that habitable floor areas be constructed at least one foot above the base flood elevation, as determined by a licensed engineer.

[4] Existing land uses detailed above in the Summary and Background Information

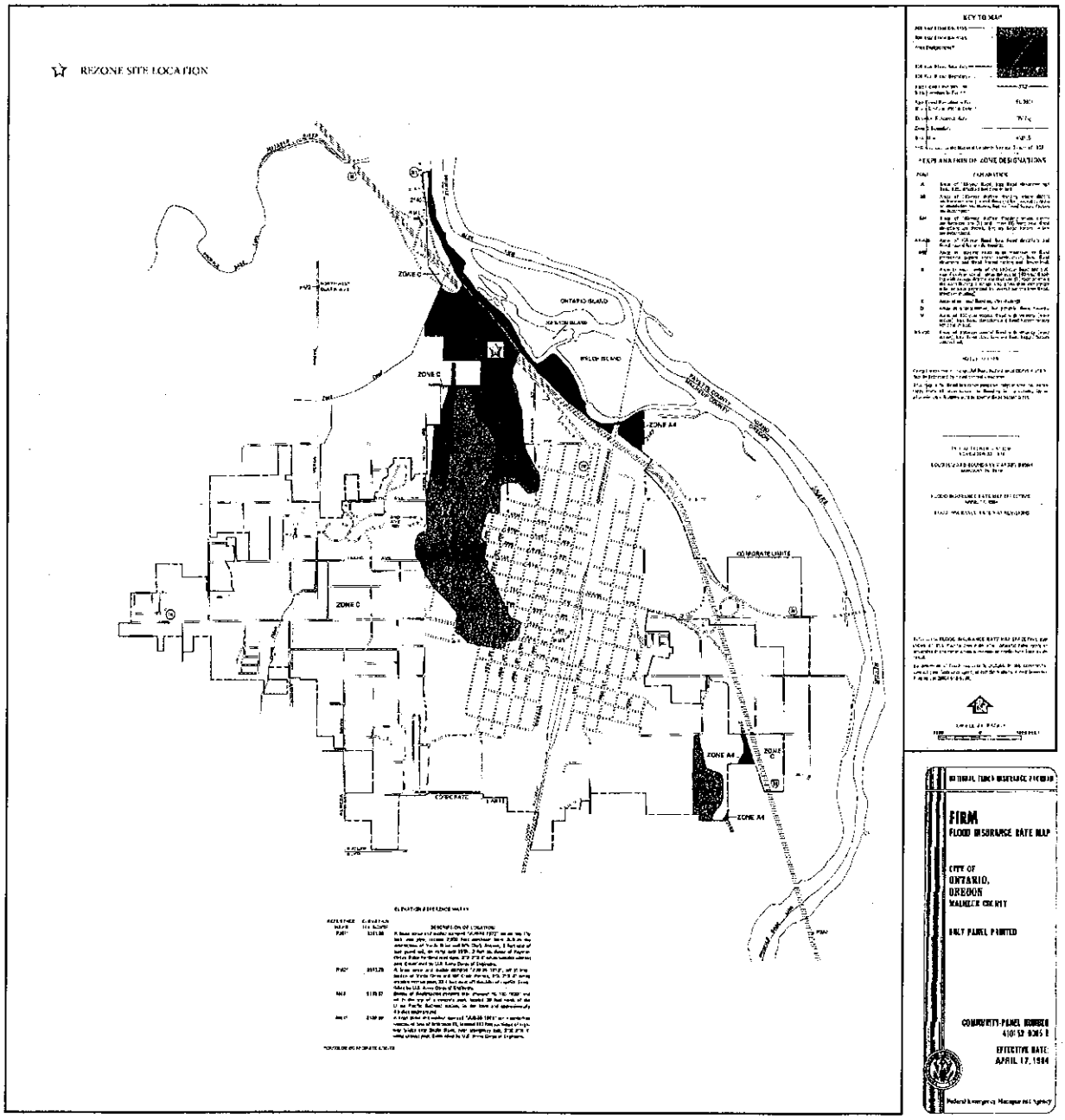


Figure **11:** Location of Subject Property in 100-Year Floodplain

Conclusion: The rezoning proposal is consistent with Goal 7 (Natural Hazards) because new development will be within the 100-year floodplain will be subject to review for compliance with Ontario Zoning Ordinance provisions related to floodplain hazard mitigation.

10-11-5 Public Facilities Policies

5) Information regarding system and line capacities shall be among the considerations used in making immediate and long range land use decisions. The capital improvement program and land use policies shall assure that all facilities will be efficiently utilized.
8) Development proposals for industrial or commercial uses shall include descriptions of water and sewer requirements. Provisions for financing shall be developed in accordance with the City's ordinances and policies.

Findings: As shown on Figure 8, storm sewer, sanitary sewer and water lines are available to serve Parcel being considered for rezoning, including:

- An 8" sanitary sewer line is available to be extended to the site.
- Water lines ranging from 8" to 12".
- Storm sewer lines that range from 12" to 24". All new development will be retained on site.

Conclusion: The proposed zone change is consistent with applicable public facilities policies because sanitary sewers and water lines are available to serve the site by extension of the lines.

10-12-4 Transportation Policies

Findings: Ontario transportation polices are designed to implement Statewide Planning Goal 12 Transportation and the Transportation Planning Rule. Please see discussion under Statewide Planning Goal 12.

The proposed commereial zoning has the potential to generate more trips than would be generated if the existing RM10 and Industrial zones were to remain in place. And a transportation impact study or letter may be required as the property develops depending on the uses.

The subject property has connection ability to North Oregon Street, NW Washington Ave, N Park Blvd, and NW 9th Street and Malheur Drive right of ways with future development of these street depending on the site development at the time.

Conclusion: Is there is adequate road infrastructure in the area to support the Commercial rezone and access determined during the development stage of the property.

Urbanization - Comparison of Land Need and Supply (10-14-6)

As noted in the Statewide Planning Goal 9 and Goal 10 discussion above, the Ontario UGB has a shortage of commercial land in the area and a large surplus of residential land. Comprehensive Plan **Table 14- 4a, Figure 6,** compares land use need and supply within the Ontario UGB.

Conclusion: The proposed zoning change from Residential (which has a surplus of 174 acres) and Commercial (which has a deficit of 11.5 acres) is consistent with Goal 14 because it will result in a more balanced relationship between land need and supply as set forth in Table 14-4a.

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.

Findings 1: Tax Lot 3600, along with six other adjacent parcels, is zoned for high density residential and has not been developed for that purpose. The property owner has no interest in developing the property for residential use and believes the highest and best use of the properties is Commercial.

There is less demand for residential land within the UGB - especially at this location, which is well-suited for commercial development. By rezoning the subject property from high density residential to commercial, this tax lot is more likely to be used for employment purposes. If additional employment opportunities come to the community, residential development is likely to follow. As shown in Figures 5 and 12, much of the vicinity is vacant along with transportation-oriented amenities like truck stops, fuel stations, two food establishments, and an auto repair store.

Findings 2: The remaining tax Lots, which is zoned Heavy Industrial was once a Asphalt Concrete Plant which is not compatible to the area now. The property owner has no interest in developing the property for Industrial use and believes the highest and best use of the properties is Commercial.

There is less demand for Industrial Use in this area - especially at this location, which is well-suited for commercial development. By rezoning the subject property from industrial use to commercial, this parcel is more likely to be used for employment purposes. If additional employment opportunities come to the community, residential development is likely to follow in the residential areas. As shown in Figures 5 and 12, much of the vicinity is vacant along with transportation-oriented amenities like truck stops, fuel stations, two food establishments, and an auto repair store.

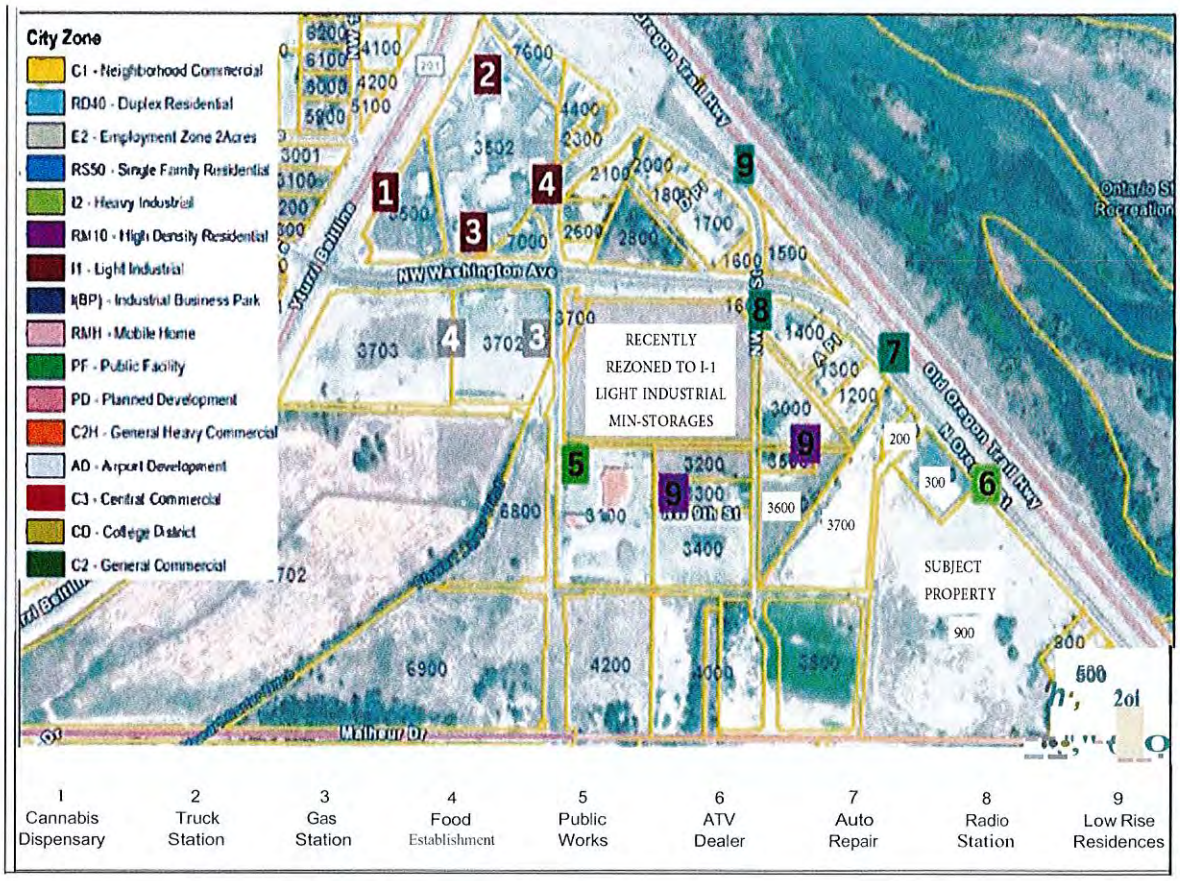


Figure 12: Larger Development Pattern Around Proposed Zone Change Site

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.

Findings: Public need is determined by demonstrating compliance with the publicly adopted comprehensive plan. In this narrative, the applicant has shown that there is a deficit of commercial land and a surplus of residential land based on **Table 14-4a, Figure** 7, of the comprehensive plan. See discussion in Goal 9, 10 and 14 findings for more detailed findings.

The applicant has also shown that the property is better suited for commercial use than residential use, based on Residential and Industrial Land Use Policies (10-2-6 and 10-2-8).

The proposed rezoning helps meet the need of commercial land by decreasing the surplus of residential buildable land and increasing the need for commercial development.

Conclusion: For the above reason, there is a public need for the proposed zone change at this location.

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.

Findings: Tax Lots 22.07 acres which satisfies the need for commercial parcels between 5- 20 acres, identified in the OCP Goal 9- Economic Development (Table 9-3) section. It can accommodate a variety of commercial uses.

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.

Findings: In Statewide Planning Goal 1, as shown on Figure 8, sanitary sewer (green), storm sewer (red), and water (blue) lines serve the property.

The property is well-served by transportation facilities. The site is adjacent to North Oregon and has connects to NW Washington which connects with Yturri Beltline, a state highway, to the west. Because there will be no significant impacts on these facilities from the "worst case" development scenario for these properties, no transportation improvements are necessary to serve the site at this time.

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: As documented above, overall, the proposed zoning change will help meet Ontario's commercial land need which is compatible with the existing zoning and land use pattern in the area as well as remove the Heavy Industrial zone which is no longer compatible with the surrounding uses, and the commercial use does not typically result in dust, noise, vibration, odor, heat, glare, lighting, or discharges into the environment.

However, any external impacts from the development and commercial use of the site must meet City performance standards related to mitigation of impacts from dust, noise, vibration, odor, heat. Glare, lighting or discharges into the air, water or land, as set forth in the Ontario Zoning Ordinance, **10A-29-25 - GENERAL PROVISIONS. The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-2 Zone.** as well as Oregon Department of Environmental Quality environmental standards.

B. Overall Conclusion:

The proposed zone change makes sense for two primary reasons: first, it is consistent with the pattern of existing zoning and land use development in the vicinity, and second, it provides a better balance between land use need and supply, as per the Ontario Comprehensive plan.

AFTER RECORDING RETURN TO: Talco

THIS SPACE RESERVED FOR RECORDER'S USE

INSTRUMENT NO. 2006 - 885
Page 1 of 2 Pages

After recording return to:
First American Title Co.
81 South Oregon Street
Ontario, OR 97914

Until a change is requested all tax statements shall be sent to the following address:
EDIRT, LLC
218 SW 9th Ave
Ontario, OR 97914

File No.: 23031
Date: February 3, 2006

Inst. No. 2006-885
I certify that the within Instrument of writing was received for record on the 10 day of February, 20 06 at 3:30 O'clock P M. FEE $ 26
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk
By: Sheryl Johnson Deputy

STATUTORY WARRANTY DEED

ALLEN L. PIEPER, Grantor, conveys and warrants to EDIRT, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Land in the CITY OF ONTARIO, Malheur County, Oregon, as follows:
In Twp. 17 S., R. 47 E., W.M.:
Sec. 33: A parcel of land in Govt. Lot 4 being that property as described in Deed to the State of Oregon, by and through its State Highway Commission recorded July 12, 1943, Book 57, Page 635, Malheur County Deed records.
EXCEPTING THEREFROM that property described in Deed to the City of Ontario, recorded Jan. 29, 1973, Inst. 141758, Deed records.

Account No.: 15387 Code No.: 1 Map No.: 174733D Tax Lot No.: 1000

This property is free from liens and encumbrances, EXCEPT:

SEE ATTACHED EXHIBIT "A"

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **$177,000.00**. (Here comply with requirements of ORS 93.030)

Dated this 6th day of February, 2006.

Allen L. Pieper

State of Oregon)
)ss.
County of Malheur)

This instrument was acknowledged before me on this 6th day of February, 2006 by Allen L. Pieper.

OFFICIAL SEAL
AMIE C. DUNTEN
NOTARY PUBLIC - OREGON
COMMISSION NO. 390482
MY COMMISSION EXPIRES MAR. 8, 2009

Notary Public for Oregon
My commission expires: 3/9/09

#57600

Regulations of the Warmsprings Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Reservation as contained in Deed recorded July 7, 1938, Book 45, Page 338, Deeds, affects a pipeline.

An easement for power lines created by instrument, including the terms and provisions thereof;
Recorded: Sept. 22, 1943, Book 58, Page 317, Deeds
Recorded: Nov. 6, 1946, in Book 68, Page 485, Deeds
Favor of: Idaho Power Company

Restrictions and Mineral reservations as contained in Deed from the State of Oregon Dept. of Transportation, recorded May 23, 1977, Inst. No. 30290, Deeds.

Agreement to Defer between City of Ontario and Allen L. Pieper, recorded Feb. 13, 1995, Inst. 95-816, official records. Affects future sewer, etc.

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR 2014-0063
DST WD 01/07/2014 4:20:00 PM
Cnt=1 Pgs=2 Total:$57.00

00021482201400006300200022

I, Deborah R. DeLong, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in this Clerk records.
Deborah R. DeLong - County Clerk

Land

Add
174733D (14)
1100/T2C

Or-Western
Blk 6 (8-2) (8-3)
3600, 3700/T2C

After recording return to:
Malheur County Title Company

Until a change is requested all tax statements shall be sent to the following address:

EDIRT, LLC
1625 N. Oregon St.
Ontario, OR 97914

Date: December 20, 2013
Escrow No.: 30222 E

STATUTORY WARRANTY DEED

EOLA, LLC, an Oregon limited liability company, Grantor, conveys and warrants to **EDIRT, LLC, an Oregon limited liability company, Grantee,** the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

Map 174733D	Tax Lot 1100	Account No. 13	Code 1
Map 174733D	Tax Lot 3600	Account No. 32	Code 1
Map 174733D	Tax Lot 3700	Account No. 33	Code 1

This property is free from liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is $143,750.00 (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AN SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 23 day of December, 2013

EOLA, LLC, an Oregon limited liability company

Clifton L. Eldred, Member ** General Partner of Santiam Partners Limited Partnership the sole member of EOLA, LLC

STATE OF OREGON County of Malheur) ss

On December 23, 2013, personally appeared before me CLIFTON L. ELDRED as Member** of EOLA, LLC, an Oregon limited liability company who acknowledged to me that he executed the same by authority and on behalf of said limited liability company. ** General Partner of Santiam Partners Limited Partnership the sole member of EOLA, LLC

OFFICIAL SEAL
LUCILLE M ZANDOL
NOTARY PUBLIC - OREGON
COMMISSION NO. 474837
MY COMMISSION EXPIRES JANUARY 29, 2017

Notary Public for Oregon

My commission expires: 1-29-17

EXHIBIT 'A'

PARCEL NO. 1

Land in OREGON AND WESTERN COLONIZATION SUBDIVISION, Second Addition in Sec. 33, Twp. 17 S., R. 47 E., W.M., Malheur County, Oregon, according to the Corrected Plat thereof, as follows:
In Block 6: Lot 8,

EXCEPTING THEREFROM the following parcel, to-wit:
Beginning at the Northwest corner of said Lot 8;
thence Southerly along the Westerly boundary of Lot 8, 80 feet;
thence Easterly parallel with the Northerly boundary of Lot 8, 240 feet;
thence Northerly parallel with the Westerly boundary of Lot 8, 80 feet to the Northerly boundary of Lot 8;
thence Westerly along the Northerly boundary of Lot 8, 240 feet to the Point of Beginning.

PARCEL NO. 2

In Twp. 17 S., R. 47 E., W.M.:
Sec. 33: 2 parcels of land in Government Lot 4 more particularly described as follows:

PARCEL NO. 1: Beginning at a point on the existing Southwesterly right-of-way line of the Old Oregon Trail Highway, said point being N. 43° 14' W., 350 feet from a point on said right-of-way line which is 996 feet North and 870 feet West of the Southeast corner of said Section;

thence continuing N. 43° 14' W., along said Southwesterly right-of-way line, 50 feet;

thence S. 46° 46' W., to a point on the Easterly boundary line of the Oregon and Western Colonization Co., Subdivision, Second Addition, according to the Corrected Plat thereof, filed Sept. 25, 1947;

thence S. 4° 08' 40" W., to a point which is S. 46° 46' W. of the point of beginning;

thence N. 46° 46' E., to the Point of Beginning.

PARCEL NO. 2: Beginning at a point on the existing Southwesterly right-of-way line of the Old Oregon Trail Highway, said point being N. 43° 13' W., 400 feet from a point on said right-of-way line which is 996 feet North and 870 feet West of the Southeast corner of said Section;

thence continuing N. 43° 14' W., along said Southwesterly right-of-way line, to the intersection of this line with the Easterly boundary line of the Oregon and Western Colonization Co. Subdivision, Second Addition, according to the corrected plat thereof filed Sept. 25, 1947, which point is N. 4° 08' 40" E., 1350.88 feet from a point on the South line of Government Lot 3 of said Section which is 20.7 feet West of the Southeast corner of said Lot 3;

thence S. 4° 08' 40" W., to a point which is S. 46° 46' W. of the Point of Beginning;

thence N. 46° 46' E., to the Point of Beginning.

ALSO that certain street right of way as vacated by Ordinance No. 1829, recorded November 5, 1976, Instrument No. 22884, Deed Records.

SUBJECT TO:

Regulations of the Warmsprings Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Regulations, including levies, assessments, drainage rights and easements, of Malheur Drainage District, which said assessments are collected as a part of the general tax levy for Malheur County.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Easement in favor of Idaho Power Company, a corporation, dated June 10, 1943, recorded September 22, 1943, Book 14, Pages 252-3, Leases and agreements over and across the SE1/4SE1/4 of Sec. 33, Twp. 17 S., R. 47 E., W.M., lying South of the Oregon Trail Highway.

AmeriTitle

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR	2022-2707
D-ST WD	05/31/2022 02:12:02 PM
Cnt=1 Pgs=3	$102.00

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

After recording return to:
Ameritite MCTC

Until a change is requested all tax statements shall be sent to the following address:
EDIRT, LLC
1625 N. Oregon Street
Ontario, OR 97914
File No. 541638AM

174733 D
900 (8)

STATUTORY WARRANTY DEED

RILEY J. HILL, as to an undivided 2/3 interest, and JACKSON Q. FOX, as to an undivided 1/3 interest

Grantor(s), hereby convey and warrant to

EDIRT, LLC, an Idaho limited liability company,

Grantee(s), the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

See Attached Exhibit A

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

900 11

The consideration paid for the transfer is $1.00,
PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 27th day of May, 2022.

Riley J. Hill

Jackson Q Fox

State of Oregon)
County of Malheur) ss

On this 27th day of May, 2022, before me, Anna Galemore a Notary Public in and for said state, personally appeared Riley J Hill and Jackson Q Fox, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Anna Galemore

Notary Public for the State of Oregon
Residing at: Malheur County
Commission Expires: 4-20-2025

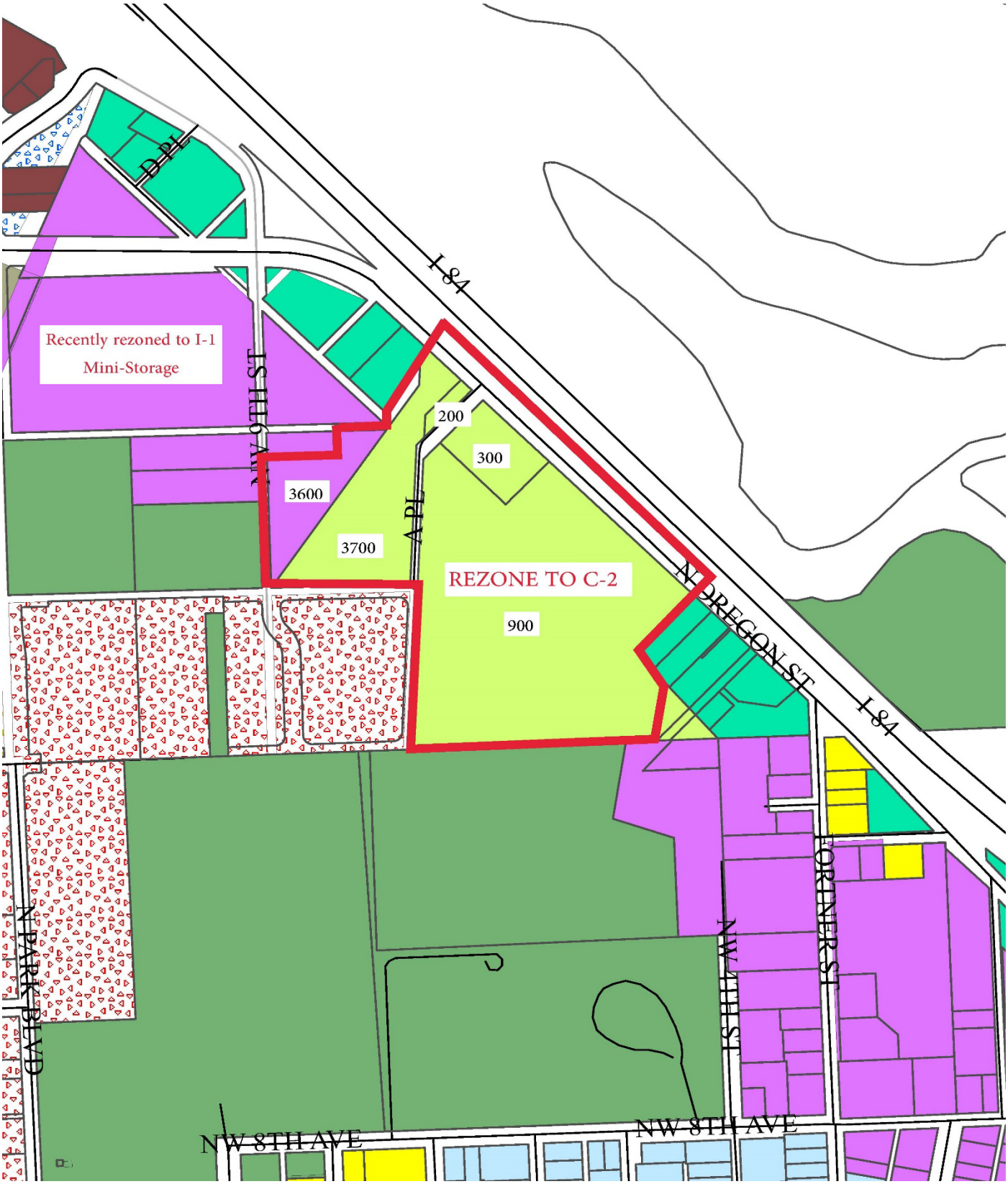
OFFICIAL STAMP
ANNA MARIA GALEMORE
NOTARY PUBLIC - OREGON
COMMISSION NO. 1011947
MY COMMISSION EXPIRES APRIL 20, 2025

EXHIBIT "A"

Land in the CITY OF ONTARIO, Malheur County, Oregon, as follows:
In Twp. 17 S., R. 47 E., W.M.:
Sec. 33: A parcel of land in Govt Lot 4 more particularly described as follows:

Commencing at the Southeast corner of said Lot 4;
thence N. 89° 51' W., along the South boundary thereof, 534.80 feet to the Point of Beginning;
thence N. 89° 51' W., along the South boundary thereof, 799.98 feet;
thence N. 4° 46' 53" E., 985.52 feet;
thence N. 46° 33' 50" E., 77.92 feet;
thence S. 43°26' 10" E., 300 feet;
thence N. 46° 33' 50" E., 200 feet to the South right of way line of State Highway #201;
thence S. 43° 26' 10" E., coincident with said right of way, 654.07 feet;
thence S. 46° 18' 40" W., 246.80 feet;
thence S. 34° 04' '20" E., 142.55 feet;
thence S. 12° 02' 08" W., 198.29 feet to the Point of Beginning.

Attachment 3
ONTARIO ZONING MAP
APPLICATION 2024-02-04CPMD
BEFORE: City High Density Residential (RM-10) and City Heavy Industrial (I-2



Edge Rezone/City High Density Residential (RM-10) & Heavy Industrial to City General Commercial (C-2)

Attachment 4
ONTARIO ZONING MAP
APPLICATION 2024-02-04CPMD
AFTER: City General Commercial (C-2)

Edge Rezone/City High Density Residential (RM-10)& Heavy Industrial (I-2) to City General Commercial (C-2)