

**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, SEPTEMBER 9, 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 Motion to Adopt Minutes for June 10, 2024

A) Motion to Adopt Minutes for June 10, 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 Discussion about short-term rentals and direction whether to adopt/not adopt a short-term rental ordinance.

A) Discussion about short-term rentals and direction whether to adopt/not adopt a short-term rental ordinance.

9) PUBLIC HEARING

A) ACTION 2024-07-10AZ: A REQUEST BY TY CURTIS, REPRESENTING TY AND BECKEY CURTIS FAMILY TRUST, FOR AN ANNEXATION OF TAX LOT 301 ON ASSESSOR'S MAP 18S47E05AA – A 0.34 ACRES PARCEL. THE PROPERTY WILL BE ANNEXED FROM ONTARIO'S URBAN GROWTH AREA TO THE CITY LIMITS, ZONED RS-50 (SINGLE-FAMILY RESIDENCE)

10) HAND-OUTS/DISCUSSION ITEMS

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) ADJOURN



PLANNING COMMISSION MEETING MINUTES

Monday, June 10, 2024

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, James Grissett (Online), Max Twombly, Michael Braden and Chairman John Breidenbach. Mike Allen was absent. One chair was vacant.

City Staff present were; Dan Cummings, City Manager; Marcy Siriwardene, P&Z Technician; and Tatiana Burgess, Planning & Zoning Director. 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 June 3, 2024. Copies of the Agenda were available at the City Community Development Center.

John Breidenbach led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

Blu Fortner moved, seconded by Max Twombly, to adopt the Agenda as presented. Roll call vote: Fortner-yes; Allen-out; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes; Vacant-out. Motion carried 5/1/0.

ADOPTION OF MINUTES FROM SEPTEMBER 11, 2023 (AMENDED) AND FROM APRIL 8, 2024 MEETING

Michael Braden moved, seconded by James Grissett, to adopt the minutes from September 11, 2023, as presented. Roll call vote: Fortner-yes; Allen-out; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes; Vacant-out. Motion carried 5/1/0.

There were no unscheduled public appearances.

Tatiana Burgess was presented to the Planning Commission as the new Planning & Zoning Director.

ACTION 2024-02-04CPAMD: 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.

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 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.

CITY OF ONTARIO, 444 SW 4TH STREET, ONTARIO OREGON 97914

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 of 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 higher and better potential for use as a commercial property.

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 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 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 zone change approval shall apply at the time of development of any new portion of the property:

A. If any development proposal on the 22.07-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 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.

Mr. Cummings opened the floor to questions.

Chairman Breidenbach asked if the plan would relieve the on-street parking congestion on N. Oregon in front of Edge Performance.

Mr. Gentry responded there would be no need for on-street parking with the new plan.

Commissioner Fortner asked if the invasive weeds backing up to Beck Kiwanis Park and a concrete encased fence post that was left by previous fence repairs would be cleaned up.

Mr. Gentry said that Edge would clean that area up as part of their development.

Commissioner Braden asked for further clarification about the traffic study that was presented and when a new study would be required.

Mr. Cummings replied that any future development (besides the planned building adjacent to existing building) would require a letter from a traffic engineer showing the impact that the proposed development would have. If the traffic letter showed an increase, then a traffic study would be required. He explained that ODOT does not have jurisdiction of N. Oregon Street, but they do have jurisdiction of the lighted intersection on N. Oregon/NW Washington Avenue, near Love's Travel Center. ODOT would have input if future development created a traffic increase.

Commissioner Grissett commented on back traffic that travels down N. Oregon and asked about the City's concern with traffic impact to N. Oregon.

Mr. Cummings stated that any traffic study done must take all accesses onto N. Oregon into account and prove that the road can handle the traffic load. The current development does not anticipate enough of an increase to warrant that study.

There were no opponents or proponents.

The public hearing was closed.

Commissioner Fortner asked if the landscaping would be changed.

Mr. Gentry explained that the building size would double, the planned parking would off the road, curbs and signage would be added, and the landscaping would be improved.

Commissioner Breidenbach commented on the congested customer parking along N. Oregon.

Mr. Cumming said that the new development would alleviate all parking issues, improve the traffic flow from Edge onto N. Oregon. and enhance the storefront view from freeway traffic along I-84.

Commissioner Braden asked if the proposed developed plan had people enter/exit along Oregon, if there were other access points, and if that current traffic uses N. Oregon exclusively.

Mr. Cummings explained that N. Oregon was currently the only access and would continue to be so with this proposed development. He explained that future development would utilize other accesses, such as NW 9th Street but that a traffic engineer would make that determination if the traffic load created the necessity for other access points.

Commissioner Fortner asked who was responsible for maintaining an adjacent County property (tax lot 3800).

Mr. Cummings clarified that the property in question was in the County and under County jurisdiction. He explained that maintenance fell to the owner since it was privately owned.

Discussion was ended.

APPROVAL OF PLANNING ACTION 2024-02-04CPAMD— FINDINGS OF FACT

Michael Braden moved, seconded by Blu Fortner, to adopt the Finding of Fact as presented. Roll call vote: Fortner-yes; Allen-out; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes; Vacant-out. Motion carried 5/1/0.

APPROVAL OF PLANNING ACTION 2024-02-04CPAMD

Michael Braden moved, seconded by Max Twombly, to approve the Rezone as presented. Roll call vote: Fortner-yes; Allen-out; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes; Vacant-out. Motion carried 5/1/0.

No handouts or discussion for this meeting.

Mr. Breidenbach welcomed Ms. Burgess to the City.

MOTION TO ADJOURN

Blu Fortner moved, seconded by Max Twombly, to adjourn. Roll call vote: Fortner-yes; Allen-out; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes; Vacant-out. Motion carried 5/1/0.

John Breidenbach
Chairman

Attest: Jennifer Braden
Planning & Zoning Technician



**AGENDA REPORT
NEW BUSINESS**
September 9, 2024

To: Planning Commission

FROM: Tatiana Burgess, Planning Director

SUBJECT: **DISCUSSION ABOUT SHORT-TERM RENTALS AND DIRECTION WHETHER TO ADOPT/NOT ADOPT A SHORT-TERM RENTAL ORDINANCE.**

DATE: September 3, 2024

PROPOSED MOTION:

- 1. TO DIRECT STAFF TO CREATE A SHORT-TERM RENTAL ORDINANCE.**
- 2. TO DIRECT STAFF TO NOT CREATE A SHORT-TERM RENTAL ORDINANCE.**

SUMMARY:

A **Short-Term Rental (STR)** is a fully furnished self-contained apartment or dwelling unit, that can be rented for short periods of time – less than 30 consecutive days, also known as “transient lodging”.

STRs can offer an affordable alternative to the standard hotel room amenities.

Currently, the City of Ontario does not have an ordinance regulating STRs.

BACKGROUND:

As of 08/29/2024, there are at least 8 listings on websites advertising STRs in Ontario, with some property owners listed as being hosts for at least the past 8 years. There are multiple properties available in Nyssa, Vale, Adrian, as well as in the neighboring Idaho towns. Across the United States, STRs represent a \$64 billion market with over 2.4 million properties and 785,000 hosts.

CURRENT SITUATION:

In Oregon, there is no uniformed legislative requirement that regulates STRs. While there are many jurisdictions that have adopted local ordinances to address STRs, many remain unregulated today.

Eastern Oregon Jurisdictions:

Malheur County No STR ordinance

County Seat: **Vale** No STR ordinance

Baker County No STR ordinance

County Seat: **Baker City** No STR ordinance. Transient lodging tax ordinance in place (2006)

Wallowa County Ordinance adopted 10/11/1999, amended 06/16/2003

County Seat: **Enterprise** No STR ordinance. Transient lodging tax ordinance in place (2019)

Union County 07/17/2024 Board of Commissioners approved 1st reading on STR Ordinance
County Seat: **La Grande** Ordinance adopted in 2023

Umatilla County No actual STR ordinance - Lodging defined, but no standards set
County Seat: **Pendleton** No STR ordinance. Transient lodging tax ordinance (2022); long-term rental defined only

Grant County No STR ordinance
County Seat: **Canyon** No STR ordinance

City

Harney County No STR ordinance
County Seat: **Burns** STR and Transient lodging tax ordinance in place

ANALYSIS:

A. **STRATEGIC PLAN** Analyze and compare the positive and negative impacts:

B. **FINANCIAL COMMUNITY POSITIVE IMPACTS**

FINANCIAL:

- **PRIVATE:** STRs can offer a supplemental source of revenue to homeowners, from properties they already own. An STR landlord can on average make upwards of 30% more revenue than they would on a rent-controlled property.
- **PUBLIC:** All STRs are subject to the transient lodging tax, which is 1% of the rent charged by the operator. The transient lodging tax is distributed to Four Rivers Cultural Center and Museum, an Oregon nonprofit public benefit corporation, so long as Four River Cultural Center qualifies as a “tourism-related facility”, per ORS 320.300(9)

ECONOMIC:

- Economic boost for local businesses through increased tourist traffic, which could result in higher sales and visibility for businesses. Traditionally, STR guests tend to stay longer than traditional hotel guests, allowing them more time to explore and spend money within the community. The extended duration of stay can lead to a more significant economic impact on local businesses, especially those offering unique products or services that appeal to travelers seeking an authentic experience.
- Potential job creation impact by producing hospitality, cleaning and maintenance jobs.

COMMUNITY NEGATIVE IMPACTS

FINANCIAL:

- Local jurisdictions have had to expand public funds allocated to code and law enforcement to react to problems caused by STRs.

- Loss of hotel/motel workforce to the STRs can cause distress and have an adverse impact on job retention and growth.

ECONOMIC:

- STRs can cause housing disruptions by decreasing both long-term rentals and housing availability, which can lead to an overall housing shortage and available housing supply.
- Increase in housing value, which can displace and marginalize lower-income households
- STRs can be disruptive to the traditional lodging providers that are at a competitive cost disadvantage. Traditional lodging providers – hotels/motel offer a range of services and are subject to more regulatory requirements than STRs and are unable to recuperate revenues lost to STRs.

SOCIAL:

- STRs can significantly alter the stability of residential neighborhoods. Mismanaged STRs can make properties and neighborhoods littered or even vandalized.
- STRs are often accompanied by noise complaints, parking congestion or even criminal activity.

- C. **TIMING** Ordinance will have to be adopted by City Council, through a public hearing process, with appropriate public notices.
- D. **POLICY/LEGAL** Ordinance will have to be adopted by City Council, through a public hearing process.

ALTERNATIVES:

The Planning Commission may choose not to regulate STRs at this time yet.

RECOMMENDATION:

CONCLUSION

Based on current trends of the industry, short-term rentals are a new type of lodging accommodation becoming more available and sought after by consumers. Ontario is a border community, with a high transient lodging demand and regulating short-term rentals will benefit the City of Ontario and protect its residents and visitors.

STAFF RECOMMENDATION

The lack of a short-term rental ordinance can become a bigger problem, as STRs become more popular. Staff recommends that Planning Commission welcomes public comment and input and adopts an ordinance, that can meet the community's needs and advances Ontario's mission to create a healthy, safe, diverse and prosperous city.

ATTACHMENTS:

1. SHORT TERM RENTAL ORDINANCE DRAFT
2. STR Staff Report

SHORT TERM RENTAL ORDINANCE No.XXXXX

Other existing definitions can be found in Title 10A-03

Definitions to be added to Title 10A-03:

10A-03-35.1: “BEDROOM” means a room intended and permitted to be used for sleeping purposes as defined by Oregon Residential Specialty Code, and has the following attributes, including but not limited to: a minimum of 70 square feet of floor space and not less than 7 feet in any horizontal dimension; a ceiling height of not less than 7 feet; light, ventilation and heating; an emergency escape and rescue opening, as defined by Oregon Residential Specialty Code; a smoke alarm and a carbon monoxide detector.

10A-03-65.1: “CONTACT PERSON” means the property owner or owner’s designee for the short-term rental, authorized to act on owner’s behalf. The contact person shall be available to be contacted at all times, 24 hours a day, 7 days a week. The contact person shall be able to respond by telephone within thirty (30) minutes to complaints directed by the local non-emergency line and shall respond in person within thirty (30) minutes to any additional or successive complaints, conduct of the occupants or operation of the short-term rental.

10A-03-83.1: “ESTATE HOME” means a single-family dwelling with five (5) or more bedrooms.

10A-03-185.1: “SHORT-TERM RENTAL” or “STR” is the rental of a dwelling unit in its entirety, on a day-to-day basis for a less than thirty (30) consecutive days.

10A-57-101 – SHORT-TERM RENTALS

10A-57-102 – Purpose

To provide guidance, standards and regulatory requirements to operate short-term rentals in an equitable manner, with the goal of minimizing impacts to the residential housing stock and existing neighborhoods. Short-term rentals shall be permitted in the following residential and commercial zones: RS-50, RD-40, RM-10, R-MH, C-1, C-2 and C-3.

10A-57-103 – Standards and requirements

All short-term rentals must be permitted and licensed. To qualify to obtain a permit and retain a license, the following standards and requirement must be met:

- (1) One active short-term rental permit is permitted per parcel. A single-family dwelling with an accessory dwelling unit shall not be rented separately to different parties, as this would be considered two separate short-term rentals on the same parcel and not permitted under this article.
- (2) All short-term rentals must comply to the term “dwelling”, as defined in section [10A-03-74](#) of Ontario Municipal Code. No non-conforming or non-permitted dwelling units shall be permitted as short-term rentals. Short-term rentals shall not include the use of a recreational vehicle, travel trailer, tent or other temporary shelter.
- (3) All short-term rentals shall be subject to the transient lodging tax requirements, as defined in section [3-18](#) of Ontario Municipal Code.
- (4) Maximum occupancy shall be limited to two persons per bedroom, plus two additional persons, not including children under the age of 12. Regardless of the number of bedrooms, the maximum short-term rental occupancy shall not exceed ten persons plus up to three children under the age of 12.

The maximum occupancy per bedroom requirement shall not apply to Estate Homes. The maximum occupancy of an Estate Home shall not exceed sixteen persons plus up to three children under the age of 12.

The number of bedrooms of a short-term rental shall be verified at the time of license issuance, license renewal and upon physical inspection of the short-term rental.

- (5) Each short-term rental shall have a designated contact person. The contact person shall be available to be contacted at all times, 24 hours a day, 7 days a week. The contact person shall be able to respond by telephone within thirty (30) minutes to complaints directed by the local non-emergency line and shall respond in person within thirty (30) minutes to any additional or successive complaints, concerns regarding the conduct of the occupants or operation of the short-term rental.
- (6) Each short-term rental shall be equipped with a minimum of one functioning fire extinguisher, placed in a visible and easily accessible location. Functioning smoke detectors shall be installed in each bedroom and outside of each bedroom. All electrical outlets and light switches shall have face plates.
- (7) All parking shall be contained onsite and shall meet the parking standards defined in section [10A-57-75](#) of Ontario Municipal Code. Enclosed garages or fenced

parking areas shall be easily accessible to guests at all times.

- (8) All short-term rentals shall comply to the noise control requirements defined in section [6-1-6.2](#) of Ontario Municipal Code. Quiet hours shall be observed between ten o'clock (10:00) P. M. and seven (7:00) A. M. of the following day.
- (9) Events that exceed maximum occupancy, unattended barking dogs or actions that exceed the noise control regulations are explicitly prohibited.

10A-57-104 – Application and License Requirements

- A. All short-term rentals shall be permitted. An application must be submitted to the Community Development Center. The applicant has the burden of proof to demonstrate compliance with standards defined in section 10A-57-103 of this title. An applicant for a short-term rental shall provide and certify the following information:
 - (1) Owner's and applicant's name, permanent residence address, phone number, email address and the short-term rental's physical address.
 - (2) Contact person for the short-term rental and the contact person's phone number, address and email address.
 - (3) A site plan and floor plan, drawn to scale, showing property boundaries, proof of access to a public right-of-way, building footprint, location and dimensions of parking spaces. The floor plan shall include the dimensions and locations of all bedrooms and space to be made available to the short-term renters.
 - (4) Proof of garbage service.
 - (5) Proof of liability insurance.
 - (6) Transient lodging business registration, as required per section [3-11-7](#) of Ontario Municipal Code.
 - (7) Inspection consent authorizing City of Ontario staff to conduct required inspections, including upon issuance and renewal of the short-term rental license.
 - (8) A copy of the house rules.
 - (9) Licensing fees.
- B. All short-term rental applications shall be filed, the appropriate fees paid, a review date scheduled, and Hearing officer review conducted according to the provisions of section [10B-04](#).
- C. A short-term rental license is valid for one calendar year and shall be renewed

annually by the last day of the month of the anniversary date of each ensuing year. The renewal license fee shall be paid before a renewal can be authorized. If the contact person changes during the 12-month period, the property owner shall notify the City in writing, within 30 days of the change and provide all new contact information. Failure to maintain current and correct contact information for the contact person or failure of the contact person to respond to calls, as required by section 10A-57-103(5) of this title, shall be considered a violation of this Ordinance and documented as a violation.

- D. An approved license shall be mandatorily posted both on the interior and exterior of a dwelling unit.

The interior posted license shall include: the license number and its expiration date, the number of bedrooms permitted as a short-term rental, the maximum occupancy, the number of parking spaces, the contact person for the short-term rental and the local non-emergency number.

The exterior posted license shall be displayed in a manner that is visible and easily read from the public right-of-way. The exterior posted license shall include: the license number and its expiration date, the local non-emergency number, the property address and the contact person for the short-term rental.

- E. A short-term rental license is not transferable and is issued to an owner and to a specific property. An owner shall hold a maximum of one short-term rental license at one given time. A change in ownership shall void an existing short-term rental license.

- F. A short-term rental license shall be revoked if:

- an owner fails to renew a license,
- if there have been 3 or more unresolved complaints or violations within a 12-month period,
- if the operation of the short-term rental presents a public, health or safety risk.

- G. Upon revocation of a short-term rental permit, a property owner shall not be permitted to submit a new application for a short-term rental permit for a period of two years from the date the permit was revoked.

A **Short-Term Rental (STR)** is a fully furnished self-contained apartment or dwelling unit, that can be rented for short periods of time – less than 30 consecutive days, also known as “transient lodging”.

STRs can offer an affordable alternative to the standard hotel room amenities. Currently, the City of Ontario does not have an ordinance regulating STRs.

BACKGROUND

As of 08/29/2024, there are at least 8 listings on websites advertising STRs in Ontario, with some property owners listed as being hosts for at least the past 8 years. There are multiple properties available in Nyssa, Vale, Adrian, as well as in the neighboring Idaho towns. Across the United States, STRs represent a \$64 billion market with over 2.4 million properties and 785,000 hosts.

In Oregon, there is no uniformed legislative requirement that regulates STRs. While there are many jurisdictions that have adopted local ordinances to address STRs, many remain unregulated today.

Eastern Oregon Jurisdictions:

Malheur County	No STR ordinance
County Seat: Vale	No STR ordinance
Baker County	No STR ordinance
County Seat: Baker City	No STR ordinance. Transient lodging tax ordinance in place (2006)
Wallowa County	Ordinance adopted 10/11/1999, amended 06/16/2003
County Seat: Enterprise	No STR ordinance. Transient lodging tax ordinance in place (2019)
Union County	07/17/2024 Board of Commissioners approved 1 st reading on STR Ordinance
County Seat: La Grande	Ordinance adopted in 2023
Umatilla County	No actual STR ordinance - Lodging defined, but no standards set
County Seat: Pendleton	No STR ordinance. Transient lodging tax ordinance (2022); long-term rental defined only
Grant County	No STR ordinance
County Seat: Canyon City	No STR ordinance
Harney County	No STR ordinance
County Seat: Burns	STR and Transient lodging tax ordinance in place

COMMUNITY POSITIVE IMPACTS

FINANCIAL:

- PRIVATE: STRs can offer a supplemental source of revenue to homeowners, from properties they already own. An STR landlord can on average make upwards of 30% more revenue than they would on a rent-controlled property.
- PUBLIC: All STRs are subject to the transient lodging tax, which is 1% of the rent charged by the operator. The transient lodging tax is distributed to Four Rivers Cultural Center and Museum, an Oregon nonprofit public benefit corporation, so long as Four River Cultural Center qualifies as a “tourism-related facility”, per ORS 320.300(9)

ECONOMIC:

- Economic boost for local businesses through increased tourist traffic, which could result in higher sales and visibility for businesses. Traditionally, STR guests tend to stay longer than traditional hotel guests, allowing them more time to explore and spend money within the community. The extended duration of stay can lead to a more significant economic impact on local businesses, especially those offering unique products or services that appeal to travelers seeking an authentic experience.
- Potential job creation impact by producing hospitality, cleaning and maintenance jobs.

COMMUNITY NEGATIVE IMPACTS

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- Local jurisdictions have had to expand public funds allocated to code and law enforcement to react to problems caused by STRs.
- Loss of hotel/motel workforce to the STRs can cause distress and have an adverse impact on job retention and growth.

ECONOMIC:

- STRs can cause housing disruptions by decreasing both long-term rentals and housing availability, which can lead to an overall housing shortage and available housing supply.

- Increase in housing value, which can displace and marginalize lower-income households
- STRs can be disruptive to the traditional lodging providers that are at a competitive cost disadvantage. Traditional lodging providers – hotels/motel offer a range of services and are subject to more regulatory requirements than STRs and are unable to recuperate revenues lost to STRs.

SOCIAL:

- STRs can significantly alter the stability of residential neighborhoods. Mismanaged STRs can make properties and neighborhoods littered or even vandalized.
- STRs are often accompanied by noise complaints, parking congestion or even criminal activity.

CONCLUSION

Based on current trends of the industry, short-term rentals are a new type of lodging accommodation becoming more available and sought after by consumers. Ontario is a border community, with a high transient lodging demand and regulating short-term rentals will benefit the City of Ontario and protect its residents and visitors.

STAFF RECOMMENDATION

The lack of a short-term rental ordinance can become a bigger problem, as STRs become more popular. Staff recommends that Planning Commission welcomes public comment and input and adopts an ordinance, that can meet the community's needs and advances Ontario's mission to create a healthy, safe, diverse and prosperous city.



**AGENDA REPORT
PUBLIC HEARING**
September 9, 2024

To: Planning Commission

FROM: Tatiana Burgess, Planning Director

SUBJECT: **ACTION 2024-07-10AZ: A REQUEST BY TY CURTIS, REPRESENTING TY AND BECKY CURTIS FAMILY TRUST, FOR AN ANNEXATION OF TAX LOT 301 ON ASSESSOR'S MAP 18S47E05AA – A 0.34 ACRES PARCEL. THE PROPERTY WILL BE ANNEXED FROM ONTARIO'S URBAN GROWTH AREA TO THE CITY LIMITS, ZONED RS-50 (SINGLE-FAMILY RESIDENCE)**

DATE: September 3, 2024

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE ANNEXATION OF 0.34 ACRES OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA+RS) TO CITY SINGLE-FAMILY RESIDENCE ZONE (RS-50) AS SET FORTH IN ACTION 2024-07-10AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.

2. I MOVE THAT THE REQUEST FOR ANNEXATION OF 0.34 ACRES OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA+RS) TO CITY SINGLE-FAMILY RESIDENCE ZONE (RS-50) AS SET FORTH IN ACTION 2024-07-10AZ 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 ANNEXATION OF 0.34 ACRES OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA+RS) TO CITY SINGLE-FAMILY RESIDENCE ZONE (RS-50) AS SET FORTH IN ACTION 2024-07-10AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT 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).

SUMMARY:

The subject property, identified as tax lot 301 on Assessor's Map 18S47E5AA, currently zoned UGA Residential, would be annexed to the City of Ontario and be zoned RS-50 (Single-Family Residence) as shown in this report.

BACKGROUND:

In 2020, the subject parcel consisted of 0.97 ac, more or less, zoned Residential (RS) within the Urban Growth Area. Per Ordinance #2780-2020 (Malheur County Recorded Instrument #2020-4380), a portion of the parcel (27,549 sq. ft. or approximately 0.63 ac. more or less) was rezoned to Light-Industrial (I-1) within the Urban Growth Area, with the intent of processing a property line adjustment, and add the newly rezoned land to the adjacent tax lot 300 on Assessor's Map 18S47E05AA. The deed for the property line adjustment was filed on April 6, 2021, and was done to align the property lines with the existing occupational lines. The remaining parcel, consisting today of 14,908 sq. ft. or approximately 0.34 ac., zoned Residential within the Urban Growth Area, is already developed. There is a single-family dwelling on the property, constructed in 1966. The adjacent right-of-way (N Verde Dr) was previously annexed to the City by Ordinance #2757-2019.

This request for annexation 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 the annexation of tax lot 301 on Assessor's Map 18S47E05AA to the City limits, within the Single-family Residence (RS-50) zone, consisting of 0.34 ac., more or less.

CURRENT SITUATION:

The proposed annexation 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.

Annexation:

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

Findings:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.
3. The property is currently zoned Residential within the Urban Growth Area, and the annexation will cause the property to be zone Single-family Residence (RS-50), consistent with contiguous properties.
4. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and 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** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to finalize the process that originated a few years back.
- D. **POLICY/LEGAL** The proposed annexation must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is consistent with the Comprehensive Plan.

An annexation 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 from Urban Growth Area Residential zone to City Single-family Residence zone of the subject property as per the report.

ATTACHMENTS:

1. Attachment 1 - Annexation Parcel Legal Description
2. Attachment 2 - Annexation Boundary Map
3. Attachment 3 - Parcel Before Annexation
4. Attachment 4 - Parcel After Annexation

Attachment "1"

Annexation Boundary Description

A parcel of land situated in the Northeast Quarter of the Northeast Quarter of Section 5, Township 18 South, Range 47 East, Willamette Meridian, City of Ontario, Malheur County, Oregon; being more particularly described as follows:

BEGINNING at a No. 5 rebar on the westerly right-of-way line of Verde Drive which is S 00°06'15" W, 616.00 feet and N 89°44'06" W, 30.00 feet from the northeast corner of said Section 5; thence, on the boundary line of that certain parcel of land described in Deed recorded January 10, 1997 in Instrument No. 97-307, Malheur County Records, N 89°44'06" W, 126.00 feet to a No. 5 rebar; thence N 00°06'15" E, 57.42 feet (previously 52.42 feet) to a No. 5 rebar as resolved by Malheur County Survey recorded October 4, 2006 as Survey No. 18-47-0814; thence, leaving said boundary line, N 00°05'33" W, 47.29 feet to a No. 5 rebar; thence N 87°47'48" E, 76.29 feet to a No. 5 rebar; thence N 41°25'39" E, 75.62 feet to a No. 5 rebar on said right-of-way line; thence on said right-of-way line S 00°06'15" W, 164.93 feet to the point of beginning.

Subject to easements and rights-of-way of record. Containing 14,908 Square Feet, more or less.

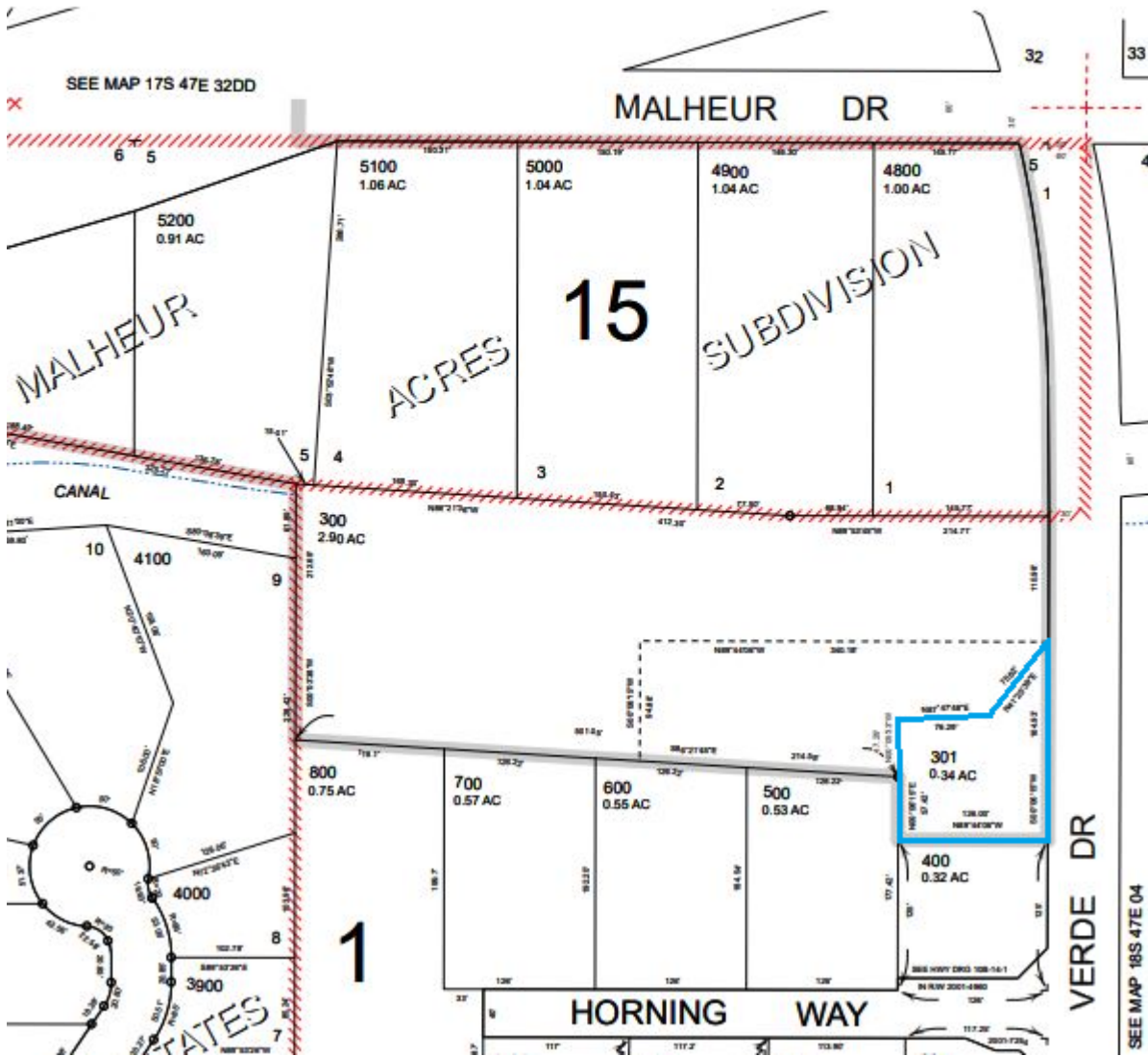
- End of Description -

Attachment "2"

Annexation Boundary Map

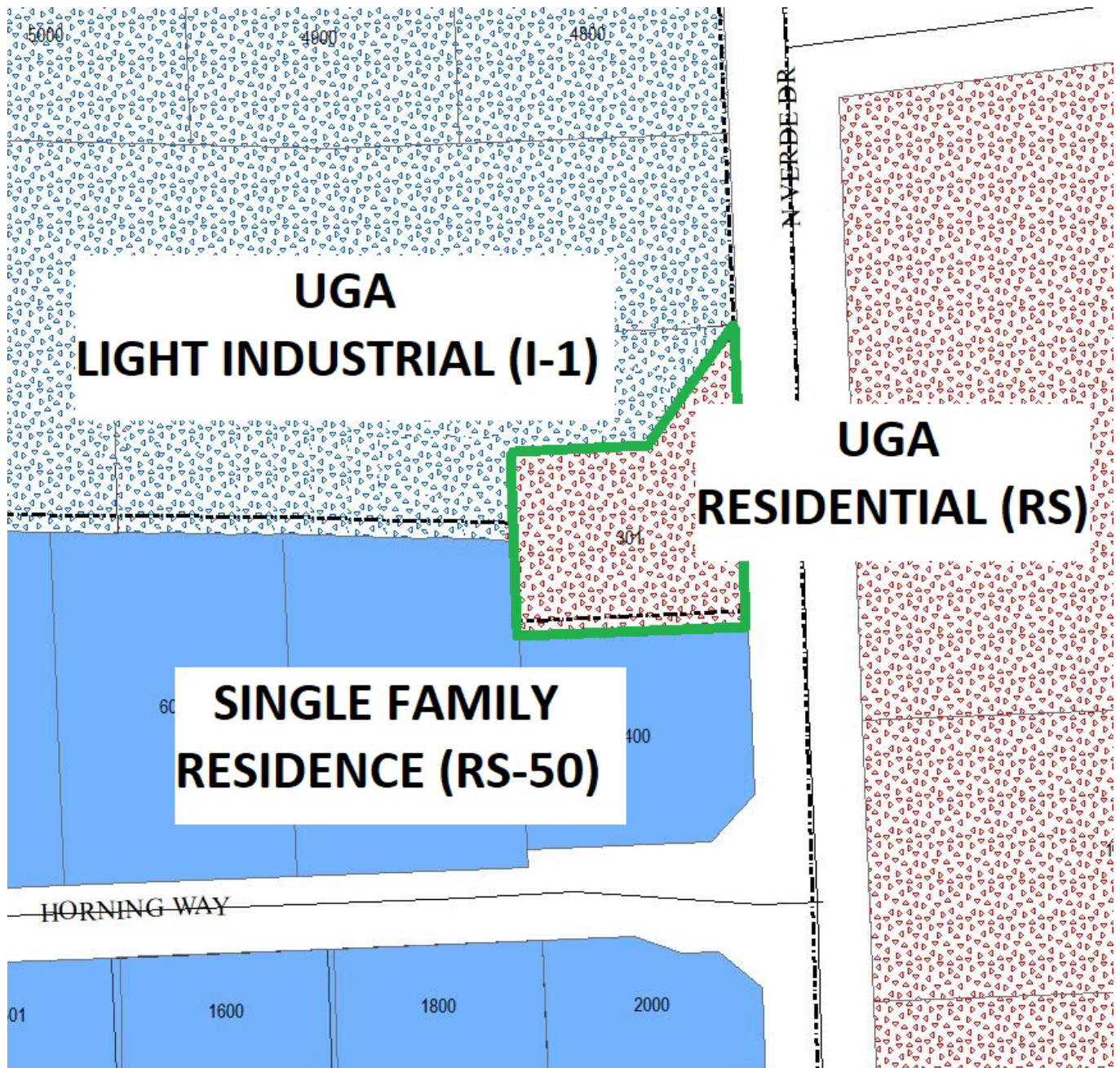
N.E. 1/4 N.E. 1/4 SEC. 5 T.18S. R.47E. W.M.
MALHEUR COUNTY
1" = 100'

18



Attachment "3"

Parcel Before Annexation



Attachment "4"

Parcel After Annexation

