

**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, FEBRUARY 10, 2025, 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 _____ Al Christiani _____ James Grissett _____ Max Twombly _____ Tyler Whitaker _____
William Ecret _____ Chair John Breidenbach _____

Council Liaison _____ 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 January 13, 2025

A) Motion to Adopt Minutes for January 13, 2025

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) SPECIAL ACTION

A) Welcome new Planning Commission Members - Mr. Tyler Whitaker and Mr. William Ecret

B) Election of Chair and Vice-Chair

7) PUBLIC HEARING

A) ACTION 2025-01-01AZ: A REQUEST BY Larry Kine, representing Thistle & Nest Nonprofit, for the ANNEXATION AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2)

B) Discussion: Short-Term Rentals and Direction Whether to Adopt/Not Adopt a Short-Term Rental Ordinance

8) HAND-OUTS/DISCUSSION ITEMS

A) SEI Filing and training announcement

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN



PLANNING COMMISSION MEETING MINUTES
Monday, January 13, 2025
6:00 pm

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, Al Christiani and Chairman John Breidenbach. James Grissett appeared online via Zoom. Max Twombly arrived at 6:05. Two chairs were vacant.

City Staff present were: Dan Cummings, City Manager; Jennifer Braden, P&Z Technician; Eddie Alvarez, Building Official 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 January 6, 2025. Copies of the Agenda were available at the City Community Development Center.

Commissioner Christiani led everyone in the Pledge of Allegiance.

Chairman Breidenbach welcomed Commissioner Christiani to the Planning Commission.

ADOPTION OF AGENDA

Al Christiani moved, seconded by Blu Fortner, to adopt the Agenda as presented. Roll call vote: Fortner-yes; Grissett-yes; Christiani-yes; Breidenbach-yes. Motion carried 4/0/0.

ADOPTION OF MINUTES FROM NOVEMBER 18, 2024, MEETING

Blu Fortner moved, seconded by Al Christiani to adopt the minutes from November 18, 2024, as presented. Roll call vote: Fortner-yes; Grissett-yes; Christiani-yes; Breidenbach-yes. Motion carried 4/0/0.

There were no unscheduled public appearances.

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

Commissioner Twombly arrived at 6:05.

Chairman Breidenbach opened the Public Hearing.

Ms. Burgess presented the staff report.

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

BACKGROUND:

As of August 29, 2024, there are at least eight listings on websites advertising STRs in Ontario, with some property owners listed as being hosts for at least the past eight years. There are multiple

properties available in Nyssa, Vale, and 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.

At the September 9, 2024, Planning Commission meeting, a first discussion on the matter was initiated; however, no action was taken. The Planning Commission made a motion to table for discussion. A second hearing was held on November 18, 2024, with no action taken at that meeting, and the discussion was tabled once again.

CURRENT SITUATION:

In Oregon, there is no uniform legislative requirement that regulates STRs.

The City of Ontario's Planning Commission held two hearings to date, to discuss this matter: September 9, 2024, and November 18, 2024. The first hearing was not attended by any members of the public. The second hearing was attended by community members, as well as several STR owners. One of the STR owners, Mr. Clark, asked if there were any statistics available regarding fire losses. National data is available on the National Fire Protection Association (NFPA) website: <https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/fires-by-occupancy-or-property-type>.

Another discussion point was around the TOT collected across the state by other jurisdictions. Detailed TOT data is available on the Oregon Department of Revenue's website: <https://www.oregon.gov/DOR/programs/businesses/Pages/lodging.aspx>.

The new iteration of the draft ordinance is intended to maintain a good neighbor policy by encouraging business opportunities for some property owners, while preserving the rights of other property owners, residing in residential neighborhoods. The STR ordinance offers an expansive ability to allow operation of STRs beyond the residentially zoned properties, and includes the commercially zoned properties within the city limits. At the same time, the new draft proposes expanding STRs ownership for up to six STRs per owner.

The new iteration of the draft ordinance also defines occupancy loads, as per fire and building codes regulations alone. That will enhance a fair and consistent occupancy load calculation. It also clarifies eligibility criteria to host events within the premises of the STRs, in a manner that will allow property owners to operate their business, and not put a strain on the tax payers' resources.

ANALYSIS:

- A. **STRATEGIC PLAN** Analyze and compare the positive and negative impacts.
- B. **FINANCIAL** None from the city; potential increase in TOT collection funds.
- C. **TIMING** Adoption of STR ordinance will allow property owners to be compliant with current TOT requirements.
- D. **POLICY/LEGAL** Ordinances are adopted by the City Council, through a public hearing process.

ALTERNATIVES:

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

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 adopt an ordinance, that can meet the community's needs and advances Ontario's mission to create a healthy, safe, diverse and prosperous city.

Commissioner Fortner noted that the draft ordinance had been changed to allow one property owner to have up to six short-term rentals.

Ms. Burgess confirmed the change. She stated that the conclusion had been made in conjunction with the City Manager. She said that the intention of the draft was to preserve the residential atmosphere in residential zones. She also pointed out that unlike many jurisdictions she researched, the proposed draft allowed short-term rentals in commercial zones. The allowance in commercial zones was also considered in the "one per parcel".

Commissioner Fortner asked if there would be a buffer zone between short-term rental properties.

Ms. Burgess said there was no density stipulation in the draft ordinance.

Commissioner Christiani asked for the definition of a parcel.

Ms. Burgess explained that "parcel" was a land use term defined within a deed as a legal description for a property, associated with that property owner, and a parcel could contain more than one tax lot.

Commissioner Breidenbach pointed out the change made to the contact person requirement.

Ms. Burgess confirmed and explained the draft now required the property owner to respond to a complaint within 30 minutes by phone, and to respond on-site within an hour for additional or excessive complaints.

Commissioner Grissett asked if a property owner could add a secondary contact person on their application.

Ms. Burgess confirmed that per 10A57-104, the property owner had the freedom to change the contact, and that the City must be made aware of any changes.

City Manager Dan Cummings gave a hypothetical situation where a renter may need to get in touch quickly with the property owner due to a maintenance issue in the home (not an emergency) that highlighted the need to have a contact person available.

Ms. Burgess added that Mr. Cummings was referring to an experience she had while renting an STR with her family when they had rented a short-term rental for a vacation.

Commissioner Christiani asked if the City had a process for people to file complaints.

Ms. Burgess explained the process that as it was given in the draft ordinance, and that listing the contact information on the interior and exterior of the property was part of that process.

Commissioner Twombly asked for clarification for how “one per parcel” would apply to a property that had multiple dwellings on one parcel, such as a duplex or four-plex.

Ms. Burgess replied that only one dwelling on a parcel with multiple dwelling units could be rented as a short-term rental.

Ex-Officio Susann Mills referenced a previous discussion by the Commissioners regarding the existing short-term rentals in Ontario and asked who would monitor the number of renters in a situation where individual rooms were being rented out within a home.

Ms. Burgess responded that if this ordinance was enacted those owners would be in violation of a standing ordinance. All violations would be dealt with as complaints. The City would not have a designated agent monitoring or patrolling short-term rentals. She also said that having an ordinance in place would allow the City to notify the listing agencies if a property was in violation.

Chairman Breidenbach asked if proper notice was given for this hearing.

Ms. Burgess affirmed that it was.

Chairman Breidenbach asked if any communication had been made to Ms. Burgess regarding this discussion.

Ms. Burgess indicated that she had communication via email with Nathan Clark, and that those emails had been included in the packet for the Planning Commission. She also explained she’d received an email during the afternoon of the Planning Commission meeting. A hard copy of the email had been printed and distributed to the Commissioners for the meeting. Ms. Burgess then read the email into the record:

Email from Adele Schaffeld, January 13, 2025, at 4:45pm

"I, Adele Schaffeld, an Ontario resident, citizen, and taxpayer at 1500 Crestway, Ontario, Oregon. I have the right to provide my thoughts and input on this process and/or any other item open for public comment.

I am following up with my same comments for the Short Term Rental Ordinance.

TOT tax, pay your taxes. We all pay taxes and this money funds the services provided in our community for those staying in our community from out of town.

Everywhere a owner is proposing to have a person sleep should be provided with the required egress and smoke detectors. The reason why this [sic] are mandated in current codes is due to actual deaths for sleeping where these are not provided.

Please remember you are sending your first responders into these buildings with people not familiar with their surroundings.

Thank you

Adele Schaffeld Griffin

Comments made as an Ontario Citizen"

Chairman Breidenbach asked the Commissioners if there were any questions for City staff. There were none.

Chairman Breidenbach asked for comments from proponents, opponents or other public testimony.

Shannon Aguiar presented testimony. Ms. Aguiar was not testifying as a proponent or opponent.

"I am Shannon Aguiar, I live here in Ontario, inside the City limits. My concern is going back to the one active short-term rental permit, to be permitted per parcel. So, my concern about that is...I understand not wanting to have a small 4-plex apartment building all be AirBNB's, or short-term rentals, but I still don't see a problem with a duplex being, having two short-term rentals in each of those units. And I don't see a problem having, like a main house. My parcel, for example, has a main house and then we have the additional building in the back. So, we also have a separate driveway for each building, so we have off-street parking and that kind of thing. But I just still don't see a problem with a minimum...a maximum of two. I mean, also, the City could also maybe increase that limit and then if you want to increase, or say like, you could have so many guests on the parcel, if you have two units, or something to that effect. I can see where you don't want twenty people in and staying in two separate parcels, but I just have a problem with that one, one active short-term. I'm glad that you extended it to six altogether, but I still don't see a problem with two on one parcel. A lot of people have mother-in-law quarters, some of those are separate buildings, maybe attached to the house in some way, but still as a separate unit. And I'm still thinking about people that like to, like retired people, they want to live here in the summertime when it's nice and then they want to snowbird to Arizona or someplace for the winter, and if they have someone there that's willing to manage a short-term rental so that they could have that little bit of extra income going on while their house is just sitting there, instead of just sitting there empty. The other thing that I just was questioning was the exterior plaque that she was talking about posting, to display the information. Our unit sits way at the back of the property, so the only thing that's out front for people to see is just a sign that says we have this unit in the back, it's not a major sign. So, is that where we would be posting that sign? I mean, would you want a plaque or just a sign out in front of our property if you can't see our unit in the back? That's kind of confusing to me, I didn't understand how that would work. We have all of our information set out in a binder inside our unit, all of our contact information, emergency contacts for City services and that kind of a thing too, so, we would not really want clutter up our unit with a whole bunch of different, you know, plaques and postings. So, we do have our business, or our C of O up there, so that people can see it. But, I'm just kind of concerned about that, too, just a little bit. Then the other thing I wanted to ask about was, it's under 10A57-103, it's the next paragraph after the one active short-term rental, it's paragraph number two where it's talking about "short-term rentals shall not include use of recreational vehicles, travel trailers and tent or other temporary shelter". My only question about that is, is that different if it's sitting in a park, in an RV park? If someone has an RV in a park would they be able to use that as a short-term rental, if they wanted to do that? Or does this just have to do with residential parcels so that you don't have people just coming and parking and RV they're and plugging into the house and rent it out as a short-term rental? So that's a question that I have about that. And, I think that was my only questions. Thank you." (28:35)

Chairman Breidenbach called Nathan Clark to testify.

Mr. Clark presented testimony as a proponent.

Nathan Clark, Ontario resident, 1455 Crestway, Adele's neighbor. I, first of all, thank you Tatiana for getting back to me and thank you for listening to us and ...[inaudible]. I am absolutely a proponent of this. As I mentioned last time I was here, I come from an engineering background, more specifically I dealt with manufacturing ISO compliance, which is a lot like, a lot like an ordinance just a lot more dynamic. So, I am very much for rules and regulation as it pertains to keeping people safe. My only caveat in that would be that one AirBNB per parcel. It does affect me directly but also I'm coming from the standpoint of if that standard is just being adopted as a starting point, being proposed as a starting point, I completely understand that we have to start somewhere. But, I'm trying to see where it's justifiable and for point in case, the lot just west of mine is a single-family residence but it has been turned into three relatively shabby apartments, just a single-family dwelling. It is long-term rental, but it is three of them in one family dwelling, so, I would request that we would have a discussion, maybe reconsider the single AirBNB per parcel. Aside from that I have no other opposition. Dan and I had spoke previously about finding a way to keep this, that we're doing, under the pretenses of this for us property owners to make some sort of residual income, to keep it from becoming like other cities where they end up having to get shut down ...[inaudible due to a background noise] of corporations owning ten, fifteen pieces of real estate and renting them out. I see where having a direct contact where maybe somebody has to be available within an hour, that can, can help curb that, perhaps, the problem is if the contact is just somebody they've hired here to be a host it doesn't really address keeping that kind of stuff out. I don't have an exact solution for that but I think it is something that probably still needs to be considered. And, furthermore, in the permitting process to get these, I might suggest that, especially if it's to establish an AirBNB that has already been operating for us, perhaps it's just for re-permitting. It should be, they should be looking at VRBO, AirBNB, and make sure that that property is in good standing, that it hasn't fallen below 3 stars or something. That should be a consideration to make sure that we're keeping, that Ontario's and everywhere people come to stay in AirBNB's, they don't have, you know, we've all heard the AirBNB horror stories, and AirBNB's are much like hotels – you stay in the cheapest hotel in Dallas, Texas, you probably ought to carry a gun, you know what I mean? So, you do have to do your due diligence in taking care of an AirBNB as well, but you can do a little to keep it on the up and up for everyone. I have nothing further."

Chairman Breidenbach called Derrick Draper to testify.

Mr. Draper presented testimony as an opponent.

"Good evening. My name is Derrick Draper and I live in the County of Malheur, just outside of Ontario. I certainly appreciate your time and the work that's gone into this. I do have a number of issues with the new draft. First of all, I'd like to pose a couple questions. If I need someone in the City, and it's a, let's say it's Memorial Day weekend, and I call the City and I need Dan Cummings, I'm not going to get a hold of that guy for at least three days, if it's a Friday night, and probably not four. And so, realistically, to have someone available 30 minutes after an incident, let's back up a second. That incident really isn't a City issue, that incident is an issue between the host or the owner of the AirBNB and the client. It's not a government issue at all. If that client isn't happy with that, then they can make a complaint to AirBNB. It's not a government issue. To have someone readily available...my family camps, we go dirt camping, we don't have cell phone service for over a week. Now, we can have alternative people, and that's certainly, but 30 minutes? Think of your own schedules. Can you be available sometimes within 30 minutes, even an hour? That's unreasonable, simply unreasonable. My next question: long-term rentals. What about trailer parks? Are they under any of these guidelines, policies, procedures? Any of them? Or is this just discriminatory towards short-term rentals? So, along with that, it says that we can only have, if my home can have six people in there, I can only have six people there on the premis [sic] the whole

time. Do trailer parks have that rule? Do long-term rentals have that rule? Why are we so special? I get the tax issue, by the way I looked this up, out of the 45 cities in the State of Oregon that have a tax, City tax, we're the poorest county in the State, right? Everybody acknowledges that? We're the third highest City tax, TOT tax. Lake Oswego is 6%, one of the richest parts of the State, and we're almost double. We don't need to start this with all of these restrictions. There's been one complaint over years of these happening, one. And all of a sudden now we have all of these things, all these guidelines, all these procedures, that don't even make sense, to some extent. The bedrooms. Everything that has been proposed, very little has been changed from the last time we were here, very little. And, I'm just asking you to think, in your own businesses, in your own homes, if you had to live by these guidelines, how would you feel? Thank you."

Mr. Breidenbach called Kate Draper to testify.

Mrs. Draper presented testimony as an opponent.

'Hi, I'm Kate Draper, and I live with Derrick. We do live outside of the Ontario City Limits, we're in Malheur County, and I'm the managing partner of an AirBNB that is outside of Ontario City Limits, so it's in the Urban Growth development area. So, I understand that this City ordinance is not affecting the AirBNB that I manage yet, but I see that could be coming down the lane so that's why we have an interest in what you're discussing here tonight. I do appreciate your time. Derrick and I obviously have similar points of concern. I think my main concern is that it's just too much government in people's private business. This City ordinance is too restrictive, you've got your fingers in everybody's pie, and I think that it's unnecessary. I am not against having rules and regulations and laws for safety, but it does feel unfairly directed toward short-term rentals where, as Derrick pointed out, there aren't similar restrictions for how many people you can have stay the night at your house for an RV park, or a trailer park, or a long-term rental, or a private residence. It just is not, it is just unfairly directed towards short-term rentals and I don't see the reasoning behind that kind of restriction. The number of people in the bedrooms, two per bedroom plus two additional and then I don't, I think it doesn't include children. It's too restrictive. People like to come, like to have their families, if they want to sleep on the floor then they sleep on the floor. If there are exits, and windows, that's fine, they can get in and out. The one that I really, really dislike, 10A57 down to number 9, Events. [Reading] "Events that exceed a maximum single family dwelling occupancy are prohibited" [End of reading]. So if you've got a house with, you know, two bedrooms, and you can put two per bedroom plus two more, you've got six people, you can't have an event at that house, with more than six people on a property. That's unreasonable. It's, people come, people come, we had guests that came for a funeral, there was like, four people staying in the very large home that I manage, but they came for a funeral and then they invited their family to come and hang out and visit after the funeral on the property. So, then there were, I don't know how many people there were, I wasn't there, a bunch of people. I was in communication with the lady who was there and the guest who was renting it from us. I knew that they were having people there, we provide off-street parking, there's plenty of room, there's an outdoor swimming pool people were enjoying. I don't want to take that away from anyone, they should be able to have gatherings at my property. There's already ordinances restricting noise, or barking dogs, it's fine. But this [inaudible] is already covered, you've already got that all covered. So, I would ask you to consider some of what I'm saying, that it's too restrictive, too much government in private people's businesses, private people's lives, and that it's unfairly directed at short-term rentals and not at any other population. The...I don't think there's very many AirBNB's in Ontario, something like 8 or something in the City limits, I could be off a few on that. [Unknown speaker commented that there were 7] Seven? So, this just seems like you're just going at it with all guns blazing and it could probably be toned down a whole lot. I think, like Derrick mentioned, I

don't think it's been a big problem. If you're really after your money for your TOT tax, ok, make sure you're getting your tax. The rest of it is just excessive, in my opinion. And I know you guys don't want anybody telling you how many people you can come over to your house. So, think of it that way, and I appreciate your time."

Chairman Breidenbach asked Ms. Burgess to present rebuttal.

Ms. Burgess thanked the members of the public for their testimony.

Rebuttal points:

1. Limitation per parcel – Ms. Burgess explained her process, how she reviewed the ordinance with the City Manager and researched other jurisdictions' regulations to see what the general requirements were, with the goal to be consistent with other ordinances. She explained that that the Planning Commission would be responsible for creating an ordinance and that she was staff to the Planning Commission body. She recommended preserving consistency in neighborhoods, but ultimately she would follow directions given to her by the Planning Commission.

Mr. Breidenbach asked for clarification on the "per parcel" language in the ordinance.

Ms. Burgess explained that in the case of a property with a main dwelling and an accessory dwelling on the same parcel, only one of the dwellings could be rented out as a short-term rental. She noted that an owner would not be prohibited from renting one of those two dwellings as a long-term rental. She also stated that the definition already existing in City Code for a dwelling had been used in this draft ordinance.

2. Exterior posting of owner contact information – Ms. Burgess explained that the location of the posting wasn't specifically designated. The ordinance required that the posting be displayed in a manner that was visible and easily read from the public right-of-way in order to discourage trespassing. The location of the posting could be reviewed at the time of permitting and the Planning Department would work with the owner to find the best possible location.

3. RV's used as short-term rentals within an RV park – Ms. Burgess explained that RV's located in an RV park were subject to that specific park's rules and that many of the parks rented their spaces out on a monthly basis. Malheur County's ordinance defined "stays" as less than 30 days. She wasn't able to speak to the tax implications. She noted that that in the draft ordinance, a vehicle could not be used as a short-term rental because "short-term rental" was a land use definition and a structure being used as a short-term rental had to meet the building code's definition of a "dwelling".

City Manager Dan Cummings commented that RV parks located within City limits were subject to the TOT if they were rented for under 30 days. He confirmed that RV parks in Ontario paid the TOT.

Mr. Draper stated he felt that if RV parks are considered short-term rentals, they should be under the same obligations the draft was proposing.

Mr. Cummings responded that he would check with the existing RV parks to see if they regulated how many people stayed in the RV's at the park. He noted that the City may meet with RV Parks to review their policies in light of the new ordinance. He reminded Mr. Draper that an RV Park was a commercial

operation, not a single-family home in a residential zone. He stated that operating a short-term rental was operating a commercial operation in a residential zone. He stressed the importance of respecting the neighbors who had purchased homes in a single-family residence and explained that short-term rentals couldn't overshadow the residential zone. He restated that the City was trying to be as fair as possible to all parties and that there was no intention on "picking on" one type of entity. He pointed back to the research by Ms. Burgess and commented that some cities were severely restrictive towards short-term rentals, and some jurisdictions had even banned or removed them.

Mr. Draper asked if the City could consider not having any regulations regarding short-term rentals.

Mr. Cummings responded that the ordinance was necessary. He stated that the Planning Commission would make the recommendation for the City Council to consider, and the City Council would make the final decision.

Mr. Clark commented that it was his belief that from 1971 forward, all RV's had a placard on the unit with a maximum occupancy.

Continuing her comments on RV parks, Ms. Burgess informed the Commission that RV parks were subject to licensing, inspection and requirements under the Oregon Health Authority to operate as a lodging facility, and those requirements were State-wide, regardless of location or jurisdiction.

4. The number of short-term rentals per parcel – Ms. Burgess provided information regarding the neighbor to the west of Mr. Clark, whom he referenced in his public testimony. She explained that the home referenced was built as a 4-plex and it is being rented out as a 4-plex as part of the long-term rental supply.

She also noted that housing in the City, both owner-occupied and long-term rentals, was counted as part of the City's available housing supply. She explained that any short-term rentals that were permitted would change the actual number of units available for long-term occupation.

5. Contact person requirements – Ms. Burgess explained that goal was to create a fair standard in which a business owner was responsible for their business operation and not to put a strain on City services unnecessarily. She noted again that the ordinance did not restrict who could be designated as the contact person.

She reiterated that the owners may list as many alternative points of contact as they had available as long as the designated contact person could respond to a call as outlined by the draft ordinance.

6. "Good standing" host rating as part of City application review process - Ms. Burgess acknowledged the suggestion made by Mr. Clark to include the property's standing with their listing company and said it would be beneficial. She stated that it could possibly be added to the permitting/re-permitting review process.

7. Long-term rental occupancy – Ms. Burgess stated that long-term rentals were part of the available housing supply. She noted that occupancy load was reviewed when a new house or dwelling was permitted and long-term rentals had occupancy stipulations and requirements under the building codes.

8. Occupancy load – The initial definition for “bedroom” as given in the draft ordinance was created with input from both the City Building Official and Ontario Fire Chief. The decision was made to apply the ORS (Oregon Revised Statute) for the definition of a bedroom, as defined in ORS 90.262. The occupancy of a short-term rental was specifically designated to be tied to the space that was available. She noted that previous testimony had brought to light the fact that short-term rentals may have large areas that could be used as sleeping areas/bedrooms. Ms. Burgess explained that using the ORS definition of bedroom would allow the occupancy to better align with the use of the space. She explained that the minimum size of 70 square feet for a bedroom was a State Statute. She further explained that the draft actually expanded the occupancy allowed in a sleeping area by allowing an additional person for every 50 square feet of additional space. This would allow a short-term rental property to potentially have a larger maximum occupancy. Such areas would be reviewed at the time the permit application was reviewed.

9. TOT Tax rate in Ontario as the 3rd highest in the State – Ms. Burgess pointed out that the TOT was established by vote on a ballot measure passed by the citizens of Ontario, and thus she could not provide comment to that particular issue.

10. Ordinance being too restrictive – Ms. Burgess acknowledged the concern and the frustration expressed by the public comment testimony. She explained the City had a responsibility to view the issue from a long-term perspective. She stated that the City sought to set up life and safety standards that protected owners, renters and first responders. She stated that the City also had a responsibility to the property owners living near short-term rentals to keep the use appropriate for the zone in which they were located.

11. Events – Ms. Burgess referred to the draft ordinance language what stated that an event could be allowed on a case-by-case basis if an event is permissible in that zone, and if an assembly occupancy permit was obtained for the property. This language was added was to address life and safety concerns, to maintain the zoning restrictions which prohibited “event centers” in residential zones and to protect the integrity of the neighborhood surrounding the short-term rental property.

Ms. Burgess concluded her rebuttal.

Chairman Breidenbach asked Ms. Burgess if a homeowner had to get a permit from the City when hosting large groups of friends or family at their private home.

Ms. Burgess responded that the average private homeowner may host occasional large gatherings as part of their everyday life. She pointed out that short-term rentals were businesses and could potentially have new customers multiple times a month or week. A short-term rental, especially one with a high booking percentage, that allowed large groups on the property on a potentially ongoing basis, was not the same as a private owner hosting the occasional party. Allowing events would raise issues such as traffic impact and parking that would need to be addressed.

Chairman Breidenbach asked if the City could cap the number of event permits for a short-term rental property if events were allowed as proposed.

Ms. Burgess answered that the “case-by-case” language would allow the City to review the short-term rental to see if it was feasible to host large events. The City would assess the application to see if an event would have any negative impact on the neighbors. With an event permit, the neighbors would be informed and allowed to have notice and input. She noted that any venue that received a permit was

required to submit proposed operation hours, the number of events estimated, traffic plans, etc., as part of the permitting process.

Chairman Breidenbach asked if the short-term rental property owner in that case would be required to submit that type of information when seeking an event permit.

Ms. Burgess confirmed they would.

Commissioner Fortner commented that event spaces and short-term rentals were completely different businesses and would come under separate zoning and licenses.

Mr. Draper commented that AirBNB did not allow properties to hold events.

Commissioner Fortner responded it didn't seem that City was out of line to also prevent events at short-term rental properties and instead to keep those properties as places people would come to stay and use as short-term housing.

[Inaudible due to cross talking from multiple people.]

Commissioner Grissett stated his point of view was that most short-term rental customers weren't going to host huge events, rather, many would prefer to invite a group of family members to the rental property for a barbeque. He felt AirBNB owners would be negatively affected because they would lose renters who realized they wouldn't have the option to invite additional people to the rental property.

Mr. Fortner responded that he didn't feel that situation would apply, and that the City was addressing the situation of having large events not small family gatherings.

[Inaudible due to cross talking from multiple people.]

Ms. Burgess pointed out that there was no maximum occupancy number in the draft ordinance.

Commissioner Twombly asked Ms. Burgess for clarification for calculating occupancy in a bedroom, per the draft ordinance.

Ms. Burgess stated the City had removed the specific number of people allowed per bedroom and instead used the number of square feet per bedroom. Seventy square feet was required for the first two people, each additional person required an additional 50 square feet of space, in the area that was being made available for the short-term rental.

Mr. Clark commented that in the situation where a late week booking may want to hold an event at the short-term rental, they would need to apply for a permit, implying that there may not be enough time to process that permit according to the standards in the ordinance.

Commissioner Twombly asked Ms. Burgess what the occupancy would be on a 1200 square foot house, as an example.

Ms. Burgess replied that the City would look at the available space, which would be verified by the submitted floor plan. She confirmed that the bedroom/sleeping spaces would be used to calculate

occupancy, not the entire property. She also stated that age restrictions on occupants had been removed. She explained that using the definition of “bedroom” according to the ORS Statute for “bedroom” had appeared to be the best way to standardize the language.

Mr. Draper pointed out that language in the draft ordinance that referenced the age of occupants was still in place in Section 10A-57-103(4).

Ms. Burgess responded that the intent had been to remove all language pertaining to age, and that section was erroneously left in the draft. She said that it would be removed.

Commissioner Christiani asked how the City intended to enforce the ordinance, specifically to occupancy, and expressed that enforcement may be difficult for the City. He noted that many short-term rentals have other sleeping areas with futons, roll-out couches, etc., in rooms that were not specifically bedrooms.

Mr. Cummings responded that the Codes were needed as a mechanism to respond to and address complaints, and that Mr. Christiani’s concern could be applied to any code within the City. He agreed that enforcement was an ongoing struggle. He explained that short-term rentals were not the same as private family homes. A private family home may have more than the amount of people for which that house was designed but those people weren’t staying at the property as renters or customers. Short-term rentals were a business operation. He also pointed out that the City could be stricter in interpreting ORS and Building Code but not be less strict. He encouraged the Commission and the members of the public to keep the two uses separate and not grant short-term rental businesses the rights of a private homeowner.

Commissioner Grissett responded that he felt that when people rented a short-term rental, that was their home for the duration and many renters would want to invite others to the property to spend time together. He felt strongly that the occupancy load should not limit the amount of people at a short-term rental property.

Chairman Breidenbach responded and said that the language in the draft could still be reworked.

Mr. Cummings pointed out that when a structure is used as a different purpose than it was intended to be there would be complaints and the City must be able to address those complaints.

Mr. Draper asked how many complaints had been lodged against short-term rental properties over the years.

Chairman Breidenbach responded and said the Planning Commission still had to make a decision whether or not the City needed this Ordinance. He noted that it would still have to go to City Council for adoption, and there would be another chance at City Council to present testimony and input.

[Inaudible due to cross talking from multiple people.]

Chairman Breidenbach acknowledged that booking agencies have their own rules, that the City had a review process for renewing applications. He asked the Commission to decide what they would consider an “event”.

Commissioner Fortner said that it was likely that the Planning Commission would do something to prevent events at short-term rentals so that those properties didn't turn into event spaces in residential neighborhoods. He noted that the properties that got complaints were the ones that would be affected.

Mr. Draper replied and said the ordinance would limit events in a short-term rental.

Commissioner Fortner agreed and said the ordinance would definitely prohibit short-term rentals from becoming event spaces. He stated the goal was to create an ordinance for a business to rent a place to stay to people as they passed through, not a space to host events. Commissioner Fortner said that those uses were completely different and the Commission could not simply just allow it all.

Mr. Draper responded and said that the short-term rental property customers wanted to be able to bring over family members for a gathering, not to host a wedding or large party.

Ms. Burgess pointed out that in the City Code, residential zones only allowed home occupation businesses. The definition of home occupation included a business that operated out of the home and did not have any signage on the property for the business. She noted that events that "exceeding the single-family occupancy" were prohibited but would be allowed on a case-by-case basis, as permitted by zone. She stated that the language in the draft ordinance was more driven towards the commercial zones, since the City was allowing short-term rentals in commercial zones. She reiterated that the City already had Codes in place that restricted events in residential zones.

Commissioner Twombly asked for more clarification on the occupancy of a home, using his previous example of a 1200 square foot short-term rental dwelling.

Ms. Burgess responded that she had a chance to review the draft during the discussion, and she recognized an error in the draft ordinance. The intention was to use the ORS definition to define bedroom: two for 70 square feet of bedroom space, plus an additional person for each additional 50 square feet in the space. She noted that the first sentence of 10A-57-103(4) should have been crossed out on the draft ordinance and apologized for the confusion.

Commissioner Grissett asked what the thought process might be on a short-term rental that had a sleeper sofa in the living room, and if that space would then be considered a "bedroom".

Ms. Burgess confirmed. She explained the City would look at the floor plan to see how the owner had designated the areas of the home and that a living room where people slept could be considered a bedroom. Occupancy for that space would be calculated using the ORS definition, and life and safety requirements must be met. Closets were not required for bedrooms under the ORS definition of bedroom.

Commissioner Twombly stated that, given the ability designate non-bedroom spaces as bedrooms, a 1200 square foot home could designate the living room as a bedroom and the occupancy of the short-term rental would increase.

Mr. Cummings pointed out that the site plan submitted by the owners would determine those spaces.

Commissioner Twombly addressed a question to Commissioner Grissett and Mr. and Mrs. Draper. He asked how many people they would like to see allowed at a single-family home.

Mr. and Mrs. Draper indicated that they agreed with the definition of bedroom as explained but that they still felt strongly that the ordinance should not restrict additional people (over the maximum capacity) coming onto the property. Mrs. Draper expressed that they would be in violation if they had an afternoon where extra people gathered at the pool on their property, according to this ordinance.

Commissioner Grissett responded that he felt the word "event" was confusing the matter. He gave the example of six people who rented an "AirBNB" and then invited five people over for dinner. He stated he didn't feel that would qualify as an event. He felt that the language needed to address this issue more accurately. He felt that short-term rental customers would not be looking to hosting a wedding on the property, and that "event" was not the right term for this situation.

Ms. Burgess volunteered a compromise and said the draft could use the word "gathering" instead of "event".

City Building Official Eddie Alvarez asked if the wording could be changed from "event" to "family gathering" but somehow still contain the size of the gathering.

[Inaudible due to cross talking from multiple people.]

Chairman Breidenbach suggested that the language may be changed to say "prohibited for overnight occupancy" or something similar that would allow gatherings but prevent additional people sleeping on the property.

Mr. Draper added that complaints would determine the success of the ordinance.

Ms. Burgess asked the Chair for the opportunity to respond. She stated that the premise for any zoning regulation was to make sure that the use was contained within that property and that the use would not place a burden on the City or the neighbors. The City would determine the maximum occupancy based on the submitted floorplan of the house, and that owners would have to show compliance with the event requirements. The concern for the City was that properties that exceeded the maximum occupancy may not be able to accommodate for the requirements. She stressed that the City had a responsibility to find a happy medium for all the properties within the entire City.

Chairman Breidenbach said that the permitting process would determine the use and occupancy at the time of permitting.

Mr. Cummings noted that just because the listing site "AirBNB" expressly prohibited events on properties listed through their site, other listing sites (such as VRBO or Vacasa) may not, and the City had to be prepared to address all of the properties.

Chairman Breidenbach asked if the City could ask applicants for their proposed maximum capacity if extra people gathered on the property. He noted that short-term property sizes varied, and some wouldn't be large enough to host extra people, where others would be large enough to do so.

Commissioner Grissett commented that the City had only received one complaint, but that everything the Commission was discussing was currently allowed in residential neighborhoods. He remarked that he has neighbors who regularly throw large parties and that was a fairly common occurrence in neighborhoods, generally speaking. He also noted that short-term properties brought in tax and cautioned the

Commission against limiting tax revenue sources. He commented that the State had not implemented any specific short-term rental codes. He encouraged the Planning Commission not to let potential negative outcomes drive business and tax revenue away from the City. He also noted that the desire to have properties rented out regularly was also a positive aspect of short-term rentals in that owners would keep the property well maintained.

Commissioner Fortner agreed but offered the opposing point that housing shortages could be affected by short-term rental properties.

Mr. Draper commented that Ontario was losing people, and that Idaho was growing much faster.

Chairman Breidenbach restated that the goal of the meeting was to decide if the Planning Commission wanted Staff to continue to work on the short-term rental ordinance and take it to City Council or if they wanted to kill the whole thing. He noted that the Commission needed to decide to move forward or to table the discussion again.

Chairman Breidenbach asked Ms. Burgess if she had further comment. Ms. Burgess had none.

Chairman Breidenbach closed the Public Hearing and thanked the attendees for their testimony.

(Unless specifically addressed by the Planning Commission, comments from audience members were not included after the Public Hearing was closed).

Chairman Breidenbach asked the Commission to establish the Finding of Fact.

Mr. Cummings reminded the Commission would send either a favorable or unfavorable recommendation to the City Council, who would then make the final decision. The Planning Commission could not decide to cancel the action for a short-term rental ordinance.

Chairman Breidenbach asked if the Council would hold a Public Hearing regarding this ordinance.

Mr. Cummings confirmed they would.

Commissioner Twombly stated there were definite improvements in the second draft but that there appeared to be more adjustments before the Planning Commission could recommend the ordinance to the City Council. He said the Planning Commission needed to decide what City staff should be directed to adjust.

Commissioner Fortner agreed and stated that the process should not be rushed. He reminded the Commission and the members of the public that the final draft would not make every single person happy, but that the ultimate goal was to keep people safe and allow as much freedom as possible, where possible.

Commissioner Grissett stated that he appreciated the conversation and agreed that more discussion was needed. He asked that the ordinance be less restrictive initially. He noted that there had not been many complaints about short-term rental properties. He felt life and safety and TOT tax compliance were the key issues that the ordinance must address. He felt the other issues were "hearsay" until the Commission could hear valid data from residents of the City who could share their experiences with short-term rentals.

Chairman Breidenbach asked for the Commissioners if they wanted to table the discussion or to create a short-term rental ordinance that the Planning Commission could send to City Council for approval.

Mr. Cummings clarified that the Planning Commission must give City Staff direction on what portions of the ordinance should be edited or redefined in the current draft ordinance, not a create a brand new version of it.

Mr. Cummings also responded to Commissioner Grissett's comments and added that the TOT was only part of the issue, and that the complaint received by the City was due to concerns about an unsafe building being rented as a short-term rental.

Chairman Breidenbach asked for confirmation that City Council could change the ordinance when it came before them for approval.

Mr. Cummings confirmed they could. He stressed that the Planning Commission needed to complete the edits and revisions before sending any draft ordinance to the City Council.

Chairman Breidenbach directed the Planning Commission to address the the concerns had been discussed, including, the definition of events, clarification on number of people allowed on a property, and the number of units allowed on a parcel.

Regarding number of units on a parcel:

Planning Commission members gave two, three and four as the suggested number of dwellings on one parcel that could be operated as short-term rentals.

Commissioner Grissett commented that the size of the lot may be a factor and suggested the idea to create a formula that would account for a base number of allowed short-rental rentals on a parcel, then apply a percentage for any rentals over the base amount.

Ms. Burgess added that the Commission should consider the most recent Housing Needs Analysis. She reminded the Planning Commission that short-term rentals would subtract from the available housing that had been calculated and accounted for and would subtract from the overall inventory for in the City of Ontario.

Mr. Cummings added while duplexes were allowed in single family zones, there were a lot of non-conforming four-plexes in the City residential zones that were preexisting and not in compliance when annexed into the City or when City Codes were updated.

Commissioner Grissett asked if RV's needed to be designated in the new draft. Mr. Cummings replied that he would look into RV parks.

Commissioner Fortner asked if the Commission should consider more expansive language outside of single-dwelling zoning, to allow for more units on a commercial parcel or high-density parcel.

Commissioner Twombly responded and said that high-density buildings such as apartments or motels were better served operating as a motel rather than multiple short-term rentals.

Chairman Breidenbach acknowledged the points of discussion and stated that the goal was to find

Conclusion to number of units on a parcel: Chairman Breidenbach directed staff to change the number of short-term rentals allowed on a parcel from one unit to two. All Commissioners agreed.

Regarding Definition of Family Gatherings and limiting overnight stays:

Chairman Breidenbach suggested to the Commission they City staff strike the word "Event" and strike the work "prohibited" and reword the ordinance to clarify that only the people renting the property could be allowed to stay overnight.

Commissioner Twombly pointed out that this change wouldn't provide an absolute way to address maximum occupancy. The person reviewing permit renewal for a property would still have to make a subjective decision regarding any complaints that had been made against the property. He asked the Commission to consider a baseline that would allow complaints to be measured against specific violations.

Commissioner Fortner suggested that a multiplier of the maximum occupancy be considered, for example, two or three times the maximum occupancy would be allowed on the property during the daytime but not to stay overnight.

Chairman Breidenbach pointed out that the repeated occurrences may still be a violation.

Mr. Cummings agreed that the standards needed to be concrete in order to address complaints and keep the City response consistent and fair.

Commissioner Grissett agreed making the limit three times the maximum occupancy and noted that if noise complaints were generated, the complaints would be tracked.

Ms. Burgess reminded the Commission that there had not yet been any testimony or input from residents who lived in neighborhoods near short-term rentals. She asked the Commission to consider how the City Ordinance officer would be able to count an occupancy violation when responding to a complaint. She noted that all businesses in the City of Ontario were tied to a specific occupancy and that occupancy was based on the type of use. Single-family homes were originally permitted as single-family homes. A home used as an event center would need to have an occupancy tied to it. Lastly, she reminded the Commission that they were serving all the citizens of Ontario.

Mr. Clark asked for permission from the audience to address a point made by Mr. Cummings. He commented that listing agencies did have regulatory guidelines. He asked if the Planning Commission could consider limiting short-term rentals to only be listed under specific companies that were approved by the City and listed in the ordinance.

Mr. Cummings and other members of the Commission commented that doing so may be illegal and would not be a feasible option.

Chairman Breidenbach recommended proceeding with the occupancy multiplier as a resolution for that issue, and commented that the public would still have the opportunity to testify when the ordinance went before City Council.

Commissioner Fortner suggested that the ordinance could allow for three times the maximum occupancy rather than three times the single-family home occupancy.

Commissioner Christiani asked if anyone had an idea of what other jurisdictions required for maximum occupancy.

Commissioner Twombly shared anecdotal experience from his own family's experience renting short-term rentals. He commented that in his experience the vast majority of the properties his family stayed at would not allow more people at the rental than the stated maximum occupancy.

Chairman Breidenbach commented that he had seen some rental properties that restricted the number of vehicles allowed.

Ms. Burgess added that she had researched many other jurisdictions and found many cities had tighter regulations than the draft ordinance for Ontario. Some cities had restrictions regarding which listing agencies could be used. Other jurisdictions had density regulations, and some cities had revised their statutes more than once to make short-term rental density more restrictive. She reminded the Commissioners that the burden of enforcement for the draft ordinance fell on City staff.

Commissioner Grissett asked Mr. Cummings if there would be a mechanism to track complaints to a short-term rental property so that those complaints would be part of the property's record.

Ms. Burgess and Mr. Cummings affirmed that the exterior plaque posting and the licensing would provide that tracking. City staff (not the Planning Commission) would be responsible for tracking and resolving complaints for a property. Mr. Cummings also noted there would not be an immediate cutoff for a property that received one complaint or even two, and that the draft ordinance created a structure for the property owner to resolve the complaints. He noted that the process was the same for any complaint resolution in the City. The ordinance officer responding to the complaint would attempt to resolve the issue, and if needed, a formal complaint would be routed to the appropriate department.

Commissioner Twombly commented that there was language present in the draft ordinance that directly addressed the number of unresolved complaints that would count against the property owner's licensing or renewal.

Mr. Cummings informed the Planning Commission the ordinance would be reviewed by the City Attorney for legality and enforcement according to Oregon law.

Mr. Cummings also remarked that "Events" were not allowed in residential zones and recommended keeping that verbiage out of the ordinance.

Conclusion: Chairman Breidenbach directed Staff to strike the word "Event" and change the word to "gatherings", and to change the maximum occupancy to "three times the maximum short-term rental occupancy". He also directed staff to remove the word "prohibited". All Commissioners agreed.

Regarding the response time required by property owners:

Chairman Breidenbach stated that he thought the response time of one hour was an acceptable requirement. He noted that City management was available for urgent calls on weekends and the City provided dispatch for emergencies.

Mr. Cummings directed a question to Mr. Draper and asked what the protocol was for them to respond to their property for something like a malfunctioning fire alarm or a similar maintenance issue.

Mrs. Draper responded to the question and explained that the AirBNB-listed property that she managed all made her contact information available through their website. She also explained that she left a binder at the property with all the necessary contact information for the guests.

Mr. Cummings asked what Mrs. Draper had in place for when she was out of town or not available.

Mrs. Draper responded that the first option for the guest had was to contact AirBNB and then AirBNB would contact her.

Mr. Cummings asked for clarification as to who the agency would contact if she (as property manager/contact) was not available. He was not provided with a specific answer to that scenario, however Mrs. Draper stated again that AirBNB would message her if a guest called AirBNB with a complaint or problem. Mr. Cummings pointed out that even though the company AirBNB had that response structure in place, not every listing agency was guaranteed to also have the same format.

Chairman Breidenbach commented that the City staff and emergency services also needed contact information.

Ms. Burgess the Commissioners that the first response required was by phone within 30 minutes, and the contact person would be required to respond on-site for additional and/or excessive complaints within one hour. She reminded the Commission that it was not the City's obligation to sustain a business operation in the event of an emergency, but that the property managers had the obligation to respond to any excessive complaints if the initial phone call did not resolve the issue.

Chairman Breidenbach agreed with Ms. Burgess and stated that he didn't feel it was excessive to require response times.

Commissioner Twombly agreed that property owners needed have someone available to handle complaints.

Ms. Burgess reminded Commissioners that even though every complaint was not an emergency, every complaint required an avenue for resolution. She stated that it was standard business practice to have a contact person available to respond when needed, whether for complaints or emergencies. The contact person should be available for the tenants and for the City.

Mr. Cummings stated that businesses in Ontario had a business registration and businesses provided information for a contact person. He stated again that the City needed a way to contact the property owner/manager.

Conclusion: Chairman Breidenbach directed the language to be changed to state that a designated contact person must be made available to respond to complaints by phone within one hour and must be available to respond on-site within two hours for unresolved complaints or additional and excessive complaints. All Commissioners agreed.

Chairman Breidenbach asked if any other issues needed to be addressed. No other issues were presented by the Commissioners.

Chairman Breidenbach asked Mr. Cummings if they could send the draft ordinance with the changes directed during the meeting, or if they should meet to review the requested changes before sending it on.

Mr. Cummings said they could send it on to City Council but recommended that the Planning Commission review it once more after the edits were made.

Chairman Breidenbach directed Ms. Burgess and City staff to make all changes as directed Planning Commission to the draft short-term rental ordinance and requested that the proposed draft be reviewed at the next Planning Commission meeting on February 10th, 2025.

Chairman Breidenbach asked for a Motion to table the discussion.

MOTION TO TABLE THE SHORT-TERM RENTAL DISCUSSION

Max Twombly moved, seconded by Blu Fortner to table the discussion regarding short-term rentals until the next scheduled Planning Commission meeting. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Christiani-yes; Breidenbach-yes. Motion carried 5/0/0.

Chairman Breidenbach asked that election for vice chairman be put on the next meeting's agenda. He also commented that there were two vacancies left on the Planning Commission.

There were no handouts.

There were no additional comments or ex-officio reports.

Chairman Breidenbach thanked the Commissioners and members of the public for their input.

Chairman Breidenbach called for a Motion to Adjourn

MOTION TO ADJOURN

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

John Breidenbach
Chairman

Attest: Jennifer Braden
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
February 10, 2025**

To: Planning Commission

FROM: Tatiana Burgess, Planning Director

SUBJECT: **ACTION 2025-01-01AZ: A REQUEST BY LARRY KINE, REPRESENTING THISTLE & NEST NONPROFIT, FOR THE ANNEXATION AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2)**

DATE: January 31, 2025

PROPOSED MOTION:

A. APPROVAL:

- 1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.**
- 2. I MOVE THAT THE REQUEST FOR ANNEXATION AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ 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 AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ 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 applicants and owners request that tax lot 400 on Assessor's Map 18S47E10AC be annexed into the City and rezoned from Urban Growth Commercial Zone (UGB-C) to City General Commercial Zone (O-C-2).

BACKGROUND:

The subject parcel is 1.35 acres, more or less, and is the site of an old dwelling, as well as a few smaller structures in poor condition. The site faces SE 5th Ave and its right-of-way frontage has been improved as part of the City's sidewalk improvement program, along SE 5th Ave.

CURRENT SITUATION:

The applicant intends to develop the site into a residential community, with at least 20 residential units (Attachment 5). All 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.

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 allow for the proposed residential 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 made by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from Urban Growth Area Commercial zone to City General Commercial zone of the subject property as per the report.

ATTACHMENTS:

1. 2025-01-01AZ_Kine Staff Report with Attachments



AGENDA REPORT PUBLIC HEARING

February 10, 2025

To: Planning Commission

FROM: Tatiana Burgess, Planning Director

SUBJECT: **ACTION 2025-01-01AZ: A REQUEST BY LARRY KINE REPRESENTING THISTLE & NEST NONPROFIT, FOR THE ANNEXATION AND REZONING OF TAX LOT 400 ON MAP 18S47E10AC FROM UGA COMMERCIAL ZONE (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2)**

DATE: February 10, 2025

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B. DENIAL:

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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 proposed annexation will close the gap in the zoning map, and provide and eliminate an urban growth area, that is currently surrounded in its entirety by properties that had been previously annexed into the City.

The applicant chose to retain the commercial zoning designation. If the proposed annexation is approved, the subject parcel will increase the City's available inventory of commercially zoned land, which doesn't only allow for commercial developments, but also permits multi-family residential developments.

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

The property is within the City of Ontario UGA and the annexation and rezoning of the property is in compliance to the acknowledged Comprehensive Plan. The annexation will not render a change on allowed uses. The property zone will change from the Commercial zone within the Urban Growth Area, to the General Commercial Zone within the City limits. The principal permitted and conditional uses will remain the same.

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 applicant's requested zone change from a UGA Zone to a City Zone does not imply that there has been a mistake or an error in the original zone. In fact, this request for annexation and zone change only shows that the original zone designation of UGA zones was done with future thought of economic growth in mind. What has changed is the growth and development around the subject area. The proposed annexation will allow the applicant to connect the development into the City services, which will expand the City's infrastructure, available housing supply and overall livability.

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

The public will benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development and increased infrastructure. The rezoning of the UGA Commercial to City General Commercial, which matches the Comprehensive Plan, will allow for better use of the area, since the proposal is for a residential complex. The property adjoining to the south is the site of a multi-family residential complex as well, and the annexation will keep the proposal consistent with overall use of the area.

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

The minimum parcel size in the General Commercial (C-2) zone, once annexed in, is 3,000 sq. ft. The total proposed annexation area is 58,740, more or less. A residential development in a C-2 zone shall comply with the multi-family residential requirements, as outlined in Ontario Municipal Code 10A-29-07, which specifies that a minimum of 10 dwelling units is required. The annexation of the subject property will enable the applicant to meet these requirements as needed for a use consistent with the General Commercial zone.

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 parcel far exceeds the minimum parcel size and will be able to be developed into large developments as planned for in the comprehensive plan. The surrounding infrastructure is capable of handling traffic and expansion of services, for the proposed residential development. As part of the UGA the property has been part of the City Transportation Master Plan, Water Master Plan, Waster Water Master Plan and the City Storm Water Master Plan and therefore has been approved to provide city services to this property.

The property has direct access to an existing right-of-way: SE 5th Ave. An email was received on 01/31/2025, from ODOT, expressing that the annexation and zone change would not constitute additional trip generation potential to significantly impact the transportation system, and therefore, ODOT had no additional comments versus the development. (Attachment 6).

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

The property is part of the city approved zoning and has been approved for the type of zoning once brought into the City limits and is in harmony with the surrounding developed property zoned accordingly and will not result in any adverse effects to the adjacent properties zoned the same. The principal permitted uses will remain the same, and consistent with the General Commercial zone.

Summary Conclusions: Based on the findings above: 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**

a. The findings 2 above show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated itself to be consistent with the Comprehensive Plan. **CRITERION IS MET**

b. The information in finding 3, indicates that there has been no mistake and the request is consistent with 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**

c. As noted in finding 4, rezoning from the UGA zones to City zones would not be considered as the granting of a special privilege for a single property as it is providing for the same zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**

d. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **CRITERION IS MET**

e. As noted in the finding 6 above, the property is properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

f. 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 will remain the same and be subject to change due to the annexation. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

B. Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicant has paid the fees and provided the proper application with signatures.

2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.

3. The property currently has three different UGA zones in the Urban Growth Area and the companion requested City zones are consistent with contiguous property.

4. Findings from preceding sections of this report are herein included by this reference. A change

to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.

5. Annexation would benefit the city by increasing tax revenue, and by providing more potentially developable residential land.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This project falls under the Growth goal of the City Council's strategic plan; specifically allowing for annexation of land to add growth and more tax base. It allows for the development of the property.
- B. **FINANCIAL** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for the proposed residential 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 made by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from Urban Growth

Area Commercial zone to City General Commercial zone of the subject property as per the report.

ATTACHMENTS:

1. Attachment 1 – Annexation Description
2. Attachment 2 – Annexation Boundary Map
3. Attachment 3 – Parcels Before Rezone
4. Attachment 4 – Parcels After Rezone
5. Attachment 5 – Preliminary Layout
6. Attachment 6 – Email from Kelli N. Martin, PE of ODOT

Attachment “1”

Annexation Boundary Description

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 10: A parcel of land in the SW 1/4 NE 1/4 described as follows:

Beginning at the Northwest corner of said SW1/4 NE1/4;

thence East, coincident with the North boundary thereof, 20 rods (330 feet);

thence South, at a right angle with said North boundary, 12 rods (198 feet);

thence West 20 rods (330 feet) to a point 12 rods South of the Point of Beginning;

thence North, coincident with the West boundary of the SW1/4 NE1/4, 12 rods (198 feet)
to the Point of Beginning.

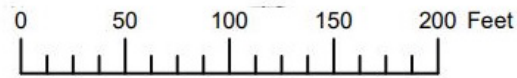
EXCEPTING THEREFROM the North 20 feet for road right of way.-

Said Annexation Parcel contains 1.35 acres more or less.

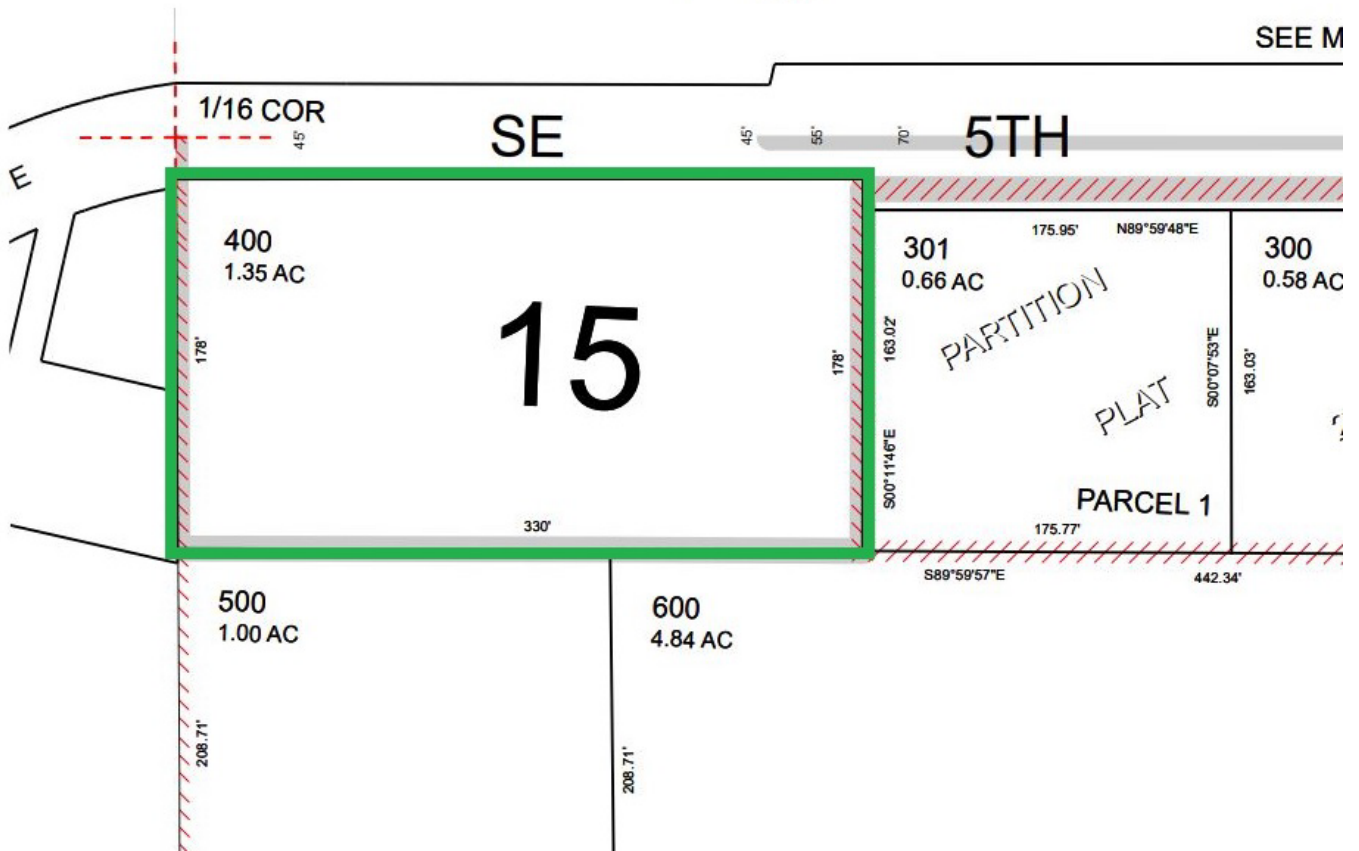
- End of Description –

Attachment "2"

Annexation Boundary Map

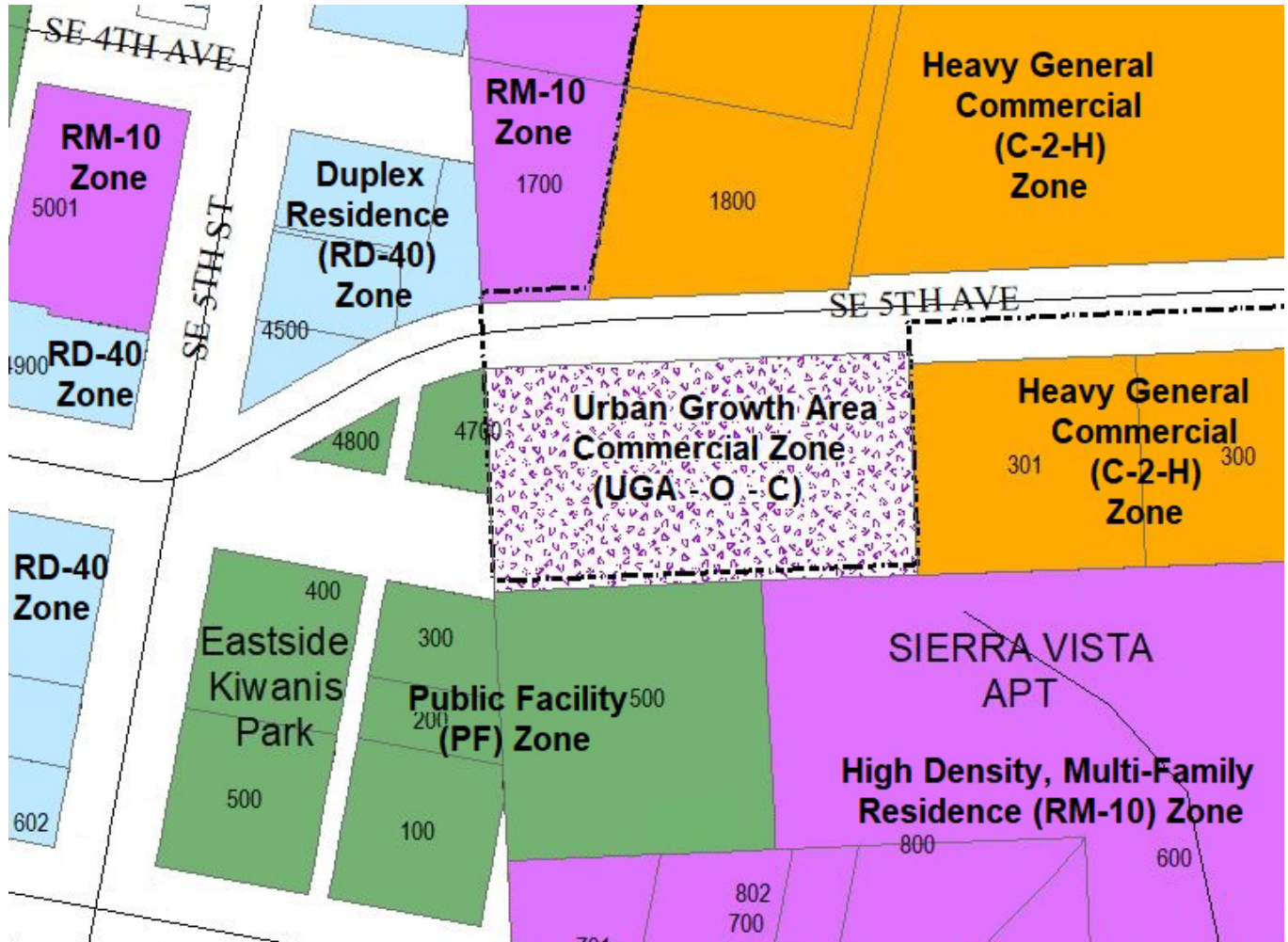


S.W.1/4 N.E.1/4 SEC.10 T.18S. R.47E. W.M.
MALHEUR COUNTY
1" = 100'



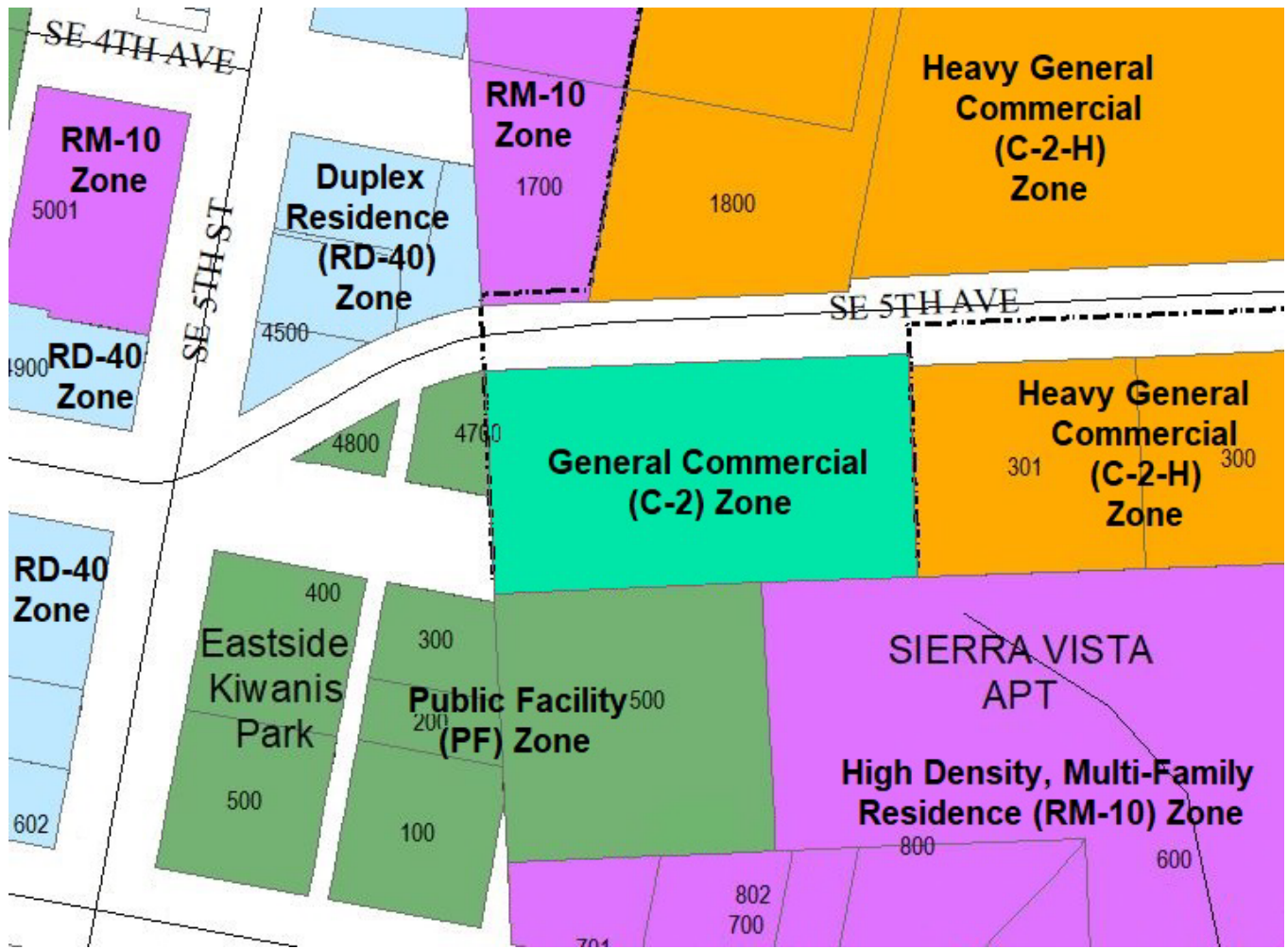
Attachment “3”

Parcels Before Rezone



Attachment "4"

Parcels After Rezone



Preliminary Layout



Attachment “6”

Email from Kelli N. Martin of ODOT

From: [MARTIN Kelli N](#)
To: [Tatiana Burgess](#)
Cc: [BOYD David W](#); [EDEN John W](#); [JARVIS-SMITH Cheryl](#); [WOODWORTH Paul D](#)
Subject: ODOT Comments - Ontario - Annexation of tax lot 400 on Malheur County Assessor's Map 18S47E10AC and rezoning from UGA-O-C-2 to O-C-2
Date: Friday, January 31, 2025 8:28:00 AM
Attachments: [694 SE 5TH AVE PRELIIM LAYOUT.pdf](#)
[Annexation Application.pdf](#)

Tatiana,

Thank you for giving the Department an opportunity to comment on the annexation and rezone of the above mentioned property.

Based on the comparable principal uses of both the UGA-C and C2 zones, the annexation and zone change do not constitute the additional trip generation potential to significantly impact the transportation system. ODOT has no comment on the zone change and annexation of tax lot 400 on Malheur County Assessor's Map 18S47E10AC.

Kelli N. Martin, PE
Lead Roadway and Specifications Engineer ODOT Region 5
Tech Center
3012 Island Ave
La Grande, OR 97850 Phone:
541.805.6630

From: JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>
Sent: Thursday, January 16, 2025 12:25 PM
To: EDEN John W <John.W.EDEN@odot.oregon.gov>; BOYD David W <David.W.BOYD@odot.oregon.gov>
Subject: Dev Rev - Ontario - Annex & Rezone

Ontario

Local File #:2025-01-01AZ

DLCD File #:001-25

Proposal Summary:

Annexation of tax lot 400 on Malheur County Assessor's Map 18S47E10AC and rezoning from UGA-O-C- 2 to O-C-2.

Proposal Received: January 06, 2025 First Hearing Date: February 10, 2025

Final Hearing Date:

Local Contact: Tatiana Burgess

Phone: 541-881-3222

Regional Representative: Dawn Hert

Phone: 503-956-8163

Proposed +/-20 duplex style townhouses/residential units on 1.31 acres at 694 SE 5th Street, off-system. cjs



**AGENDA REPORT
PUBLIC HEARING
February 10, 2025**

To: Planning Commission

FROM: Tatiana Burgess, Planning Director

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

DATE: January 31, 2025

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”.

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

BACKGROUND:

As of August 29, 2024, there were at least eight listings on websites advertising STRs in Ontario, with some property owners listed as being hosts for at least the past eight years. There are multiple properties available in Nyssa, Vale, and 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.

Planning Commission held 3 work sessions to date, to discuss the drafting of a short-term rental ordinance. At the September 9, 2024, Planning Commission meeting no action was taken due to no public being present. The November 18, 2024 meeting and January 13, 2025 meetings, operators of current short-term rentals were present and gave testimony. Several edits were made to the original proposed ordinance and a follow-up discussion was scheduled for the February 10, 2025 meeting.

CURRENT SITUATION:

In Oregon, there is no uniform land use legislative requirement that regulates STRs.

The new iteration of the draft ordinance is intended to maintain a good neighbor policy by encouraging business opportunities for some property owners, while preserving the rights of other property owners, residing in residentially-zoned neighborhoods. The STR ordinance offers an expansive ability to allow operation of STRs beyond the residentially zoned

properties, and includes the commercially zoned properties within the city limits. At the same time, the new draft proposes expanding STRs ownership for up to six STRs per owner and up to two STRs per parcel. The new iteration of the draft ordinance also defines maximum nighttime and daytime occupancy and establishes criteria for family gatherings hosted by STR guests.

A notice of the proposed ordinance was published onto DLCD's website on 01/16/2025 with a proposed adoption date of March 10, 2025.

ANALYSIS:

- A. **STRATEGIC PLAN** Analyze and compare the positive and negative impacts.
- B. **FINANCIAL** None from the city; potential increase in TOT collection funds.
- C. **TIMING** Adoption of STR ordinance will allow property owners to be compliant with current TOT requirements.
- D. **POLICY/LEGAL** Ordinances are adopted by the City Council, through a public hearing process.

ALTERNATIVES:

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

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 adopt an ordinance, that can meet the community's needs and advances Ontario's mission to create a healthy, safe and prosperous city.

ATTACHMENTS:

- 1. 3rd Draft SHORT TERM RENTAL ORDINANCE No.XXXX
- 2. 09-09-2024 Signed PC Minutes
- 3. 11-18-24 Signed PC Minutes

Note:

Black text identifies the original ordinance text.

Red text identifies the changes made after the 11/18/2024 Planning Commission meeting

Red and highlighted text identifies the changes made after the 01/13/2025 Planning Commission meeting.

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. as defined in ORS 90.262 (4), means a habitable room that:

- (A) Is intended to be used primarily for sleeping purposes;
- (B) Contains at least 70 square feet; and
- (C) Is configured so as to take the need for a fire exit into account.

Bedroom occupancy shall not be more restrictive than two people per bedroom, as per ORS 90.262 (3). For a bedroom occupied by more than two persons, the required minimum floor area of 70 square feet shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room’s minimum area.

Where required, a bedroom shall be equipped with a carbon monoxide detector (as per Oregon Residential Specialty Code R315.3) and/or smoke alarms (as per Oregon Residential Specialty Code R314.3).

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 **1 hour** ~~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, **the contact person shall respond in person within 2 ½ hours**.

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

10A-03-70.1: "DAYTIME OCCUPANTS" means the maximum number of guests who may occupy a short-term rental between 7:00 am and 10:00 pm. The maximum number of daytime occupants shall not exceed three (3) times the maximum number of nighttime occupants permitted. Daytime occupants shall not be allowed to occupy a short-term rental overnight, between 10:00 pm and 07:00 am.

10A-03-140.1: "NIGHTTIME OCCUPANTS" means the maximum number of guests who may occupy a short-term rental overnight. The maximum number of occupants shall be identified at time of permitting, based on short-term rental's floor plan and number of rented bedrooms.

10A-03-185.1: "SHORT-TERM RENTAL" or "STR" is the rental of a dwelling unit, **partially or** 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~~ **Two** active short-term rental permits **are** ~~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 [3-11](#) of Ontario Municipal Code.
- (4) ~~Maximum short-term rental 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.~~

Bedroom occupancy shall not be more restrictive than two people per bedroom, as per ORS 90.262 (3). For a bedroom occupied by more than two persons, the required minimum floor area of 70 square feet shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room’s minimum area.

The number of bedrooms of a short-term rental and maximum number of nighttime occupants occupancy of the short-term rental shall be determined based on the submitted floor plan and 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 able to respond by telephone within 1 hour 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, the contact person shall respond in person within 2 4 hours.
- (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 and/or carbon monoxide detectors shall be installed as per Oregon Residential Specialty Code requirements 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~~ **Family gatherings hosted in a short-term rental, shall not that exceed short-term rental's maximum number of daytime occupants, as per current short-term rental's permit.** ~~single-family dwelling occupancy are prohibited. Events may be allowed, case by case, only when permitted by the property's zone and a change of use along with an assembly occupancy permit has been obtained.~~
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 **of the short-term rental**, 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 **of the short-term rental** 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 **of the short-term rental**, 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. A renewal notice shall be sent by the City, at least 30 days prior the license's expiration. Permit renewal will be contingent on the short-term rental's good standing and complaints documented in the previous 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 on the exterior of the short-term rental, by the main entrance to the short-term rental. ~~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 ~~six~~ ~~one~~ short-term rental licenses 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 ~~one~~ **two** years from the date the permit was revoked.



PLANNING COMMISSION MEETING MINUTES

Monday, September 9, 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, Max Twombly, Michael Braden and Chairman John Breidenbach. James Grissett attended online via Zoom. Two chairs were vacant.

City Staff present were; Dan Cummings, City Manager; Jennifer Braden, 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 September 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

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

ADOPTION OF MINUTES FROM JUNE 10, 2024 MEETING

Michael Braden moved, seconded by Blu Fortner to adopt the minutes from June 10, 2024, as presented. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

Chairman John Breidenbach opened the Public Hearing.

There were no unscheduled public appearances.

NEW BUSINESS DISCUSSION ITEM

Planning and Zoning Director Ms. Burgess presented the topic of discussion related to creating a City ordinance to regulate properties currently operating in Ontario as short-term rentals (*also referred to in this discussion as "AirBNB" or "STR" properties*). The proposed ordinance would address transient lodging tax that was being collected by the online booking agencies but not being paid to the City of Ontario, as well as building safety and zoning compliance for the properties. The Planning Commission was presented with an informational report and draft ordinance in the Planning Commission Packet.

Ms. Burgess opened the floor for discussion.

Mr. Grissett asked what impact generated fees would have for the City.

Ms. Burgess stated the transient lodging tax was 8% but was unable to make an accurate estimation due to the number of unknown factors.

Mr. Grissett expressed concerns that "policing" a new ordinance would be a strain on City resources, and that there may be a potentially negative impact for the existing STR owners. He also asked what had brought the existing STR properties to Ontario's attention.

Mr. Cummings responded that the current ordinance required any transient rentals must pay the TOT tax. The "AirBNB" properties found to be operating in Ontario were not paying that tax, and that is what was brought to the City's attention. The other issue discovered that not all of the rental rooms and/or properties met the State residential codes. Mr. Cummings said the City was now faced with the dilemma of either shutting down non-complying properties, or, creating a code that would enforce State residential codes and collection of the TOT tax. Mr. Cummings also noted that the listing agencies were charging the TOT tax when a property was booked, but nothing was being remitted to the City.

Mr. Grisset referred to the rule regarding rentals of rooms within a home or rentals of accessory structures on a principal property and asked about the definition of "rooms" and how "rooms" could be rented as STR's.

Ms. Burgess explained that the goal of the draft ordinance was to maintain consistency with other jurisdictions, to maintain a "good neighbor" mentality where STR's are located, and to create standards for regulation that would apply to all properties equally. She found that it was a common requirement for comparable jurisdictions to not allow multiple STR's on one single property. She also noted that the City's draft ordinance would limit STR's to specific zones within City limits, not to include properties in the Urban Growth Area.

Mr. Breidenbach asked if the State included STR's as part of their TOT-required businesses.

Ms. Burgess explained there were definitions under taxing regulations, but there were no State-wide regulations regarding the land use requirement. Each jurisdiction decided their own STR policies, tax revenue distribution and definitions for building and occupancy regulations.

Mr. Grisset commented that the specification of "room" vs "houses" was important. He also asked if the City was creating more complexity by implementing a new code, rather than enforcing the existing City code.

Mr. Cummings responded that the current ordinance required the TOT tax but did not have any enforcement power for tax compliance or for building and life safety requirements. He stated the goal was to keep the single-family zones from becoming rental zones. He also referred to the draft ordinance to highlight the distinctions between "room" and "accessory structure".

Ms. Burgess clarified that a property seeking to be an STR would have to be defined by numerous factors, including the definition of "bedroom". A single room, rented out of a private multi-room home, would be considered the STR for that property owner and that room would have to meet the definition of a "bedroom". The STR as a whole would have to be licensed, and all requirements met.

Mr. Grisset commented that the Ordinances in place should be enforced rather than creating a new ordinance to enforce. He stated that he felt that a new ordinance may negatively affect the current STR owners.

Mr. Breidenbach asked for clarification that current STR properties would not be penalized when they sought licensing.

Mr. Cummings confirmed they would not be penalized.

Mr. Grisset said he was concerned that there were properties operating without approval that may have unsafe renting conditions.

Mr. Cummings explained that the City currently had no authority to go into currently existing STR's to inspect for safety and code adherence. A new code will give the City an avenue to identify the properties and the authority to bring them under compliance.

Mr. Breidenbach shared that customers booking through "AirBNB" and similar sites were charged a TOT tax and that booking sites were collecting it, but those monies were not submitted it to the City. He also asked if Baker City had been successful into implementing a short-term rental code.

Ms. Burgess said that her research showed there had been a push for an ordinance in Baker City but could not find evidence a Code was ever adopted. She found that there appeared to be a community outcry over the not having an ordinance in place in Baker, due to the large number of properties that had been converted to "AirBNB" type rentals, and the negative impact they asserted that it had on the local housing and long-term rental market. Ms. Burgess found that Baker City did have a standard transient lodging tax ordinance but no standards for short-term rentals. She stated that through her research, she felt Ontario may be at risk for a similar situation developing.

Mr. Breidenbach commented he knew that the city of Sumpter, Oregon, had experienced negative outcomes due to the large number of properties that had been converted to STR's. He noted that various cities in Oregon had reached out to him over the years to see what Ontario had in place.

Mr. Cummings hoped that by implementing a code specific to these STRS, the City could prevent entities or corporations from buying multiple homes for use as STR's, and potentially creating a hardship for the local community's housing and long-term rental.

Ms. Burgess added that "owner" would be defined so that it will exclude property owners from using workarounds such as multiple LLC's or part-membership in corporations. She noted that this code would not prevent companies or owners from owning multiple traditional or long-term rental properties.

Mr. Grisset asked if hotels/motels would be affected.

Mr. Breidenbach responded that even though hotels are short term rental businesses, they have a different taxing category with the TOT at the State levels.

Ms. Burgess confirmed Mr. Breidenbach's statement and pointed out that the draft proposal classified an STR as a "dwelling unit", thus excluding hotels/motels.

Mr. Grisset asked if any research had been done to see if any complaints had been made by the community to police or ordinance regarding the existing STR's. He asked what concerns the City had if an owner were to purchase an entire block of residences and converted them to STR's, specifically rental owners/landlords who may need an income stop-gap.

Ms. Burgess responded that the main concern with having one owner of multiple property would be that it would create a false shortage of housing. She said that the limitations proposed would not prevent long-term rentals. Ms. Burgess explained that the intention of the proposed draft was to be a fair approach to the current situation but that it could be amended down the road if there are financial or economic changes that precipitate amendments.

Mr. Breidenbach asked for clarification on the definition of a short-term rentals.

Ms. Burgess replied that an STR was a rental that was less than 30 consecutive days.

Mr. Cummings commented safety was a high priority in this discussion and the goal was to allow owners to participate in this industry legally and safely, not to force them to shut down.

Ex-officio Mills commented that she felt that properties currently operating should be brought to Code but that overall, the STR/AirBNB properties were not positive for Ontario. She felt that hotels/motels were an adequate solution for customers seeking short-term stays. Ms. Mills expressed concerns that owners may find ways around the system to own and operate multiple STR. Ms. Mills also asked for clarification on number of inhabitants allowed per "room".

Ms. Burgess explained that, consistent with industry standards, the proposed ordinance would differentiate homes with less than five bedrooms, and "estate" homes with five or more bedrooms. Properties would still be able to be rented as one room in a dwelling OR rented as the entire dwelling unit.

Ms. Burgess pointed out that the application process would limit many of the common concerns such as parking and garbage service. The draft code also addressed complaint management by requiring a designated emergency contact person who would be required to respond to the property within 30 minutes in case of emergency or to respond to a complaint. Licenses would be required to be posted inside and posted outside so that they were clearly visible from the right of way, and the property contact information would be on the license.

Ms. Burgess thanked the Commission for the open discussion and feedback and recognized that it would greatly help to shape the process as this matter continued.

Mr. Breidenbach commented that he has found that people coming into Ontario for events and attractions were eager to find AirBNB-type properties and often preferred them to traditional hotel/motel options. Because of this, Mr. Breidenbach stated that he felt an ordinance would be beneficial. He also noted that *AirBNB.com*, *VRBO.com* and similar booking agencies had their own internal requirements that helped govern the properties, and that a property could lose the right to list if they violated company policies. Mr. Breidenbach acknowledged that this ordinance should be a working document, and that amendments or adaptations should be available if deemed necessary.

Mr. Cummings agreed with Mr. Breidenbach's comments and noted that AirBNB's and similar STR's are very different than the traditional bed & breakfast model and needed to be handled differently.

Mr. Breidenbach asked what action the Planning Commission should take at this meeting.

Mr. Cumming asked the Council to either make a motion on the draft ordinance or to make a motion to table the matter to allow for continued discussion.

Mr. Breidenbach asked for a motion to table the discussion.

Mr. Twombly added that he saw the advantages of STR's, especially for larger families or for multiple families vacationing together. He noted that STR's were often appealing because of the ability to shop and cook in the home. He also felt that there should be something in place for existing STR properties. He agreed that

more time to for discussion and to gather community input would be helpful. He also agreed that the application process should be affordable and easy to navigate.

Ms. Burgess pointed out that the nine requirements in the draft ordinance were simple and straightforward when compared to other jurisdictions she came across in her research and that they addressed the most common concerns with AirBNB's/STR's. She recognized the need to the process to be accessible.

Mr. Grissett stated that he wasn't opposed to licensing and registration and asked if there was an estimated cost for applicants.

Ms. Burgess replied that this application would be similar to other land use actions, specifically in the aspect that notice would be given to neighbors so that they could have a chance to comment before an STR came into their neighborhood. While the fee amount was not proposed in the draft ordinance, the cost would be comparable to similar land use application actions and would be enough to cover the cost for City staff to process the application and see it to completion.

Mr. Grissett asked if neighbors could prevent an STR property if they were opposed.

Mr. Cummings replied that if any land use action changes the use of a property, the neighbors have a right to an opinion on the proposed change. STR's would be treated as conditional use permits and all the ordinance and license requirements would have to be met. Once granted, the conditional use permit would be valid unless the safety requirements and the tax requirements were not met, at which time the permit could be revoked for violations.

Mr. Grissett said he has used them and sees a use for this type of property, and he thanked everyone for the good discussion.

Mr. Breidenbach asked for a motion to table the discussion.

Mr. Fortner moved to table the discussion regarding creating a code for short-term rentals until the next scheduled Planning Commission meeting.

Mr. Grissett seconded the motion.

MOTION TO TABLE THE SHORT-TERM RENTAL DISCUSSION

Blu Fortner moved, seconded by John Breidenbach to table the discussion regarding short-term rentals until the next scheduled Planning Commission meeting. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

Mr. Braden asked to add a few comments. He shared that he had read the entire document and visited with Tatiana prior to the meeting with several questions. He stated all his questions for her had also been addressed by members of the Planning Commission during the discussion, and he was comfortable with tabling the discussion until a later time.

Mr. Breidenbach acknowledged the time and research Ms. Burgess put into the presentation, including making sure that the Building Official was involved in her research.

Mr. Twombly asked if the licensing the properties would include an inspection by the Building Official.

Mr. Cummings confirmed.

Mr. Fortner asked if properties would have to be ADA compliant.

Ms. Burgess said there were no ADA requirements for these STR's. She stated that the Building Official and Fire Chief had been consulted to ensure the draft ordinance met the minimum structural and the fire/life safety requirements.

Mr. Cummings commented that the City did not want to turn these properties into commercial properties that would include many more requirements for fire and safety. He also said current properties would not be "grandfathered" in, and that they would have to go through the licensing process. Mr. Cummings felt the code was a necessary vehicle to address this business/industry that was existing and operating in Ontario.

Discussion was closed.

There were no Old Business Discussion Items.

Chairman John Breidenbach opened the public hearing for the land use action.

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)

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

Tatiana Burgess, Planning and Zoning Director, gave the staff report:

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.

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

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.

PROPOSED MOTIONS:

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).*

Ms. Burgess opened the floor to questions.

Mr. Breidenbach asked if all notifications were given properly, if there had been communication involving this.

Ms. Burgess said all notifications were given, and that she had received communication from the Rural Fire Protection District and the Rural Road Assessment District that they had no objections.

Mr. Cummings also stated that the Fair Housing District requested a copy of the report but did not send any comments back.

Ms. Burgess pointed out that the home is a secondary home for the Applicant's elderly parents when they are in the area, so it is not counting in the housing count for Ontario as a vacant home.

Mr. Cummings confirmed that Mr. Ty Curtis owns the home now, and that when the County finished their property line adjustments that the previous owners would annex into the City. They had already connected to City services, and this land use action was the last step in the process.

There were no proponents or opponents.

Mr. Breidenbach closed the Public Hearing.

APPROVAL OF PLANNING ACTION 2024-07-10AZ– FINDINGS OF FACT

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

APPROVAL OF PLANNING ACTION 2024-07-10AZ

Mr. Braden moved, seconded by Mr. Fortner, to approve the Annexation and Rezone as presented. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

No handouts or discussion for this meeting.

MOTION TO ADJOURN

Mr. Fortner moved, seconded by Mr. Twombly to adjourn. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.



John Breidenbach
Chairman



Attest: Jennifer Braden
Planning & Zoning Technician



PLANNING COMMISSION MEETING MINUTES

Monday, November 18, 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, Max Twombly, Michael Braden and Chairman John Breidenbach. Two chairs were vacant.

City Staff present were: Dan Cummings, City Manager; Jennifer Braden, P&Z Technician; and Tatiana Burgess, Planning & Zoning Director, and Kellie Schmidt, Finance Department. 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 November 8, 2024. Copies of the Agenda were available at the City Community Development Center.

Commissioner Braden led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

Michael Braden moved, seconded by James Grissett, to adopt the Agenda as presented. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

ADOPTION OF MINUTES FROM SEPTEMBER 9, 2024, MEETING

Michael Braden moved, seconded by Blu Fortner to adopt the minutes from September 9, 2024, as presented. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

There were no unscheduled public appearances.

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

Chairman Breidenbach opened the Public Hearing.

ACTION 2024-10-13AZ A REQUEST BY DAVID SULLIVAN, REPRESENTING THE SULLIVAN GROUP, LLC, FOR THE ANNEXATION AND REZONE OF 6.958 ACRES OF PROPERTY FROM UGA LIGHT INDUSTRIAL (I-1) TO CITY LIGHT INDUSTRIAL (I-1)

Planning Director Tatiana Burgess informed the Planning Commission and introduced into the record that the Ontario Rural Fire District and Ontario Road Assessment District, and Warm Spring Irrigation District were all notified of this land use action. Comments were received after the packets were published. Ontario Rural Fire District stated that they had no concerns with the action. Warm Springs Irrigation District responded by email that they had "no conflicts of interest in this annexation".

Ms. Tatiana Burgess presented the staff report.

SUMMARY:

The applicants/owner owns parcels of land, known as Tax Map 17S47E33C, tax lots 2301, 2400, 2500, 2600, 2700, 2800, 2801, 2900, 3000, 3100, 3200, 3300, 3301 and 3400 which said tax lots are currently zoned UGA Light Industrial, and would like to annex said parcels and rezone to City Light Industrial as shown in this report.

BACKGROUND:

The total subject area that is being proposed for annexation is approximately 6.958 ac and includes the rights-of-way along NW 18th Ave, NW 13th St, NW Washington Ave, and US Hwy 201. The subject parcel are properties owned in fee title, by multiple parties: The Sullivan Group (owner of tax lots 2400, 2500, 2600, 2700, 2800, 2801, 2900), HEVN LLC (owner of tax lot 3300), Malheur County (owner of tax lots 2301, 3000, 3301) and Oregon Department of Transportation (ODOT) (owner of tax lots 2301, 3000, 3301).

The applicant initiated this request originally back in 2021, as they desire to develop more of the property, owned by The Sullivan Group LLC and HEVN LLC and facilitate a subsequent replat of the privately-owned subject parcels. It was agreed that the properties owned by Malheur County and ODOT would be included in this annexation, to make the City limit expansion more coherent and provide for contiguous zoning expansion, without creating a zoning gap along US Hwy 201.

CURRENT SITUATION:

All new 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 proposed annexation will expand City of Ontario's Light Industrial zoned land inventory in a harmonious way, as the subject area is directly adjacent to City Light Industrial zoned land to the east.

Due to the minimum parcel size limitations of properties within the urban growth area, the annexation will not only allow for a more functional reconfiguration of the subject properties, but will also allow for a better use for future developments consistent with the Light Industrial zone and promote economic growth and development of Ontario, Malheur County, and the State of Oregon.

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

The property is within the City of Ontario UGA and the annexation and rezoning of the property is in compliance to the acknowledged Comprehensive Plan. The annexation will not render a change on allowed uses. The property zone will change from the Light Industrial zone within the Urban Growth

Area, to the Light Industrial Zone within the City limits. The principal permitted and conditional uses will remain the same.

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

The applicants requested zone change from UGA-Zone to City Zones does not imply that there has been a mistake or an error in the original zone. In fact, this request for annexation and zone change only shows that the original zone designation of UGA zones was done with future thought of economic growth in mind. What has changed is the growth and development around the subject area and the desire to potentially expand a Light-Industrial approved use. A proposed subsequent action, will be a replat, to reconfigure existing property lines to eliminate ownership on both sides of NW Washington, which will make better use of the property overall and avoid having unutilized lands.

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

The public will benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development and potential improvement the roads, curb, and gutter. This will also benefit the public by attracting business and employees at this location. The rezoning of the UGA Light Industrial to City Light Industrial, which matches the Comprehensive Plan, will allow for better use of the area. All surrounding properties are also zoned light-industrial, and the annexation will keep the proposal consistent with overall use of the area.

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

The minimum parcel size in the Light Industrial zone, once annexed in, is 7,500 sq. ft. The total proposed annexation area is 6.958 acres, more or less, including rights-of-way, which is sufficient to reconfigure the subject property and still meet the required minimum parcel size, as needed for a use consistent with the Light-Industrial zone.

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

The parcels far exceed the minimum parcel size for each zoning and will be able to be developed into large developments as planned for in the comprehensive plan The surrounding infrastructure is

capable to handling traffic and expansion of services, for future potential development of the parcels. As part of the UGA the property has been part of the City Transportation Master Plan, Water Master Plan, Waster Water Master Plan and the City Storm Water Master Plan and therefore have been approved to provide city services to the properties.

The properties, depending on their location, will each have access to existing rights-of-way: NW 13th St, NW 18th Ave, NW Washington Ave or Yturri Beltline (US Hwy 201).

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

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

The principal permitted uses will remain the same, and consistent with the Light-Industrial zone.

Summary Conclusions: Based on the findings above: 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**

a. 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**

b. The information in finding 3, indicates that there has been no mistake and the request is consistent with 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**

c. As noted in finding 4, rezoning from the UGA zones to City zones would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**

d. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **CRITERION IS MET**

e. 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**

f. 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 will remain the same and be subject to change due the annexation. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

B. Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicants have paid the fees and provided the proper application with signatures.

2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.
3. The property currently has three different UGA zones in the Urban Growth Area and the companion requested City zones are consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and by providing more potentially developable residential land.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This project falls under the Growth goal of the City Council's strategic plan; specifically allowing for annexation of land to add growth and more tax base. It allows for the development of the property.
- B. **FINANCIAL** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is consistent with the Comprehensive Plan.

A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from Urban Growth Area Light Industrial zone to City Light Industrial zone 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 ANNEXATION AND REZONE OF 6.958 ACRES OF PROPERTY FROM UGA LIGHT INDUSTRIAL (I-1) TO CITY LIGHT INDUSTRIAL (I-1) AS SET FORTH IN ACTION 2024-10-13AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.
2. I MOVE THAT THE REQUEST FOR ANNEXATION AND REZONE OF 6.958 ACRES OF PROPERTY FROM UGA LIGHT INDUSTRIAL (I-1) TO CITY LIGHT INDUSTRIAL (I-1) AS SET FORTH IN ACTION 2024-10-13AZ 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 AND REZONE OF THE OF 6.958 ACRES OF PROPERTY FROM UGA LIGHT INDUSTRIAL (I-1) TO CITY LIGHT INDUSTRIAL (I-1) AS SET FORTH IN ACTION 2024-10-13AZ 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).

There was no presentation from the applicant.

There were no proponents or opponents to the action.

Chairman Breidenbach closed the Public Hearing.

There were no questions for Ms. Burgess from the Commissioners.

Chairman Breidenbach commented that this action had been in process for several years.

APPROVAL OF PLANNING ACTION 2024-10-13AZ-FINDINGS OF FACT

Michael Braden moved, seconded by Max Twombly, to adopt the Finding of Facts as presented. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

APPROVAL OF PLANNING ACTION 2024-10-13AZ

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

DISCUSSION ITEM: CONTINUED DISCUSSION ABOUT SHORT-TERM RENTALS AND DIRECTION WHETHER TO ADOPT/NOT ADOPT A SHORT-TERM RENTAL ORDINANCE

Chairman Breidenbach commented that this topic had been discussed at the previous Planning Commission meeting and had been tabled to allow for more input and additional public testimony.

There were members of the public present to give public testimony.

Chairman Breidenbach called Shannon Aguiar to the podium. Ms. Aguiar was neither opponent or proponent.

Public Testimony:

Shannon Aguiar

"My name is Shannon Aguiar and I live in Ontario. My mom and I have recently opened up ...[unintelligible] here in Ontario. I was looking through the staff report for tonight and the proposed ordinance. I didn't know if the tax code, any of the tax code was going to be discussed or not but I did have some comments about that. First of all, regarding job creation, I have actually hired two part-time people, or one part-time person to do the cleaning for me, and then I also have hired a maintenance person, so I think that short-term rentals will draw some of that kind of employment. Regarding loss of hotel/motel workforce, neither of the people that I hired had left any other jobs to come and work for me, basically it's just part time stuff, just when I call. And, if I do have to have something done there major, like electrical or whatever, then I will be using local people, local contractors for that. So, that would be actually creating some extra work. With regard to disruption to traditional lodging providers, I don't believe Ontario is really a tourism spot, there might be some tourism that comes in here, I know we're trying to always draw that in, but I feel like at this point there's not really that much tourism that we'd be taking away from the multiple motels that are here in town. I think that short-term stays can actually improve tourism because it's usually a more comfortable spot, it feels maybe a little more secure than a hotel, so I think that that could actually help. With regard to impact on neighborhoods, I think most, if not all, short-term homeowners are choosing their guests. So, like with Airbnb, you get the request from the guest, and you go in and look and see what they've been rated and if they've been rated really low, we're not going to want them to come stay at our place anyway. So, I feel like that would be...we would be able to police that because we don't want them in our unit if they don't have a good rating, let alone in our neighborhoods. With regard to the timing, right now we only have a handful of Airbnb's in the area. I don't know how many are on VRBO or if there are some other short-term rentals, but right now, as far as Airbnb goes there is just a handful of us. So, unless there's been a lot of complaints, I really don't see that there's a problem yet with that kind of rental. In the conclusion of this staff report, I don't see that there is really any out-of-city competition for local hotels and motels. Nyssa has one small motel, Vale

has a small one, Payette has a small one, and they're all fairly old. But there are a few other Airbnb's around us in those areas.

To address a couple things on the actual proposed ordinance, with regard to carbon monoxide detectors, under 10A-03-35, those are not required in units that don't have gas services, so maybe that could be clarified in there, because it basically just says that carbon monoxide detectors are one of those things that are required, but not all units require them. Under 10A-03-185, so with regard to that, so..., we have rented to traveling professionals. Traveling nurses or businesspeople might actually want to stay longer than 90 days, so like traveling nurses can come anywhere up to six months to almost a year. We would want to stay under a year because we don't want to fall under the regular rental property laws, which are a little bit different as far as asking people to leave and that kind of thing. So, I would think that a short-term rental would actually..., I think a better definition could be like "up to 350 days", or at least stay under that one year. And then some standard requirements, 10A-57-103 under number one, so we have a full house in the front of our property and then we have a studio in the back of our property. There may be a time in my mine and my mom's life when we decide we want to maybe snowbird to Arizona or something. In that case we would like to be able to rent both of those properties, but I wouldn't want to rent the house out in a regular rental and then plus have an Airbnb in the back at that point, because then I'm dealing with our regular tenants and having to deal with parking, and having to deal with "can't we be in the backyard", and stuff like that because that would just make a conflict between those two kinds of rentals. So, we would really like to be able to, at some point, maybe, you know, rent both of those places as an Airbnb. Also, I was concerned about how, if that would also affect things like the tiny house project, where there's multiple rentals there and they're only temporary, they're just there for the winter months, but that might affect something like that unless it's zoned completely different. And then under number two in that same section, so I have tentative plans to develop a three-space RV parking area, just a little ways from my house, and if that doesn't work out the way that I'm planning it I was hoping to be able to convert one of those spaces maybe into a tiny house, or if Airbnb is working better, to be able to buy an RV to park there and be able to use that as an Airbnb, I've seen that on Airbnb's site in different areas. I wouldn't, my spaces would not be open to tents, so I would not, tents wouldn't be..., but I think that RV's would be something that would work out in that way. So, on number four, the maximum occupancy, so because short-term rentals ..., a lot of them are going to be fully stocked. We're going to have them furnished, we're going to have stocked, we're going to be in there doing cleaning, we're going to be in there helping replenish stuff, we're going to be in contact with those people if they stay very long. So, we're not going to..., the City already has noise ordinances and stuff like that, so we're going to be looking for people with higher ratings to be staying at our places, and so I don't think that's there's going to be a lot of people that want to bring 15 people to a two-bedroom home. But also, if, like I've heard some people say that if they..., if the people are here for a specific event and then they want to invite people over to where they're staying for the daytime, how would that affect that maximum occupancy? Is it only for the people who are actually staying there? Sleeping there? Or is it going to limit what they can do during the day or early evening hours? Then on 10A-57-104, application and license, I think that should be..., I feel like that should be similar to a business license or included with the business license, instead of something separate, like that's kind of where we were at, we were trying to do our business licenses and it didn't work out because there was no zoning for the Airbnb. But, I don't see why it would hurt to actually combine that all together than rather try to do a separate one and then charge a fee for one and don't charge a fee for another. And then under that also, the revocation of the license, I feel like it would be really nice to put a grace period in there for people who didn't get notified or didn't receive a notice. I don't know if the City is intending to send out a notice to say to say, "hey your license is getting ready to expire". So, I think actually a little grace period would be nice. And then revocation of the permit itself, so I think two years to not be able to submit a new application within two

years is kind of excessive. I think one year is probably enough of a penalty. Two years can really put a dent in someone's income, which it could put a dent in it for one year anyway, but I think a year..., if someone can't pull it together and fix the problem within a year then that's on them. And then [Ms. Aguiar addressed the Planning Commission], do you want my comments on the tax code? It's just a couple things. Ok, so, under the tax code in section 3-18-3 [referring to Ontario Municipal Code Chapter 18, Transient Lodging Tax], It says that [reading] 'In all cases the rent paid or charged per occupancy shall exclude the sale of any goods, services or commodities' [end of quote]. So, I just wanted to confirm that those, that tax would not be charged to us for cleaning fees and pet deposits, things like that, because we are going to be paying that back out for some kind of services and more than likely we'll have local people in there taking care of that cleaning for us. Then, lastly, I just have a comment on the community negative impacts. One of those comments was a loss of hotel/motel workforce. I don't think that we're really going to be pulling away from the hotel workforce. More than likely, we're going to hire some kind of cleaning company or we're doing to do it ourselves. And like I said before, maintenance, we're either going to do it ourselves or we're going to hire local contractors, so I don't see that there would be a negative impact for that in this community for that. I truly appreciate your time. Thank you."

Chairman Breidenbach called Adele Schaffeld to present testimony. Ms. Schaffeld was neither opponent or proponent.

Adele Schaffeld:

"My name is Adele Schaffeld. I'm here as my individual person, a citizen of Ontario that lives at 1500 Crestway, Ontario Oregon. I'm not opposed to or for against ... [inaudible] community ordinance. I have just one just down the road from me that runs fairly smoothly. I think it's great that they provide off-street parking, but there's nothing that mandates them to do that. Nationally and state-wide this is an issue, so whether you guys choose to take it up or not it's coming down the train. It's an issue in lots of cities nationwide. Building codes take about 8-10 years to catch up. My concern with the Airbnb's is making sure that we have egress windows and smoke detectors wherever somebody is sleeping. Regardless of your occupant load, we're not talking about somebody's primary dwelling, somebody that's renting a house for a year with their family, we're talking specifically about short-term rentals, not about renting a room out in your house. If we were building this for a college, like a frat house, you would have fire sprinklers and egress windows in all of it. It's not a lot different from your short-term rentals. I think you should be given allowances for people living in your home. There's a lot of statistical data out from NFPA [National Fire Protection Association] regarding transient and non-transient homes. When you go to a hotel, you expect a level of safety, just like when you send your kids to school or somewhere else. So, my request would be that you guys make sure that we have permitting, egress windows and smoke detectors wherever those go in. I do think it's important for our community for people that follow the Park and Rec Department, the Fairgrounds, that they are paying their TOT tax. I don't like, if I can get out of paying taxes I would love to as well, but I know Lincoln City they have quite a revenue source from TOT tax, and they actually TOT tax the RV rentals that was talked earlier, as well. Those people come to the city, they utilize our resources, our roads, our streets, different things, so it's no different than even what the City is talking about with their gas tax on people that are coming into our community that don't live here. You know, they're going to use our resources, they should pay for those. But transient and non-transient act very differently. Even when we design commercial buildings, half your people have to go out the front even if you have ten doors, and that's because people go out the way they came in. There's a lot of behavioral science on the way codes are developed. I happened to be in Minneapolis in 2008 when they marched in and voted in residential fire sprinklers. A lot of the states exempted that, but I can tell you the testimony that will stick with me forever is all of the hundreds of people that testified about their family members and children that died in house fires, it was quite striking. So, my request

would be to make sure they have a C of O [Certificate of Occupancy], smoke detectors and egress windows. And remember it's not just those people going in, but it is our first responders. And I can ... [inaudible] you can make any structure safe, Idaho just made a potato into an Airbnb, so it's not hard to make sure you have the safety requirements into your Airbnb's, but we also don't want to send our first responders into unsafe structures, just something to think about. But I do think you guys need to act, it's not something that you should put off, it's a problem coming down for lots of cities because there is no state-wide issue, they're leaving up for local adoption. That's my request is to make sure they're safe."

Chairman Breidenbach called Derrick Draper. Mr. Draper presented testimony as an opponent.

Derrick Draper:

"Good evening. My name is Derrick Draper, I reside just outside of Ontario, and I concur with Adele, I think that these situations need to be safe, and there needs to be a regulatory process that allows them and mandates that they are safe. However, in the proposal, I have a couple issues with some of the, the issues that I have are on occupancy levels, basically, the two per bedroom. So, let me give you a hypothetical situation. A few buddies and I decide were going to run for City Council, and we win. And we decide that we're going to put an ordinance together that you can only have one small dog in Ontario, every household can only have one small dog, and let's say a small dog is 30 pounds or less. One dog. But you can have up to 100 big dogs, 30 pounds or more, all you want. And let's go a little bit further and say if I have a buddy and I have a small dog at my house and he has a small dog and he wants to bring his small dog to my house, but he's not allowed to do that because every residence can only have one small dog per household. Isn't that ridiculously absurd? That's what we're trying to do here. Two per bedroom? Now, again, I'm all for the safety regulations. Let's have the fire marshal come in, check it out, let's go through those safety protocols. But mandating that kind of action, two per bedroom, it's absurd. And in my mind it's discrimination. OAR [Oregon Administrative Rules] 581 states discrimination means [reading] 'Any act that is unreasonably differentiates treatment intended or unintended subject any person to separate or different rules of behavior, sanctions or other treatment.' [End of reading] So my question is, are we going to do something similar to long term rentals so they are only permitted to have two per bedroom? There isn't even a City ordinance for long term rentals, period. Short term in the state of Oregon is considered less than 30 days. So what if I rent my home for 31 days? Does that fall under a different state of rules? What about hotels and motels, aren't they short term? Do they have to have a two per bedroom arrangement in the City of Ontario? Let's take it a bit further. What if I move my family of ten into a two-bedroom home in Ontario? Can I do that? Is the City going to say you can't have a family of ten because it's only two per bedroom? No, you're not. You can't. So why are we doing this for short-term rentals? Who came up with the two per bedroom? What is the justification behind it? The policy proposes that no one else additionally can come over, so if I have two bedrooms and under this proposal I can have six people and a couple infants, no one else can come over? Does that make sense? Does that make sense? I read in the paper recently that one or more of the City Council members suggested that, quote, "We aren't against Airbnb's". Please don't let your actions speak louder than your words and show owners and occupiers of short-term rentals that you're going to make good rules not ridiculous rules. Thank you."

Chairman Breidenbach notified the Planning Commission that an email from Mrs. Kate Draper was previously submitted to the Planning Director prior to the Planning Commission meeting. A printed copy of the email had been distributed to the Planning Commission for review prior to the meeting.

Mr. Breidenbach was notified of an additional testimony from a gentleman, Nathan Clark, who had

arrived late to the meeting. Chairman Breidenbach asked him to give his testimony. Mr. Clark presented testimony as a proponent.

Nathan Clark:

"My name is Nathan Clark, I'm also here in Ontario, right near Adele. She's, I'm the Airbnb she was referring to. I, my background is I am a mechanical engineer, and I have been, I don't want to come across bullish, I've been in manufacturing so I typically deal with stuff when it comes to legalities, people's safety, depositions if there's a recall or something that's hurt somebody, so I can come across a little bullish, not my intent. I appreciate you guys taking time to be here and hear some other voices than the ones inside your head. So, it's reassuring, and I appreciate it. I heard some of the things the other people said and though I don't necessarily agree verbatim with all of them, but I do get their point. I also get the point for occupancy laws, I think safety is a serious concern. I have traveled extensively across the globe for many years until I recently got sick and had to quit, and I have in the last nine years stayed in a lot of Airbnb's in different countries, a lot here in the US, and I have seen some Airbnb's that I would be terrified if my oldest daughter or my wife or any of my kids were to stay in so I completely understand that no standards is not the standard. But we all can see the consequences of adopting policies and ordinances out of partially fear. I wish my neighbor hadn't left before I had a chance to say this, but some of the statistics she's saying is true. Some of the things that people do, and they've done studies on them, the way people react in situations she is correct, is true. However, what we're doing is taking a macro picture and applying it to our little town. We're applying the influx of, which I believe stems from the lobbyists in Las Vegas who were successful in shutting down Airbnb's because Vegas is a massive hotel industry, so they had a big voice there. I don't really think, I do know personally a couple of the people who own hotels in town, in fact when we have overflows, we partner with them to help them, and if it does any good, I will get written statements for that, but I'm just telling you as a matter of fact, not trying to prove anything. There are more things going on in this little town, as far as, you have citizens that are just trying to find a way to make a little bit of revenue off of their asset, which is what our, all of our Congress does. They don't necessarily go and work at McDonald's, they have assets, and they leverage their assets for a bit of income for a little bit of a reprieve from the economy we're in. And that's really the goal of what we're trying to do here. I don't think the City is trying to stifle us but I think that adopting just kind of a blanket ordinance that reiterates stuff like noise complaints and ... [inaudible] well that's already covered in City ordinance so to reiterate it towards a specific group or even to apply it toward just Airbnb short-term rentals, not other, could be construed as anti-Airbnb, and I don't think that's the goal that anybody's trying to get across here. I do have some more pointed examples I'd like to give but I feel like I may seem abrasive so I prefer if I could email them or send them for you guys, just you, because I'm not trying to rally anything I just want to make sure that our voices are heard, so if I could mention just a couple points."

Chairman Breidenbach stated that he had a couple questions for Mr. Clark. Mr. Clark suggested doing that at this point in his public testimony, rather than finish his statement

Mr. Clark's public testimony statement was suspended, and open discussion began that included the Planning Commission, Mr. Clark and other audience members and members who presented testimony.

Chairman Breidenbach asked Mr. Clark what rental company was used to rent his properties. Mr. Clark replied his were listed through Airbnb.

Chairman Breidenbach clarified that the term "Airbnb" was not meant to refer just to the company, but to any short-term rental booking company.

Chairman Breidenbach asked if renters at Mr. Clark's property currently paid TOT to Airbnb.

Mr. Clark responded once all the taxes and fees were initiated by a city they were reported to Airbnb, the owners could opt in or opt out of collecting and Airbnb could raise prices to collect the TOT.

Chairman Breidenbach asked the other short-term rental owners who had appeared to present testimony if they were currently collecting or paying the TOT tax on their current rentals.

Ms. Aguiar responded that the company Airbnb currently collects a Federal TOT, but they do not collect TOT for the City of Ontario. She expected Airbnb would start collecting when an ordinance is in place. She stated that owners listing with Airbnb have the option to charge that fee separately so that owners would collect and then remit to the City.

Mr. Draper added that there is also a State TOT. He explained that the renter pays Airbnb, the company takes out all the applicable fees and their commission and the remainder goes to the property owner. He also stated that Airbnb was the only company they have used, and that property owners who advertising and rented outside one of the common listing platforms were likely not paying any TOT's.

Mr. Clark asked for clarification that without proper allocation, these City TOT funds would not be remitted to the City by booking agencies such as Airbnb.

Chairman Breidenbach confirmed.

City Manager Dan Cummings said that the City of Ontario had an ordinance in place that all short-term rental properties, 30 days or less, that charge rent, must pay the TOT, and that it was inaccurate to say that Ontario didn't have a TOT. The TOT issue was part of the reason this short-term rental ordinance was being discussed. Short-term rental owners were violating the City Code by not paying the 10% TOT. He explained the progression of the TOT tax from 8% in 2005, to its current 10% in 2022, as approved by City voters via ballot measures and City ordinances. He stated that the City didn't think all of the short-term rental property owners were trying to break the rules, rather that they were unaware they were not aware of this ordinance.

Mr. Cummings also stated that Airbnb [and other booking platforms] were charging the TOT but the City was not receiving any funds.

Mr. Draper commented that he had understood this only applied to hotels and motels.

Mr. Cummings responded that in fact any short-term rentals, defined as being 30 days or less, were required to pay the TOT. If a property is rented for 31 days, that property owner isn't required to pay the TOT. He explained that this was clarified when the RV Parks were installed in Ontario. Properties rented 31 days or more fell under the regular Oregon rental agreements and such.

Chairman Breidenbach commented that if booking agencies were collecting it and the renters were getting charged, those agencies should be remitting the TOT fees to the City of Ontario.

Ms. Aguiar asked for clarification of the of TOT for hotels and motels, as it appeared they were only being charged with a 1% TOT [referred to 3-18-3, Section A].

Mr. Cummings explained that the ordinance Ms. Aguiar was referring to was actually the ordinance that took the TOT up 1% from the previous number.

Mrs. Kate Draper (spouse to Mr. Draper and present in the audience) stated that at 10%, Ontario's TOT would be the highest in the state, and that other municipalities charged 4% or 4.5%, a few charge 8%, and the highest she'd seen was 9%. She questioned why the City's TOT was so high.

Chairman Breidenbach stated from personal experience that some cities in other parts of Oregon charge as much as 12% or 13%. Chairman Breidenbach asked Kellie Schmidt, from the Oester Professional Group/City of Ontario Finance Department [present at the request of City Manager Dan Cummings] for additional information regarding the TOT.

Kellie Schmidt, City of Ontario Finance staff, explained she was the Accounts Payable Clerk for the City of Ontario, as well as receiving tax forms and the distribution of payouts for the 10% TOT that is collected. She explained that the City received TOT from online hotel booking platforms like Expedia and Hotels Tonight. She asked the Planning Commission how those differed from short-term rental booking agencies such as Airbnb or VRBO. She confirmed that the City was not getting any sort of cash returns or other TOT monies from any short-term rental platforms.

Mr. Clark responded that his personal experience was that when he started his Airbnb properties, he did things the proper way. He filed his business with the State, applied for a business license, paid taxes, etc.

Ms. Schmidt responded and said the City had one instance of the homeowner paying the TOT tax, but the Airbnb and other similar companies are not registered for a Certificate of Authority with the City of Ontario. In contrast, hotel booking platforms like Expedia or Hotels Tonight did have that approval to reflect a State law that required the online booking companies to pay their own taxes.

Mr. Cummings also confirmed that short-term rental online booking companies were supposed to sign up with the City. The City hadn't contacted the short-term rental companies because they had so recently been made aware of the situation. He reiterated that the goal of this process was to allow short-term rentals to operate into safely and to pay the TOT tax as required by the ordinance in place. He explained that the ordinance should be in place before the Finance Department started to notify short-term rental companies that the TOT would be required for their bookings in the city. He reiterated again that the City did not feel the current short-term rental properties were purposely violating the law.

Chairman Breidenbach asked Mr. Clark to resume this public testimony statement.

Mr. Clark:

"I do, but I do want to say, we keep calling it Airbnb and we're talking about Airbnb [the company] reporting to you guys, not to sound counterintuitive against my own case, but it is important to realize that Airbnb [the company] is the kind of the gold standard for these short-term, or maybe VRBO, so if Airbnb is not on par doing what we need for accountability, for..., it emphasizes that we need to have this conversation because the other ones are most certainly not doing ...[inaudible]."

A few key points, if I can steal a little bit more of your time, Chairman. There's a few requirements in the proposed ordinance that I think would be kind of incumbent on people. Not me, necessarily myself in this case but, a site plan and a floor plan for an Airbnb is maybe asking a bit much because these are just

citizens, unless it's a new build or something, I'm not sure where..., what the provocation for that is, but having any citizen give the municipality a full floor plan of their building seems a little bit out of place, but again, it's only my perspective I'm sure there's other ones that make it seems a little more... The next one, number seven, under 10A-57-104, the inspection consent authorizing the City of Ontario to conduct required inspections. That's a blanket consent to waive our rights for ... [inaudible] search and seizure, so although I obviously agree that inspections should be done, I've spent my whole life dealing with inspections, I don't think it..., I think it's dangerous to make it a blanket statement the City has full authority, and we just sign that away. And I don't even believe that was the intent of it I'm only speaking to the verbiage. Nothing else probably has to be addressed here in front of everybody because I don't want to..., I would ask if there be a consideration for possibly some grandfathering as it pertains to fire egress. I think every Airbnb should have a fire extinguisher on every floor, which is not ... [inaudible]. There should be smoke alarms and from my personal experience, we have..., you guys are probably familiar with Google or Nest, we have the connected smoke alarms. The mentality of people feel like they're always being spied on. I can't tell you how many times our smoke alarms have been taken off the ceiling and been thrown away because they think they're listening to them, so it is a problem, it needs to be done, and I think that if it were code we might have a little bit better chance enforcing people messing with our stuff. But as far as egress, for instance, one of my Airbnb's is a house built in 1910 it's a beautiful old house, nice property with a big secluded lot, so we, it's our longest running ... [inaudible], about three and a half years, and it's relatively popular with larger groups because it has 19 beds in the house, it's multiple bedrooms and it has a big bunkhouse downstairs that is 31x18, so it's just a couple sets of bunkbeds but it's great because if you're traveling, I don't know many people have kids, but if you've got four or five rugrats and they're bringing someone with them, finding a place to keep all of them without getting a separate hotel room and having a degree of separation not ... [inaudible], but this house, like I said, was built in 1910 so although it has an exit upstairs straight up from the basement and then the other two exits ... [inaudible], it doesn't meet current code for fire egress and for me to, if you know what that entails which I do, it would be a huge incumbent. I would just ask that a little bit of discretion be given before something's thrown out like that, it would just completely shut down things because my family does rely this now, and I hope they will be able to rely on it in my stead. I appreciate your time, I will give you all the information you asked for and I do have an outline of this I can just forward you guys to read at your own leisure on the toilet."

(Discussion between Planning Commission and audience members resumed.)

Chairman Breidenbach asked Mr. Draper if he had another question.

Mr. Draper stated he appreciated this topic being opened up for discussion, and that he felt that the consensus of the Airbnb owners was that there did need to be some regulatory process. He asked the Planning Commission if there was a City ordinance for tax on long-term rentals.

Mr. Cummings responded to Mr. Draper that State-wide TOT is all short-term rentals, including hotels/motels, bed & breakfast lodgings. He reiterated that all short-term rentals were those rented 30 days or less and all short-term rentals in Oregon paid TOT.

Chairman Breidenbach explained that hotels with guests staying over 30 days did collect and remit TOT by collecting the TOT in 30-day segments until the guest's stay was completed.

Chairman Breidenbach asked Alaina Corollo from the Eastern Oregon Visitors Association to provide comments on this issue. He specifically asked if Ms. Corollo could provide specific numbers for the average

TOT collection for cities in the Eastern Oregon area.

Alaina Corollo:

"Hello everyone. I am Alaina Corollo. I am the Executive Director of the Eastern Oregon Visitors Association. We are what is considered a regional destination marketing and management organization serving eleven counties and two tribal governments east of the Cascades. We are primarily funded through Travel Oregon and the State Lodging Tax. The way that they have seven tourism regions, I am the representative, well, my organization that I run is the representative for the Eastern Oregon region. To the actual lodging tax percentages, I don't know them off the top of my head, John, but I am happy to find that report. It's State-wide, it breaks it down by county as well as local jurisdictions, because I do know across the region, across the eleven counties that I do serve, it does vary. Some counties only have the County TLT, or the TCOT, or whatever, the transient lodging tax, you want to call it. Some have a..., it just varies, so from county, local, whatever the case may be. But I'm happy to pull those numbers and share them with Tatiana and I can share it out with the full Planning Commission, and that can be shared out however that needs to be. But, I'm happy to answer any other questions, I'm not by any means an expert but happy to share, I'm just here to be a resource and was just here to listen tonight, so, thank you for the opportunity."

Chairman Breidenbach noted that Malheur County did not have a TOT.

Chairman Breidenbach asked Ms. Burgess to respond to some of the questions.

Presentation rebuttal by Ms. Burgess:

Ms. Burgess thanked all the participants for attending and for sharing their questions and perspectives. She noted that when work first began on this ordinance in September it had been just the Planning Director and the Planning Commissioners, which made it more difficult to work out this ordinance without input from the short-term rental community.

Ms. Burges responded to the points that were brought up:

Response to comments about short-term rentals as a source of income, jobs and employment in our small community:

- City staff acknowledged and supported the business opportunities provided by the short-term properties.
- The goal of proposed regulation was to protect the industry.

Response to Ms. Aguiar's comment regarding carbon monoxide monitoring in bedrooms:

- Proposed ordinance required carbon monoxide monitoring in bedrooms, bedrooms being defined as where occupants sleep.
- She explained that the definition of "bedroom" was created from input from the Building Official and the Fire Chief.
- The proposal to require carbon monoxide monitors in sleeping quarters was requested by the Fire Department and Building Official.

Response to question about short-term rentals being redefined as anything up to 1 year:

- Referred to Mr. Cummings' previous confirmation that a short-term rental is less than 30 days.

Response to definition of “dwelling” and whether it would allow a RV or tiny home to be rented out:

- The definition of “dwelling” was not reinterpreted or reconfigured for the purpose of this draft ordinance. The definition was taken directly from the definition currently adopted in Ontario’s Municipal Code.

Response comments about application and licensing fees:

- The proposed ordinance did not specifically project a number or amount for that fee. Discussions with the City Manager were in favor of setting the application and licensing fee amounts just sufficient to cover the original inspection, administrative costs for notification of licensing coming due. The fee would likely be similar to other land use applications.

Response to comments regarding occupancy:

- Reiterated that the draft ordinance had proposed a maximum occupancy of two adults, plus two additional persons, not including children under the age of 12. The statement that the City was discriminating by only allowing two people per bedroom was a little out of context.
- The proposed maximum occupancy was based on other ordinances researched, which included the ordinance in place for La Grande, Oregon.

Commissioner Grissett asked Ms. Burgess to clarify the maximum of ten figure that he had seen in the draft ordinance.

Mr. Draper answered the question and stated that number was for “bigger homes”, and larger short-term rentals had a maximum occupancy of 16.

Mr. Clark gave an example of his property which had hosted a wake, and how maximum occupancy of beds did not reflect the number of people being on the property for the wake. He noted that only three people stayed overnight at the property, the rest were daytime guests.

Chairman Breidenbach acknowledged their comments.

Mr. Draper commented that the draft only allowed people staying overnight to be on the property at any time.

Ms. Burgess continued her comments regarding occupancy:

- Occupancy proposal was considered from the perspective of a regulating authority, and safety was a top concern when drafting the highly occupancy regulations. The City felt the importance of secure routes for emergency egress was crucial in order to prevent tragedies.

Mr. Clark commented that he felt the City was fear-mongering and painting a terrible picture. He then retracted his statement with an apology.

Chairman Breidenbach asked Mr. Clark and Mr. Draper to allow Ms. Burgess to finish her comments and acknowledged that Commissioner Grissett had questions.

Ms. Burgess continued her rebuttal:

- The City of Ontario has occupancy requirements for every business that is being licensed in the City, and the City inspects and issues a Certificate of Occupancy, including hotels.

Response to comments regarding noise ordinances and the ability to conduct events on-site:

- Events and short-term rentals are not the same type of business, and that the main purpose of a short-term rental was for a homeowner to supplement their income by renting out their home. Conducting venues out of this type of occupancy would not be compatible with the zoning where these short-term rentals are located.
- Every ordinance researched prohibited events at short-term rental properties. If a property owner was interested in converting their home or space into a venue, then the land use process would be the avenue to pursue that plan particular to the particular zone where the property is located.
- Noise ordinances are applicable per City Code and are specific to a zone, rather than a specific use of a property.

Response to inspections and "blanket consent to waive your rights":

- Because short term rentals would be considered a business, they would be treated the same as all new businesses in the City of Ontario, including applying for a permit, being subject to building codes and an inspection before the license and/or permit was issued. The draft ordinance does not give City staff unlimited trespassing rights.

Ms. Burgess concluded her rebuttal.

Mr. Grisset pointed out that some short-term rentals are used both as a primary residence and as a short-term rental and asked why that property would be considered a business instead of a primary residence.

Ms. Burgess responded that it would be up to the owners and how they are using it, but taking a home that was originally used a single-family home and renting it as a short-term rental no longer utilized the home per the original intent as a private residence. The City saw that as a business from the land use standpoint.

Commissioner Grissett acknowledged that this was a draft ordinance and commented that there was a need for the ordinance, and that there was still work to be done.

Mr. Cummings said that renting out a room on a rare occasion is not running a short-term rental. He stated that his opinion was that a home that occasionally rented out a room or this house was not a true short-term rental. The City would not be out checking on every single person, and just like the hotels, this process would be an "honor system" to pay their taxes.

Mr. Cummings stated to the Airbnb owner present who previously asked if the basement in one of their short-term rentals could be "grandfathered" in with regard to egress, that the City could not grandfather anything that was regulated by State building codes, especially for a property that was being rented out to somebody else.

Mr. Cummings also commented that single family zones were intended to not be rental zones, and that the City had zones for high-density residential. Most people who bought homes in the single-family zones do not expect the in-and-out traffic that a short-term rental property may bring. This draft ordinance is seeking to see what people would be ok with to allow these types of properties in their single-family zones. Also, he noted that when Codes are being drafted, staff does have to take the "worst case

scenario” into consideration. The ordinance will hopefully find a happy medium for both the neighbors and the short-term rental properties.

Chairman Breidenbach commented that some Homeowner’s Associations restricted short term rentals.

Mr. Clark commented that based on Airbnb’s metrics, a 30% rental rate on Airbnb is considered a successful rental. Short-term rental property managers often maintained their properties better than a long-term rental in the same area to attain those rental rates. He commented that taking the negative aspects of long-term rentals and applying them to short-term rentals was a bit disparaging. He also noted he felt that rules from modern building codes were being applied to something new. He stated he felt rules were needed but that the City shouldn’t blindly adopt something because it was being used elsewhere.

Chairman Breidenbach commented that short-term rentals are considered a business, something that not bad for neighborhoods, but can be negative in many ways if good structure isn’t in place.

Mr. Draper commented from the audience and asked how many complaints about short-term rentals were received by neighbors of those properties.

Mr. Cummings responded that there had not been a large quantity of complaints, but the City had to respond to the complaint that did come in.

Mr. Draper commented that he agreed that this issue needed to be dealt with, but that the City should not over-regulate. He stated that he felt the tax didn’t seem to be an issue for most Airbnb owners.

Commissioner Fortner commented that if these properties were under-regulated, then renters, local citizens and first responders are put at unnecessary danger.

Mr. Clark asked if there were examples to substantiate what Mr. Fortner stated.

Mr. Fortner responded that he was currently a part-time firefighter with Ontario Fire Department. If properties with lack of egress were “grandfathered in” without current egress requirements, firefighters would have to go into a potentially unsafe situation. Occupancy and egress were a crucial consideration, and worst-case scenario and crisis thinking were essential to keep people safe and alive.

Mr. Draper asked for the statistics that proved short-term rentals had more deaths because of a similar situation to what this body was discussing versus any other home. He also asked why the City was only focusing on the [short-term] rentals.

Chairman Breidenbach responded that this ordinance would hopefully make sure those situations didn’t happen. He reiterated that this draft ordinance was not settled and that the City would keep working on it. He commented that without something in place, the City may be faced with short-term rental properties that are unsafe.

Mr. Cummings agreed that if everyone who owned these short-term rental properties abided by the rules and regulations that the booking companies set forth, ordinances like this would not be needed. He noted that it only took one property to bring other properties down, and that the City had to have a way to address non-complying properties.

Mr. Clark asked if a conversation could be opened at a later date to discuss the option of only allowing certain booking companies to operate properties in the City of Ontario, with the point that the companies allowed would align with the standards the City is proposing so that the City has some assurance of regulation of the properties.

[Inaudible due to cross-talking.]

Chairman Breidenbach asked Ms. Burgess if she had found any cities that had restricted which companies be used to rental short-term rental properties.

[Inaudible due to cross-talking]

Ms. Burgess stated that the cities/jurisdictions she researched gave specific definitions of "short-term rental", but those definitions were not particular to specific companies. She referred to the City of Tillamook's ordinance on short-term rentals, which had been included in her research of jurisdictions around the State. She stated that many cities, like Tillamook, had very restrictive ordinances concerning short-term rentals. She stated again that the goal for Ontario's draft ordinance was to outline a bare minimum set of standards as a starting point for the Building Inspector and the emergency response people, and to create a land use process. She stated that Ontario wasn't trying to replicate Tillamook, but that in comparison the draft ordinance for Ontario wasn't as restrictive as many she researched.

Mr. Clark stated that he felt that saying the draft ordinance wasn't as bad as others was a terrible argument, in his opinion. Mr. Clark then referenced the tiny home homeless shelter in Ontario that it had received State and Federal funding and asked if short-term rental owners might have access to funds to bring their properties to code.

Chairman Breidenbach responded that there could be various avenues for funding but didn't have any specific sources.

Commissioner Grissett commented, referring to his previous comment about renting out a home, that private home owners could rent their primary residence via a company like Airbnb, on very limited basis to earn extra income, or other properties that may have one large room with adequate egress and several bunk beds – all of which could be rented as a short-term rental. He encouraged the Commission to look at the market and fully understand that each unit can be unique and that those unique properties shouldn't be limited without fully understanding them.

Commissioner Grissett also commented to the point of hosting events at a short term-rental and noted that there were already ordinances and avenues in place for enforcing noise ordinances and parking issues. He also noted that Airbnb collects State/Cities most counties, often at higher rates, except in Oregon except Malheur County/Ontario. He felt that the proposed ordinance was calling out ordinances and TOT requirements that were already in place elsewhere in City Code. He noted that owners of short-term rental owners were ok with compliance and safety and should have input in the design of an ordinance. He felt the ordinance was good but needed to be fine-tuned to Malheur County and the City of Ontario.

Chairman Breidenbach asked for other comments from other Commissioners.

Commissioner Twombly remarked that the discussion was good. There were two sides of the discussion,

the short-term rental property owners and the neighbors of those properties, and there was always a give and take with ordinances. A homeowner may want to rent their property as a short-term rental but how do the neighbors feel about it? He noted that residential areas weren't designed for events and that sort of use wasn't appropriate for the single-family zone. He also commented that safety was important and could be addressed by short-term rental owners, and that safety was just as important for first responders. There are some things that can't be waived, but there are some where a happy medium could be found for the neighborhood and the rental property owners. He stated that the Planning Commission had to take the whole city into consideration, not just the short-term rentals, whether they be by businesses or private homes rented out sporadically. He commented that he felt the ordinance should fit most of the things, but at the same time have some teeth to it so that when a non-complying property is operating the City can shut it down before someone complains or someone dies.

Mr. Draper asked who would be in charge of policing out-of-compliance properties in that situation.

Mr. Fortner responded that no one would police the ordinance if there were no complaints.

Mr. Clark commented that they [the short-term property owners] would have to be accountable for themselves.

Mr. Draper commented that they were talking about an extremely small percentage of home that have had few complaints or problems and applying it to the rest of the city.

Chairman Breidenbach acknowledged the concerns and expressed appreciation for all parties in attendance.

Ms. Aguiar commented that short-rental property owners who listed under a company such as Airbnb or VRBO were clearly going to be operating as a short-term rental. She noted that there were people in Ontario who would not be under a listing company and would instead operate by a sort of word of mouth. She noted that those unlisted short-term rental properties were often concerning and unsafe.

Chairman Breidenbach responded that one of the positives to come from an ordinance is that the business owners who are following the procedures will help bring those unsafe properties to the City's attention.

Commissioner Braden commented that he had a few points after listening to the discussion. He addressed the tax code question that Ms. Aguiar brought up and clarified how hotels remit their TOT tax:

- Chapter 18, Title 3 had a 5% collection fee of the 1%. The property owner kept 5% of the 1% and then remitted 95% of the 1% to the City.
- Chapter 11, Title 3 started at 8% with a 3.75% collection fee. One percent was then added in 2022 to 3-11 [Chapter 11, Title 3], taking the tax from 8% to 9%, adding to the 1% in Chapter 18.
- The summary was that 9% was contained in Chapter 11, 1% was contained in Chapter 18 because of different collection fees that short-term rental property owners would be able to keep.
- TOT tax percentage rate increased from 9% to 10% was passed via the May 2022 ballot for the City of Ontario. That 1% was specifically stated as serving the Ontario Rec District at 75% of the 1%, and the Sage Event Center/Malheur County Fairgrounds at 25% of the 1%.

Ms. Draper commented that customers may be deterred from booking in Ontario by the City's TOT.

Chairman Breidenbach acknowledged that it was a possibility.

Ms. Aguiar commented from the audience that hotels/motels in the Ontario-area didn't have a lot of competition but that there was a lot more competition for short-term rentals.

Chairman Breidenbach commented that the City understood. He commented that hotels/motels do have a different ability than a short-term rental based on their short-notice availability and their ability to change prices as needed in order to fill rooms. He acknowledged that short-term rental properties do not have that flexibility. He noted that the TOT increase was a ballot measure and that Ontario citizens had supported it by voting to increase the tax. He also noted that many areas have both City and County TOT tax, and that Malheur County didn't have any sort of TOT tax.

Mr. Draper asked if the City had reached out to Airbnb regarding the tax ordinance and charging for the tax on their bookings.

Mr. Cummings responded that the correct order of business would be to put an ordinance into place before contacting the booking agencies so that short-term property owners would not suddenly find themselves not in compliance with TOT requirements. He also commented that those companies were in violation of the ordinance by not signing up and not collecting that tax. He said that the companies were willing, but that there wasn't currently a mechanism in place to begin the process. He recognized that the owners present may not be in favor of regulation but that an ordinance was necessary for the many reasons discussed. The popularity of short-term rentals was increasing locally and around the state. He reiterated that this process of creating an ordinance stemmed from a specific complaint made to the City about a short-term rental property that did not meet residential code, and the complainant expressed that if the City was not able to deal with it, a formal complaint would be filed. He stated that the requirement of a simple site plan and floor plan to show the property was rented and that it was safe. He said the City had a legal responsibility to keep citizens safe and to keep property owners from being sued in the event of an emergency, and as such the City could not knowingly allow unsafe or non-compliant properties to operate as short-term rental businesses.

Mr. Clark commented that his property previously referenced had a basement that met previous egress codes but that it would not meet the most current egress requirement of a second egress.

Mr. Cummings commented that the goal of the ordinance was to find a happy medium for everyone that allowed owners to operate safely. He also referenced the portion of the draft ordinance regarding multiple short-term rental properties owned by one person or one corporation, operating out of a single-family zone. He commented that they added the language regarding ownership because the City had heard of this sort of thing happening in other places.

Mr. Clark commented from the audience that the city of Houston addressed the issue of corporation buying up large amounts of short-term rental properties. He felt that Ontario wasn't currently at risk of that situation but said that the short-term rental industry was huge. He suggested that Ontario could keep the ownership relatively local, as Houston did, to keep out big corporations. He also commented that even hotel companies such as IHG [hotel company] had a massive portfolio of short-term rental properties.

Mr. Cummings agreed with Mr. Clark and stated that was the issue that the City of Ontario was trying to avoid.

Ms. Burgess said that all the other ordinances she researched included a ratio and had very specific stipulations for ownership, as far as saying how many short-term rental properties would be allowed to be on one street. She said that the City of Ontario did not want to be that restrictive, and in fact didn't even include a percentage of short-term rentals allowed in a certain City zone. Ms. Burgess also explained that the land use portion of this ordinance was very important, and that giving the neighbors of a short-term rental property a platform to be involved with that happens in their neighborhoods was an integral part of the issue.

Ms. Aguiar asked if input from neighbors of the short-term rental would be gathered during the application process.

Ms. Burgess confirmed and stated all adjoining landowners would be notified as with a normal land use decision and would possibly follow the typical land use decision process as a conditional use permit.

Ms. Aguiar asked who would get notified.

Ms. Burgess answered that she would likely follow the exact same process in place for a conditional use process, which would be to notify owners within a 100-foot radius of the property in question.

Mr. Draper commented that this was creating a conditional use, and he felt that it did not seem appropriate.

Chairman Breidenbach commented that the Planning Commission wanted to continue to work on a resolution that Planning and Zoning can take to City Council. He said they wanted to continue to get public input.

Commissioner Braden commented that the local hotels pay nearly two million dollars per year to the City in TOT tax, and that money goes to eight different places, all of which support our community in areas such as tourism, community building, and public safety.

Ex-officio Susanne Mills asked Ms. Burgess if a situation occurred where a corporation bought multiple properties on one street with the intent to operate them as short-term rentals, would Planning and Zoning consider those as businesses or if they would be considered residential, since they would be required to pay the TOT tax.

Ms. Burgess replied that the draft ordinance didn't address density, but that it addressed ownership. The draft currently stated one owner could operate one property as a short-term rental, and defined owner based on the definition in the Code.

Ms. Mills proposed a situation where one person or one corporation owned multiple dwelling units, such as a four-plex or a multi-dwelling unit, that were all located on one tax lot and wanted to rent one or more as a short-term rental. She asked if, in that situation, that owner would be restricted to only operating one of those dwellings as a short-term rental, based on the proposed ordinance.

Ms. Burgess confirmed that the current draft ordinance would limit ownership to one property in that situation, following the definition of "owner" as defined in City Code. The issue of ownership could absolutely be discussed further as the process for this short-term rental ordinance continued.

Ms. Mills directed a question to Ms. Aguiar regarding ownership of her properties and how she rented her short-term rental.

Ms. Aguiar clarified that she lived in the main home on her property and rented out a small studio at the back of her property. She stated she would like to have the option to someday be able to rent both dwelling units on her property as short-term rentals. She stated she was hesitant to do a long-term rental due to the difficulty of Oregon's rental laws. She noted that short-term rentals were easier to manage and easier to maintain and didn't tend to create issues with neighbors. She commented that unsatisfactory customers could be denied re-booking, which also would help to alleviate on-going complaints from neighbors. She expressed that she would like to have the option to have more than one property to utilize as a short-term rental.

Ms. Burgess acknowledged Ms. Aguiar's comments and explained her process of determining owner and that she used City Code to define owners. She acknowledged that the discussion taking place at the meeting was welcome and the input was valued, and items such as maximum properties owned, the density per zone, etc., could be changed if needed. She said that this draft was very much a starting point and that nothing was set permanently.

Commissioner Fortner said that he wanted to assure everyone that the goal was to find the most basic, least onerous, most common-sense compromise that will work for everyone. He acknowledged that some of the compromises at the end of the process may bring challenges to current short-term rentals, but that the ultimate goal was safety, profitability for the owners, and overall, for everyone to get the best of the compromises. He asked that consistency be taken into consideration as the discussion continued, especially with regard to maximum occupancy per room in a short-term rental, noting that hotel rooms don't have a "two per bedroom" occupancy, and neither do RV Parks. He asked that the process clarify the difference between hotel/motels, RV Parks and short-term rentals, specifically in regard to the occupancy per room.

Mr. Cummings responded to Commissioner Fortner's comment and explained that under City Code, owners cannot live in an RV unless that RV is located in an RV Park.

Commissioner Fortner agreed. He stated that the City should have a conditional use process available for one person to own and operate more than one short-term rental property, provided they are not a corporation, and that such a process would protect the normal person or local business from an overwhelming commercial ownership.

Mr. Cummings agreed.

Chairman Breidenbach directed a question to Mr. Clark about how many properties he owned and operated.

Mr. Clark replied that he owned three short-term rental properties. He explained the history of his ownership, including his "unique property" listing, and how he and his family came to be a part of this industry. He said that in particular their "unique listing" had an extremely high rental rate and had been

very successful. He also stated he did have two rentals on the same property. He explained that his family relied on the income from their rentals due to his own health difficulties, and asked the Planning Commission to take situations like his into account when creating this process.

Mr. Cummings replied that the unique listing owned by Mr. Clark had generated the complaint, and was an example of a property that may not meet residential codes, because it had not been built as a residence. He said that the playhouse had not required permits when it was built years ago, but that it was not built as a dwelling.

Chairman Breidenbach said that even though there were ordinances in place for things like noise ordinances and building codes, this draft ordinance for short-term rentals was still needed in order to address this specific industry. He also commented again that this draft ordinance and that the Commission would continue to work on this ordinance. He also stated that this ordinance will not affect anything in the Urban Growth Boundary, it would just affect short-term rentals within the City of Ontario.

Mr. Draper asked if those present at the meeting would be included in further discussion.

Chairman Breidenbach said everyone would be notified about the next meeting.

[Cross talking, unintelligible.]

Commissioner Fortner said that this issue would be tabled until the next meeting.

Chairman Breidenbach stated it was important to make progress but reiterated that this issue was not being decided at this meeting and that Ms. Burgess would continue to work on the draft ordinance.

Ms. Burgess confirmed with Chairman Breidenbach that the items she was asked to continue to work on were ownership, either coming up with a different number for ownership or density requirement, and maximum occupancy.

Mr. Grisset asked if Ms. Burgess could also look into a way to waive some standard requirements for unique listings such as the playhouse discussed previously, so that they could continue to tap into the market of renters who specifically seek out these unique listings.

Mr. Cummings responded to Commissioner Grissett that City of Ontario did not regulate or create the State's building code laws, the City only enforced them. It would be illegal for the City of Ontario to waive any State building code laws. The City wanted to create a process via this ordinance to allow the Building Official to look at properties to confirm the safety of the building.

Mr. Draper commented that there were no building codes for short-term rentals.

Ms. Burgess responded to Mr. Draper that the building codes in place applied to dwellings.

Mr. Cummings responded and said that the City completely understood and explained nothing was being reinvented for this ordinance. The City had to look at short-term rentals under the residential building code and see if the properties comply with residential building codes, especially concerning safety and egress.

Mr. Draper commented again that there were no statutes in Oregon for short-term rentals for building codes.

Mr. Cummings responded in the affirmative and stated again that the short-term rentals were defined as dwellings and that the dwelling code had to be applied.

Ms. Burgess added that the term "short-term rental" was a land use definition, but from a building code definition, short-term rentals were defined as a dwelling. The two definitions were not interchangeable and "short-term rental" was not a building code definition.

Ms. Mills asked Ms. Burgess if Bed & Breakfasts and vacation homes would fall under this short-term rental.

Ms. Burgess replied that Bed & Breakfasts were licensed as lodging facilities under the Oregon Health Authority, just like RV Parks. They were required to carry a license and were subject to both initial and annual inspections from the Malheur County Environmental Health Department. There were very specific criteria and facilities were subject to a plan review before the license was approved, and they were licensed by both the State as a lodging facility and as a restaurant, since food was served.

Chairman Breidenbach asked the Commission if there were any more suggestions for Ms. Burgess to research for the next draft of the ordinance.

Mr. Draper asked if the Planning Commission would consider revisiting the requirement in the ordinance that required a site contact to be available 24 hours/7 days a week with a 30-minute response time to emergency or urgent calls. Mr. Draper did not feel this was a feasible requirement for property owners to fulfill.

Chairman Breidenbach acknowledged Mr. Draper's comment and stated that Ms. Burgess and the Commission would look at that. He noted that business owners in Ontario were required to have a site contact for emergencies.

Mr. Clark asked from the audience if it was common practice for the County Sheriff to have emergency contacts on file for properties.

Chairman Breidenbach confirmed it was.

Mrs. Draper commented that the requirement to have someone be available in-person at the property within thirty minutes would be a hardship for short-term rental owners who may travel frequently or have period of time when they are not in town.

[Multiple people speaking – unintelligible.]

Ms. Burgess stated that the language in the draft was that a contact person needed to be available and then if they weren't available themselves to come to the property themselves, a person could be designated by the owners to be an emergency contact person.

Chairman Breidenbach asked again if any other concerns needed to be addressed at the next meeting. He then requested that Ms. Burgess research and address the concerns brought forth and redraft the

proposed ordinance.

End of discussion.

Mr. Cummings said that anyone present at the meeting would receive information and updates and requested that all parties leave contact information.

Chairman Breidenbach commented that they may have a less formal meeting the next time.

There were no handouts or discussion items.

There were not additional comments or ex officio reports.

Motion to adjourn by Blu Fortner, second by James. Roll call vote called by JB.

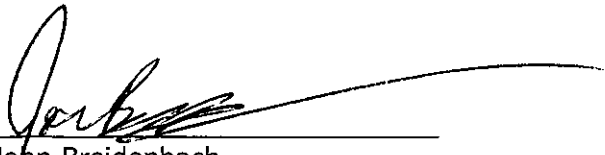
Mr. Cummings asked for an official Motion to table the short-term rental discussion.

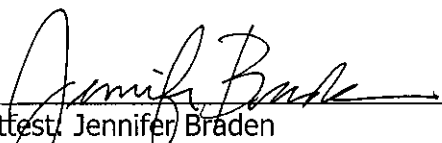
MOTION TO TABLE THE SHORT-TERM RENTAL DISCUSSION

Blu Fortner moved, seconded by James Grissett to table the discussion regarding short-term rentals until the next scheduled Planning Commission meeting. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.

MOTION TO ADJOURN

Mr. Fortner moved, seconded by Mr. Twombly to adjourn. Roll call vote: Fortner-yes; Grissett-yes; Twombly-yes; Braden-yes; Breidenbach-yes. Motion carried 5/0/0.



John Breidenbach
Chairman

Attest: Jennifer Braden
Planning & Zoning Technician



**AGENDA REPORT
HAND-OUTS/DISCUSSION ITEMS
February 10, 2025**

To: Planning Commission

FROM:

SUBJECT: **SEI FILING AND TRAINING ANNOUNCEMENT**

DATE: February 3, 2025

PROPOSED MOTION:

SUMMARY:

BACKGROUND:

CURRENT SITUATION:

ANALYSIS:

- A. **STRATEGIC PLAN**
- B. **FINANCIAL**
- C. **TIMING**
- D. **POLICY/LEGAL**

ALTERNATIVES:

RECOMMENDATION:

Staff recommends

ATTACHMENTS:

- 1. SEI-Filer-Flyer
- 2. 2024 SEI Filers Guide V3



Oregon Government Ethics Commission

Requirement

The law identifies specific public officials that are required to file verified Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGE) annually. Your public body has identified that you are currently serving in a position that is required to file an SEI. See [ORS 244.050](#) for a complete list of filers.

What do I need to do?

Your public body has a person responsible for getting you set-up in OGE's database, the Electronic Filing System (EFS). This person is referred to as the Jurisdictional Contact (JC) in the database. Your JC is responsible for letting you know of your SEI filing requirement and will be adding you to EFS.

1. Be on the lookout for emails from ogec.notification@egov.com . This will be the invite to create your account in EFS.
2. If you do not receive the email invite, please contact your JC.
3. Using the link in the invite, create your EFS account before March 15, or within 90 days (whichever time frame is shorter).
4. File your SEI between March 15 and April 15.

Where can I find more SEI information?

The [Statement of Economic Interest page](#) on OGE's website has more information on what an SEI is, the questions asked in the statement, as well as links to view SEIs that have been filed by public officials.

Training and Resources

Every year, OGE trainers offer weekly trainings in March and April. You can register for these trainings, as well as find a written step-by-step guide on how to file your SEI on the [SEI Filer Training](#) page of the OGE website.

Website: www.oregon.gov/ogec

Questions

Contact OGE staff mail@ogec.oregon.gov or (503) 378-5105.

Oregon Government Ethics Commission
3218 Pringle Road SE, Suite 220
Salem, OR 97302-1680

A close-up, low-angle shot of a laptop keyboard. The keys are dark, and the background is a vibrant red, creating a strong contrast. The lighting is soft, highlighting the texture of the keys and the glow of the background.

Statement of Economic Interest Filer Guide 2024

**Oregon Government
Ethics Commission**

3218 Pringle Rd SE, Ste 220
Salem, OR 97302-1680

503-378-5105

www.oregon.gov/ogec

Revised 03/07/2024

TABLE OF CONTENTS

Introduction	2
Who is Required to File	2
2024 SEI Filing Updates	3
Jurisdictional Contact.....	3
Getting Started Using EMail Link.....	4
Creating Your Account.....	4
Getting Started Using Registration Code/ Token ID	9
Managing Your EFS Account.....	10
Login.....	10
Dashboard.....	11
Forgot Password	13
Forgot Username	14
Editing/Updating Account Information.....	14
Updating Contact Information	15
Updating Password	16
Updating Security Questions.....	17
Updating Alternate Contact.....	17
Save Changes	18
Date of Appointment	18
Resigning from Position	19
Filing an SEI.....	19
Filing Tips.....	21
Question 1: Business Office or Directorship; Business Name:	22
Question 2: Sources of Income.....	31
Question 3: Real Property.....	31
Question 4: Office Related Events	32
Question 5: Honoraria.....	33
Question 6: Shared Business with Lobbyist	34
Question 7: Income of \$1,000 or More.....	34
Question 8: Debt of \$1,000 or More.....	35
Question 9: Business Investment of \$1,000 or More.....	35
Question 10: Service Fee of \$1,000 or More	36
Verify and Save.....	36

Most Common Filing Errors	38
Statutory References	39
Definitions	39
FAQS	40
System Requirements.....	41

DISCLAIMER

This training material is issued by the Oregon Government Ethics Commission (OGEC) pursuant to ORS 244.340 Continuing Education Program. This publication is intended for educational and training purposes only and should not be used as a substitute for a review of the specific statutes and rules. There may be other laws or regulations not within the jurisdiction of OGEC that apply to actions or transactions described in this training material. Do not reproduce or distribute without the express written permission of the OGEC.

INTRODUCTION

If you are receiving this guide from your public body, the OGEC has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will receive a system-generated email from the OGEC to create a username, password, and confirm your pre-filled personal profile information is correct and electronically submit to OGEC. You will need to create your profile before March 15th to ensure you receive all communications from OGEC.

During the filing period, failure to complete and electronically file by the final filing date may subject you to an automatic civil penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter, up to a maximum of \$5,000.00 [ORS 244.350(4)(c)].

WHO IS REQUIRED TO FILE

There are approximately 6,000 Oregon public officials who must file an Annual Verified Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC) by **April 15th** of each calendar year.

Public officials who are required to file reports are specified in ORS 244.050.

Please refer to that section of the law to see if your specific position requires you to file these forms. In general, public officials who hold the following positions are required to file:

- **State:** Public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- **Counties:** Elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file, as do planning commission members and the county's principal administrator.
- **Cities:** All elected officials, the city manager or principal administrator, municipal judges and planning commission members.
- **Districts:** Administrative and financial officers in school districts, education service districts and community college districts. Some members of the board of directors for certain special districts. All school board members of each common and union high school district.
- **Candidates:** Individuals running for some elected public offices are also required to file.

2024 SEI FILING UPDATES

Due to [House Bill 2038](#), SEI filers have something new to include on their SEI forms this year. For officials who must record a business in questions 1A or 1B, you must also include any client, customer, investor, or any other entity who your business has a legal, contractual, or other business relationship if:

- They have contributed 10% or more of your business' total gross annual income,
- And they have a legislative or administrative interest in your public official position, or they have been or could reasonably be doing business with the governmental agency you are associated.

JURISDICTIONAL CONTACT

OGEC staff has identified the positions held by public officials who must file the SEI form and has them listed in the Electronic Filing System (EFS) by jurisdiction. Each jurisdiction [city, county, executive department, board or commission, etc.] has designated a person who acts as the Commission's point of contact for that jurisdiction. (OAR 199-020-0005(1))

This contact person is known as the **Jurisdictional Contact (JC)**. It is through the JC that OGEC obtains the name and email address of each public official who is required to file. When there is a change, through resignation, appointment or election, in who holds a position, the **JC** makes the necessary changes in the EFS.

Please Note: If there is a change in the SEI filer's email address or other contact information, it is the **SEI filer's responsibility** to make the change in their personal account - not the responsibility of the JC.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI form by April 15th.

GETTING STARTED USING EMAIL LINK

Each jurisdiction has a designated person, a Jurisdictional Contact (JC), whose responsibility is to keep the OGEC database (Electronic Filing System, EFS) up to date with the names of the public officials serving in specific roles. Once the JC has added you to the EFS, you will receive an email invitation to create your account.

NOTE: The link in the email is only active for 90 days. If your link is not active, please contact your JC to get a new email invitation and link.

You will only need one account, even if you have multiple roles or seat assignments in the EFS. If you serve in multiple roles that require filing an SEI, your positions will be listed in your personal account profile you have set-up. If you already have an account and are being assigned to a new seat, it is important that the JC for your new role has the email associated with your existing account. Having multiple accounts may result in EFS charging you penalties. You will only need to file one SEI each year, even if you have multiple positions that require you to file.

NOTE: If you are both a JC and a filer, you will have two separate accounts.

CREATING YOUR ACCOUNT

1. Locate the system-generated email from the Oregon Government Ethics Commission: ogec.notification@egov.com
2. Locate the email link within the email.

Dear Stephanie Trainer:

You are being invited to create a personal account in the Oregon Government Ethics Commission's (Commission) Electronic Filing System (EFS) to prepare for the required filing of the Statement of Economic Interest. ORS 244.050 specifically identifies certain public officials who are required to complete and file the Annual Verified Statement of Economic Interest (SEI) form. AMITY SD 4J has indicated that you currently hold a public position that is required to file.

All filings are submitted electronically through the EFS and require that you have an active account. Notifications for the filing are sent from ogec.notifications@egov.com, and are sent to the email address that you provide in your account. You can provide your personal email account as it is not public record. Using an email that you check regularly is imperative. On March 15th you will be contacted via email to file your report and you have until April 15th to complete the filing.

Please click on the following link to create your account now. <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fuat-oregon.egov.com%2Fogec%2FEFS%2FSEIAccount%2FSEIInvite%3FconfirmationCode%3DABBJU9&data=05%7C01%7C0GEC,Training%440ogec.oregon.gov%7C8fdb1910f72a4b6554fd08dac68cf394%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638040605928751531%7CUnknown%7CTWFPbGZsb3d8eyJWljoimC4wLjAwMDAILCjQljoiv2luMzIiLCB8Ti6ik1haWwWwLjCjXVCi6Mn0%3D%7C3000%7C%7C%7C&data=AA5lyxmYaevxT3Rj7RcaK5JP%2F%2ByHg17CbYf%2FTRGZkc0%3D&reserved=0>.

If you have a pre-existing account created in EFS, please contact Commission staff for assistance.

For helpful training opportunities and materials for filing your SEI, click here: <https://www.oregon.gov/ogec/training/pages/default.aspx>.

Contact the Commission staff with questions or concerns at 503-378-5105 or by email at mail@ogec.oregon.gov. We are always happy to help.

Do not reply to this email notification as it will not be delivered to the Commission.

Thank you,
Oregon Government Ethics Commission
3218 Pringle Rd SE, Ste 220
Salem OR 97302

3. Click on the link or copy the link into your web browser address bar. This will direct you to the "Create a New Account" page of EFS.

Make sure to complete all fields. Many of the fields are prepopulated with information provided by the JC during the seat/position assignment process.

Create a new Account

If you already have an account, please [Log in.](#)

Choose a user name and password

4



Username *

5



Password *

This field is required. ⓘ Passwords must have a minimum of one upper, one lower, one digit and one special character. Passwords must be at least 8 and no more than 20 characters long. Special characters include any of the following: ()!#\$%&'*,.:?;<=>@*_[]^`{}~

Confirm Password *

Choose your security questions

6



Security Question 1 *

Answer 1 *

ⓘ Security questions are case sensitive.

Security Question 2 *

Answer 2 *

ⓘ Security questions are case sensitive.

4. Select Username.

Choose your username carefully, as the username field is permanent. The use of an email address as a username is **NOT** recommended.

5. Select a password. Passwords must have a minimum of:

- ✓ One upper case letter
- ✓ One lower case letter
- ✓ One numerical digit
- ✓ One special character (*See text help for special character list*)
- ✓ Must be at least 8 and not more than 20 characters long

NOTE: We recommend that you do not use an exclamation mark (!) as one of your special characters. This sometimes causes login errors.

6. Security Questions. Security questions enable you to retrieve your password if you are unable to remember it.

- Security question answers are **case and space sensitive**.
- If your security question answer contains more than a one word answer, you will need to remember to include all spaces, punctuation, and special characters that you used.
- We recommend using factual information. Examples: Model or year of first car, where you went to High School, grandmother's maiden name, etc.

7. Personal Profile Information.

Verify that the pre-populated personal profile information is correct. It is your responsibility as a SEI filer to maintain your own profile information, which includes mailing address, phone number and most importantly, the email address.

Security questions are case sensitive.

Personal Profile Information

Last Name *

First Name *

Middle Name

Email *

Phone *

Alternate Phone

Fax

Mailing Address *

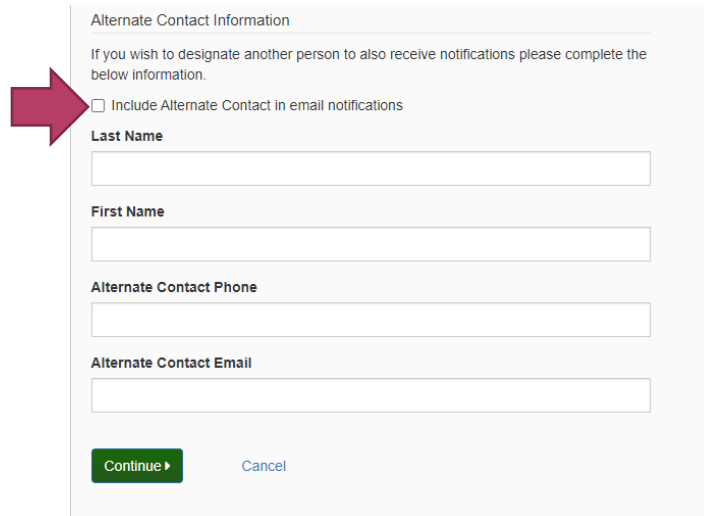
Address Line 2

City * State * Zip Code *

OR

8. **Alternate Contact Information.** You have the option to identify an alternate contact person to receive the same system-generated email notifications that you will receive. It is recommended that you list your JC as an alternate contact.

FIRST: Be sure to check the box to include the designated alternate contact in email notifications. Then you can enter the contact's information. If you do not check the box first, they will not receive copies of the emails.



Alternate Contact Information

If you wish to designate another person to also receive notifications please complete the below information.

☐ Include Alternate Contact in email notifications

Last Name

First Name

Alternate Contact Phone

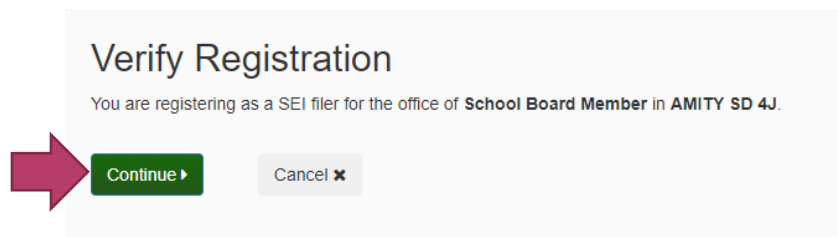
Alternate Contact Email

Continue Cancel

9. After confirming all information is correct, select **CONTINUE**.

10. Verify Registration.

You will now be asked to verify your personal profile information. Select **CONTINUE**.



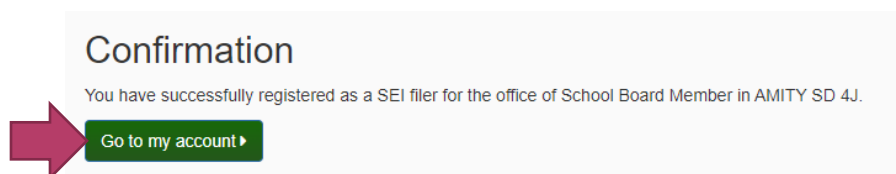
Verify Registration

You are registering as a SEI filer for the office of **School Board Member** in **AMITY SD 4J**.

Continue Cancel

11. Confirmation.

If you have successfully registered, the **CONFIRMATION** page will appear naming the jurisdiction you have registered for. You will receive a system-generated email confirming that you have successfully registered.



Confirmation

You have successfully registered as a SEI filer for the office of School Board Member in AMITY SD 4J.

Go to my account

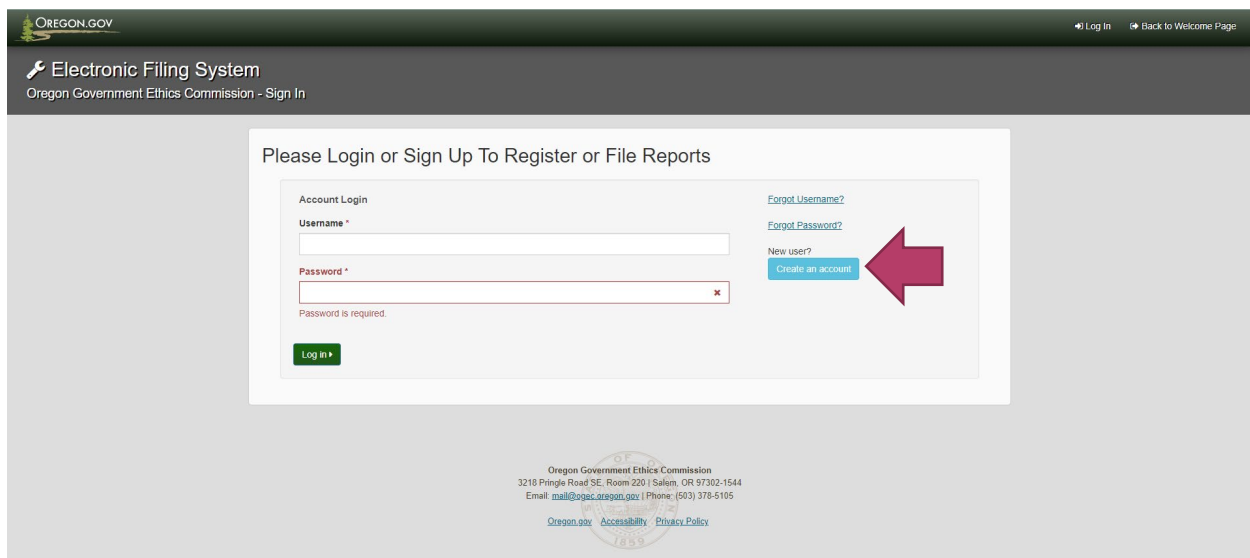
12. Once you have created your personal profile, you will now select **GO TO MY ACCOUNT** to view your account.

GETTING STARTED USING REGISTRATION CODE/ TOKEN ID

If you are unable to locate the system-generated email from the Oregon Government Ethics Commission: ogec.notification@egov.com, please contact your JC. Your JC can provide you with the registration code (also known as the Token ID).

Please confirm that they entered your email address correctly before using the registration code. If the JC has not entered your email address correctly, they will need to delete your invitation and re-seat you. This will generate a new email invitation and registration code.

1. Once you have gotten the registration code/token ID from your JC, go to the EFS login page.

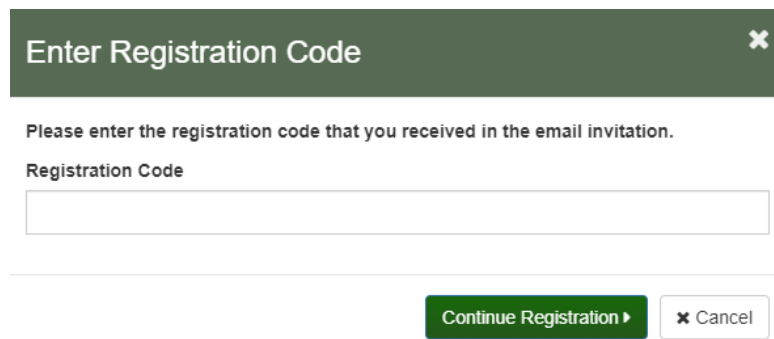


2. Click on the blue “Create an account” button.
3. **Choose a role.** Click on the green box labeled “Statement of Economic Interest (SEI) Filer”

Choose a Role



4. **Registration Code.** You can now enter the registration code (shown as the Invite Token ID in the JC's account).



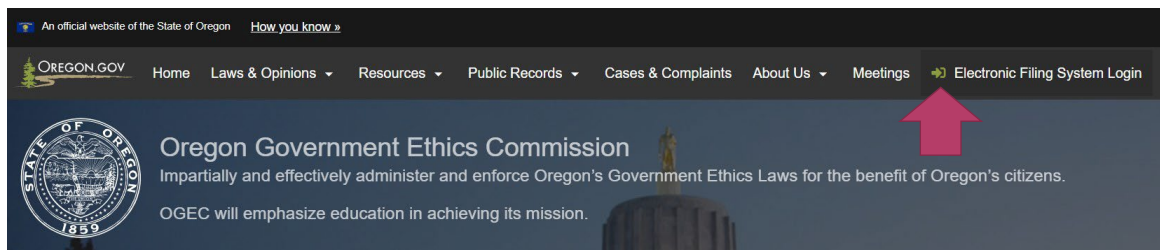
The screenshot shows a web form titled "Enter Registration Code" with a close button (X) in the top right corner. Below the title, it says "Please enter the registration code that you received in the email invitation." There is a text input field labeled "Registration Code". At the bottom, there are two buttons: a green "Continue Registration" button with a right-pointing arrow, and a white "Cancel" button with a close button (X) in the top left corner.

5. You will be taken to the **Create a new Account** screen. Please follow the instructions above.

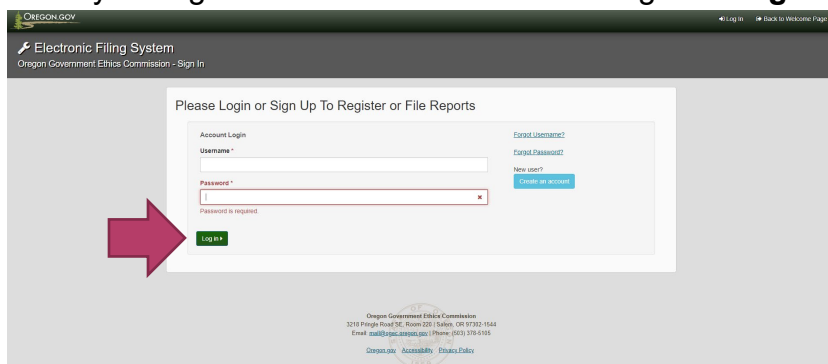
MANAGING YOUR EFS ACCOUNT

LOGIN

1. Go to OGEC's website www.oregon.gov/ogec
2. Click on "Electronic Filing System Login" at the top right of the screen.



3. You will be re-directed to the Electronic Filing System (EFS) login page.
4. Enter your login information and click on the green **Log in** button.



The screenshot shows the "Electronic Filing System" login page. The header includes the Oregon.gov logo and the text "Electronic Filing System" and "Oregon Government Ethics Commission - Sign In". The main content area has a form titled "Please Login or Sign Up To Register or File Reports". The form has two sections: "Account Login" and "Forgot Username?". The "Account Login" section has fields for "Username" and "Password", with a "Log in" button below. The "Forgot Username?" section has fields for "Forgot Username?" and "Forgot Password?", with a "Create an account" button below. A pink arrow points to the "Log in" button. At the bottom, there is contact information for the Oregon Government Ethics Commission, including the address "3210 Pringle Road SE, Room 220, Salem, OR 97302-1644", email "ogec@ogec.oregon.gov", and phone "(503) 378-0105".

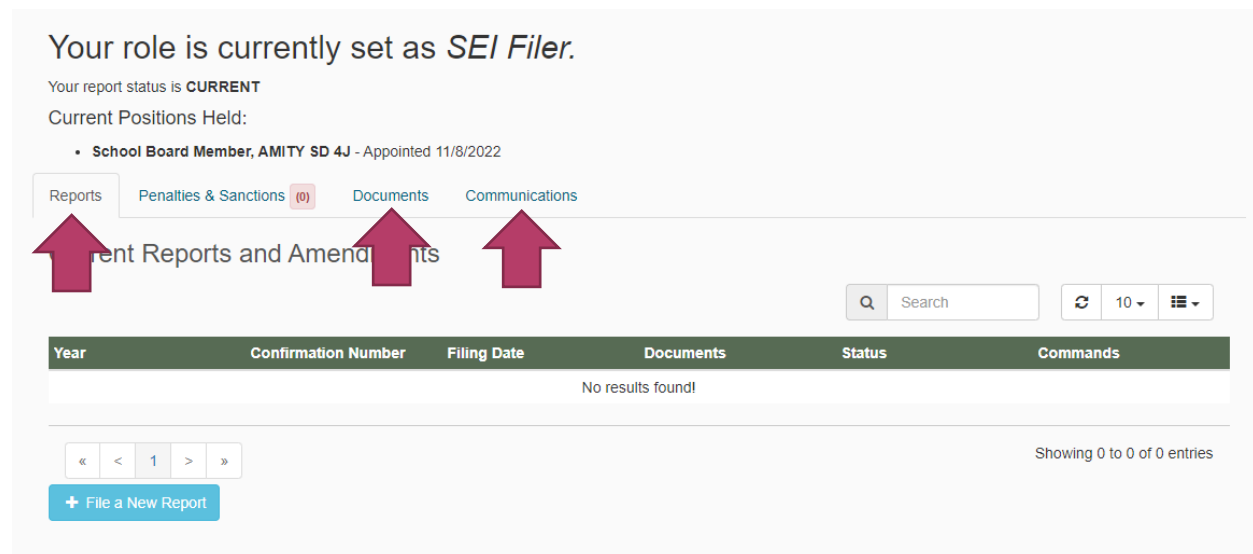
5. **Choose Role.** Select your role. Available roles have a green checkmark. Roles that may be added have a blue plus mark.

Select the **Statement of Economic Interest (SEI) Filer** role to get to the SEI dashboard.



DASHBOARD

The Dashboard provides access to your SEI, any **Documents** uploaded to support your SEI, and all email **Communications** sent by the EFS.



If you hold other roles, you will have a separate dashboard for each of those roles.

1. Navigate between views, i.e. Reports, Documents and Communications, of your dashboard by clicking on the tab names. The default view will be the **Reports** tab.

Your role is currently set as *SEI Filer*.

Your report status is **CURRENT**

Current Positions Held:

- School Board Member, AMITY SD 4J - Appointed 11/8/2022

Reports Penalties & Sanctions (0) Documents Communications

Current Reports and Amendments

Search [] [] 10 [] []

Year	Confirmation Number	Filing Date	Documents	Status	Commands
No results found!					

« < 1 > »

+ File a New Report

Showing 0 to 0 of 0 entries

- Email notices sent by the EFS can be viewed in the **Communications** tab. Click on the **Subject** link to view the text of the communication.

Your role is currently set as *SEI Filer*.

Your report status is **CURRENT**

Current Positions Held:

- School Board Member, AMITY SD 4J - Appointed 11/8/2022

Reports Penalties & Sanctions (0) Documents Communications

Communication History

Search [] [] 10 [] []

Date/Time Sent	Sender	Subject
11/14/2022 - 02:09:46 pm	Admin	SEI Filer Invitation to Create Account

« < 1 > »

Showing 1 to 1 of 1 entries

- Documents** are anything provided to the agency as part of your report filing. If the system does not allow you to directly upload your required documents you will need to electronically send them to the Commission at: mail@ogec.oregon.gov noting the SEI filer name, jurisdiction, report year, and a request that the document be attached to your filing. The OGE Administrator will then attach the document to the filed report. Documents may be viewed through the **Documents** tab.

Your role is currently set as *SEI Filer*.

Your report status is **CURRENT**

Current Positions Held:

- School Board Member, AMITY SD 4J - Appointed 11/8/2022

Reports Penalties & Sanctions **Documents** Communications

View Uploaded Documents

Search [] [] 10 []

Associated Filing	Title	Date Uploaded
No results found!		

FORGOT PASSWORD

Contact OGEC staff at: 503-378-5105 / mail@ogec.oregon.gov to request a password reset. You will then be able to change your password and update the security questions on your account.

OR

- From EFS login page, select the **Forgot Password?** navigation link.
- Forgot Your Password** window displays.
- Enter your username.** Select **Reset Password**
- Answer security questions.** Security question answers are case and space sensitive.

[Forgot Username?](#)
[Forgot Password?](#)
 New user?
[Create an account](#)

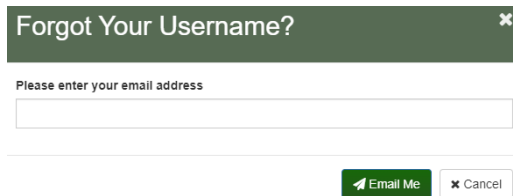
NOTE: If your security question answer contains more than one word, you will need to remember to include all spaces, punctuation, and special characters that you used.

- Select a new password.** Passwords are case sensitive and must contain at least:
 - 8 characters
 - one upper case letter
 - one lower case letter
 - one number
 - one special character

NOTE: We recommend that you do not use an exclamation mark (!) as one of your special characters. This sometimes causes login errors.

FORGOT USERNAME

1. From EFS login page, select the **Forgot Username?** navigation link.
2. In the **Forgot Your Username?** pop-up, enter your email address and click on **Email Me**.

A screenshot of a web-based pop-up form titled "Forgot Your Username?". The form has a dark green header bar with the title and a close button (X). Below the header, there is a text input field with the placeholder text "Please enter your email address". At the bottom of the form, there are two buttons: a green button with a white envelope icon and the text "Email Me", and a white button with a grey border and the text "Cancel".

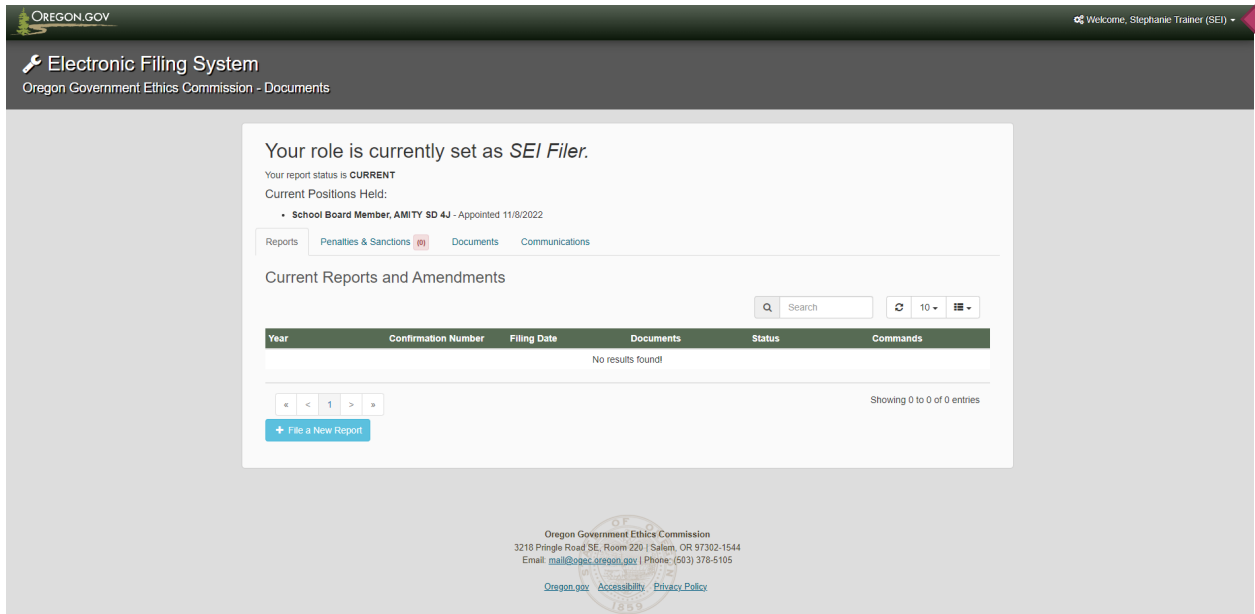
3. You will be routed back to the login page. A system-generated message will appear in the body of the page. The message should read: **"We found an account for (your email address). An email will be sent to that address."**
4. The system will generate an email from ogec.notification@egov.com. It will list all of the usernames associated with the email address used.
5. Any questions or issues, please contact OGEC staff.

EDITING/UPDATING ACCOUNT INFORMATION

It is your responsibility to keep your personal information, such as mailing address or email address, current in your EFS account.

NOTE: You can edit only your own personal profile information. You cannot substitute another individual to your assignment or to maintain your profile information.

1. Click on the down arrow next to the **Welcome, First Name Last Name (SEI)** line on the upper right-hand side of the screen.



OREGON.GOV

Welcome, Stephanie Trainer (SEI)

Electronic Filing System
Oregon Government Ethics Commission - Documents

Your role is currently set as *SEI Filer*.

Your report status is **CURRENT**

Current Positions Held:

- School Board Member, AMITY SD 4J - Appointed 11/8/2022

Reports Penalties & Sanctions (0) Documents Communications

Current Reports and Amendments

Search 10

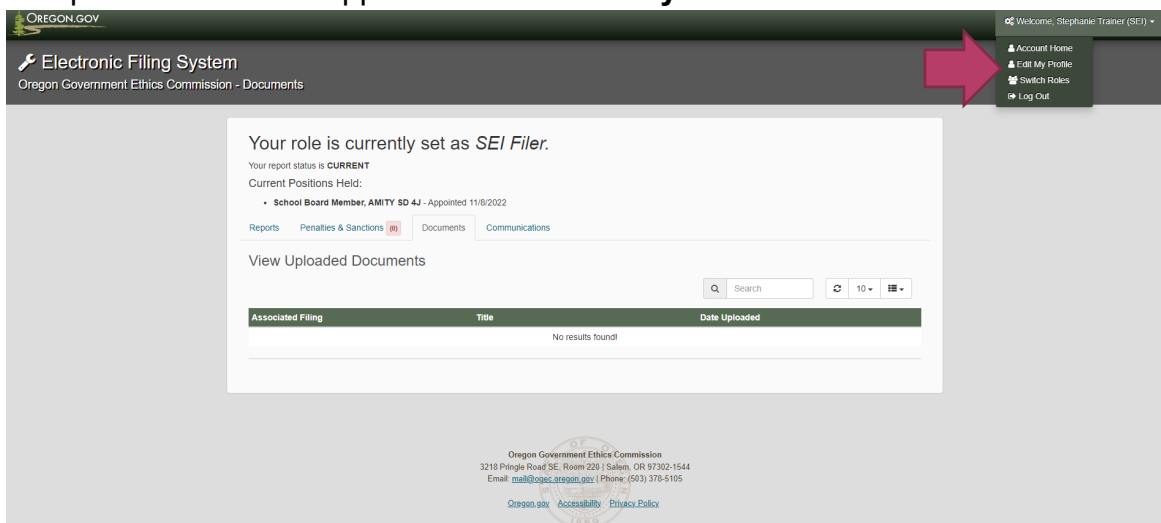
Year	Confirmation Number	Filing Date	Documents	Status	Comments
No results found!					

Showing 0 to 0 of 0 entries

File a New Report

Oregon Government Ethics Commission
3218 Pringle Road SE, Room 220 | Salem, OR 97302-1544
Email: mail@ogec.oregon.gov | Phone: (503) 378-5105
[Oregon.gov](#) [Accessibility](#) [Privacy Policy](#)

2. A drop down menu will appear. Click on **Edit My Profile**.



OREGON.GOV

Welcome, Stephanie Trainer (SEI)

Electronic Filing System
Oregon Government Ethics Commission - Documents

Your role is currently set as *SEI Filer*.

Your report status is **CURRENT**

Current Positions Held:

- School Board Member, AMITY SD 4J - Appointed 11/8/2022

Reports Penalties & Sanctions (0) Documents Communications

View Uploaded Documents

Search 10

Associated Filing	Title	Date Uploaded
No results found!		

Oregon Government Ethics Commission
3218 Pringle Road SE, Room 220 | Salem, OR 97302-1544
Email: mail@ogec.oregon.gov | Phone: (503) 378-5105
[Oregon.gov](#) [Accessibility](#) [Privacy Policy](#)

Account Home
Edit My Profile
Switch Roles
Log Out

UPDATING CONTACT INFORMATION

3. In **My Profile** click on the **Edit** next to **Personal Profile Information**.

OREGON.GOV

Welcome, Stephanie Heffner (Jurisdictional Contact)

Electronic Filing System
Oregon Government Ethics Commission - My Profile

Queue User Accounts Lobbyist Clients / Employers Jurisdictions Trust Funds Notices Reports

My Profile (sheffner, Admin) [Request Name Change](#)

Personal Profile Information [Edit](#)

Alternate Contact Information [Edit](#)

Password [Edit](#)

Security Questions [Edit](#)

SEI Seat History [Edit](#)

Audit Log [View](#)

Admin Notes [Edit](#)

[Save and Return](#) [Cancel](#)

Oregon Government Ethics Commission
3218 Pringle Road SE, Room 220 | Salem, OR 97302-1544
Email: mail@ogec.oregon.gov | Phone: (503) 378-5195

4. Update your profile information. Please make sure your name, email, phone number, and mailing address are correct. You will only be able to update your email, phone number, and mailing address. If you need a name change, please contact OGEC.

NOTE: You will only be able to update your email, phone number, and mailing address. If you need a name change, please contact OGEC or click on the green **Request Name Change** button.

OREGON.GOV

Welcome, Stephanie Heffner (Jurisdictional Contact)

4 [Request Name Change](#)

My Profile (sheffner, Admin)

Personal Profile Information [Edit](#)

Last Name *
Heffner

First Name *
Stephanie

Middle Name

Email *
stephanie.heffner@oregon.gov ✓

Phone *
503-378-6802

Alternate Phone

Fax

Mailing Address *
3218 Pringle Rd SE, #220

Address Line 2
Example: "1234 Anywhere St"

City * Salem State * OR Zip Code * 97302-1680

UPDATING PASSWORD

5. Passwords must have a minimum of:

- ✓ One upper case letter
- ✓ One lower case letter
- ✓ One numerical digit
- ✓ One special character (*See text help for special character list*)
- ✓ Must be at least 8 and not more than 20 characters long

NOTE: We recommend that you do not use an exclamation mark (!) as one of your special characters. This sometimes causes login errors.

5 → Password (Edit)

8 → Save and Return Cancel

Oregon Government Ethics Commission
3218 Pringle Road SE, Room 220 | Salem, OR 97302-1544
Email: mail@ogec.oregon.gov | Phone: (503) 378-5105
[Oregon.gov](#) [Accessibility](#) [Privacy Policy](#)

UPDATING SECURITY QUESTIONS

6. Security Questions. These are used for password retrieval purposes. The security questions are **case and space sensitive**. If your security question answer contains more than one word, you will need to remember to include all spaces, punctuation, special characters, etc. that you used.

UPDATING ALTERNATE CONTACT

7. Alternate Contact Information. You have the option to identify an alternate contact person to receive the same system-generated email notifications that you will receive.

The Alternate Contact will only receive copies of your notices. They will not receive any links, nor will they be able to login to your account.

FIRST: Be sure to check the box to include the designated alternate contact in email notifications. Then you can enter the contact's information. If you do not check the box first, they will not receive copies of the emails.



Alternate Contact Information

If you wish to designate another person to also receive notifications please complete the below information.

☒ Include Alternate Contact in email notifications

Last Name

Spears ✓

First Name

Joanne ✓

Alternate Contact Phone

503-123-4567 x8910 ✓

Alternate Contact Email

monica.walker@ogec.oregon.gov ✓

It is recommended that you list an alternate contact to ensure that important dates are not missed, and tasks are completed on time.

SAVE CHANGES

- 8. Save and Return.** Click on this green button when you have finished updating your account information.



8

Alternate Contact Information [Edit](#)

Password [Edit](#)

Security Questions [Edit](#)

SEI Seat History [Edit](#)

Audit Log [View](#)

Admin Notes [Edit](#)

[Save and Return](#) [Cancel](#)

Oregon Government Ethics Commission
3210 Pringle Road SE, Room 220 | Salem, OR 97302-1544
Email: mail@ogec.oregon.gov | Phone: (503) 378-5105
[Oregon.gov](#) [Accessibility](#) [Privacy Policy](#)

DATE OF APPOINTMENT

The JC enters the date of appointment information when inviting you to create an account profile. If you believe that it is incorrect, contact the JC for your jurisdiction and ask them to make the correction.

Because EFS started in 2016, no one will have an appointment date prior to 2016.

All school board members will have an appointment date of 1/1/2023 or later. This is because 2023 was the first year that school board members were required to file.

RESIGNING FROM POSITION

Contact the Jurisdictional Contact (JC) assigned to the jurisdiction(s) in which you are elected or appointed by and advise them of your resignation.

You will not have the option of resigning and removing yourself in the EFS.

If you hold the position and are seated on April 15th of the required filing period, you will be responsible for filing the required SEI report for that year.

Examples:

- If you held a position anytime starting April 16th, 2023 and were still in the position on April 15th, 2024, you are required to file an SEI.
- If you held a position anytime starting April 16th, 2023 BUT resigned and vacated your position on or before April 14th of 2024, you are not required to file.

Once the Jurisdictional Contact has removed you from the assigned position, you will receive a system-generated email advising you of this action.

FILING AN SEI

SEIs are filed annually. The due date is April 15th of every year.

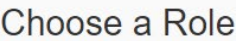
The reporting period opens March 15th. If you have a SEI reporting requirement, you will not be able to file until the reporting period opens.

You will receive an email notice from EFS sent to the email address you have on file in your account to let you know the filing period has opened.

If you do not hold the office on April 15th of the current year, you will not be required to file an SEI report. Please make sure that the JC has removed you from the seat assignment prior to April 15th, otherwise you could receive late filing penalties.

NOTE: Filing requirements are based on the appointment date entered by the JC. The system will determine if there is a filing requirement and make the option available. If there is no filing requirement, the option to file will not be available.

1. **Login.** Login to EFS at: <https://apps.oregon.gov/OGEC/EFS>
2. **Choose a Role.** Select the “Statement of Economic Interest (SEI) Filer” role.



- 3



Your report status is **CURRENT**

Current Positions Held:

- 4



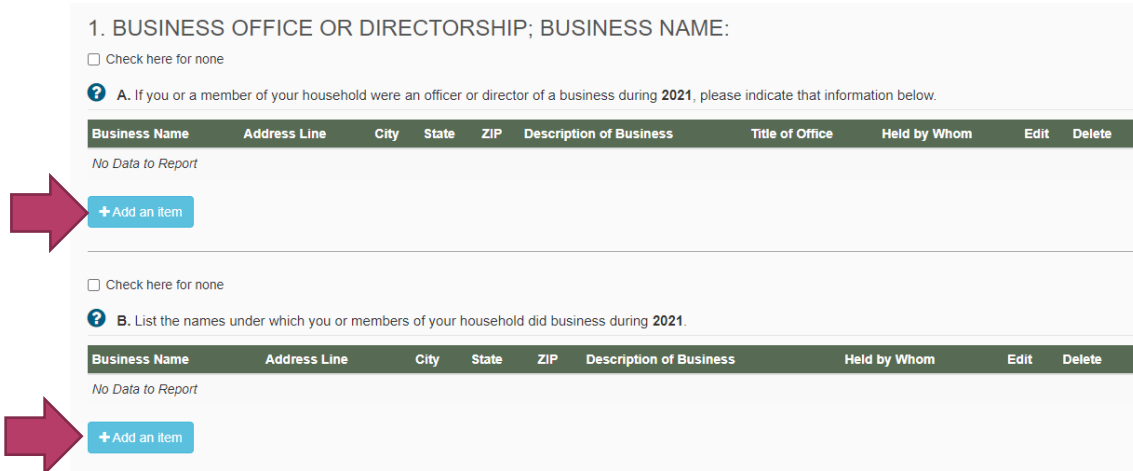
Reports Penalties & Sanctions (0) Documents Communications

Current Reports and Amendments

5

FILING TIPS

1. To answer each question on the report, click the **Add an Item** button. You may enter as many items as necessary. Each new row will be added to your report independently. Some questions may have multiple sections, each section will require information to be added separately. See below Question 1A and 1B.



1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

☐ Check here for none

 A. If you or a member of your household were an officer or director of a business during **2021**, please indicate that information below.

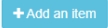
Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Edit	Delete
No Data to Report									



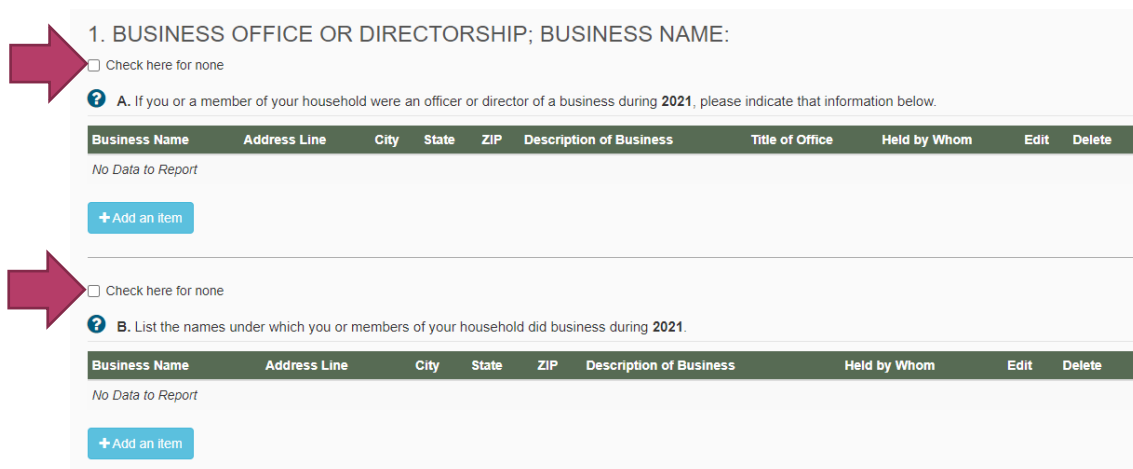
☐ Check here for none

 B. List the names under which you or members of your household did business during **2021**.

Business Name	Address Line	City	State	ZIP	Description of Business	Held by Whom	Edit	Delete
No Data to Report								



2. **Nothing to report.** If you have nothing to report for a section, select the “**Check here for none**” checkbox. If the question has multiple sections, and you have nothing to report, you will need to select the “**Check here for none**” boxes for each section.



1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

☒ Check here for none

 A. If you or a member of your household were an officer or director of a business during **2021**, please indicate that information below.

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Edit	Delete
No Data to Report									



☒ Check here for none

 B. List the names under which you or members of your household did business during **2021**.

Business Name	Address Line	City	State	ZIP	Description of Business	Held by Whom	Edit	Delete
No Data to Report								



3. For additional help on any section of the form, select the  icon and a pop-up window will open with additional information.

- If you must stop before completing the form, and would like to return to file later, scroll to the bottom and select **Save and file later**. The system does time out after fifteen minutes of inactivity and **does not automatically save**. If you step away from filing, please make sure to save so you do not lose your completed answers.

- When you save the report, you will see it display with a **Pending** status in the **Reports** tab of the dashboard. You may edit the saved report at any time by selecting the **edit icon** -  in the row the report is in.

Current Reports and Amendments

Year	Confirmation Number	Filing Date	Documents	Status	Commands
2021	AMT67T5		No	Pending	 

NOTE: Completed reports are due by April 15th. A **Pending** report will not qualify as a completed and filed SEI report.

QUESTION 1: BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

SEI filers are required to list any businesses in which they or a member of their household maintained a position as an officer or director and/or list the names under which the filer or members of their household did business, at any time during the preceding calendar year.

- These would be personal business ventures, **not the public position you hold.**
- A business is not a government entity/public body, or a 501(c)(3) nonprofit corporation if you are in a non-compensated capacity.
- This is a two part question, both sections A and B must be completed, or marked none.

NEW 2024: Listing the clients of businesses [ORS 244.060(9)]

SEI filers that list business in questions 1A or 1B, must also include any client, customer, investor, or any other entity who the business has a legal, contractual, or other business relationship if:

1. They have contributed 10% or more of the business' total gross annual income,
2. **And** they have a legislative or administrative interest in your public official position, or they have been or could reasonably be doing business with the governmental agency you are associated.

Additional steps for those who have a **statutory obligation to keep their clients' information private**:

1. You are required to contact your client and request permission to share their information.
2. **AND** Affirm in the SEI report that you have made the request (by providing an electronic signature) for each required request.
3. **IF** the client gives you permission, you will need to provide their information in the client information section.

- A.** If you or a member of your household were an officer or director of a business (see definition of "business") during 2023, please indicate that information below.

You will list the:

1. **Business Name**
2. **Title of Office**
3. **Business Address**
4. **Held by Whom**
5. **Description of the Business**



If you have nothing to report, click the box **Check here for none (see below).**

1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

☐ Check here for none

? A. If you or a member of your household were an officer or director of a business during 2022, please indicate that information below.

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Client(s)	Edit	Delete
Business Test	53 Test Ln	Salem	OR	97302	Business supplies	Director of Marketing	Self	2		

+ Add an item

☐ Check here for none

? B. List the names under which you or members of your household did business during 2022.

Business Name	Address Line	City	State	ZIP	Description of Business	Held by Whom	Client(s)	Edit	Delete
Biz Test 2	55 Test Ln	Salem	OR	97302	Business supplies	Self	1		

+ Add an item

B. List the names under which you or members of your household did business (see definition of "business") during 2023:

- Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A. [ORS 244.060(1) & (2)]

You will list the:

1. **Business Name**
2. **Title of Office**
3. **Business Address**
4. **Held by Whom** (relationship to the Public Official, i.e. self, spouse, son, daughter, etc.)
5. **Description of the Business.**

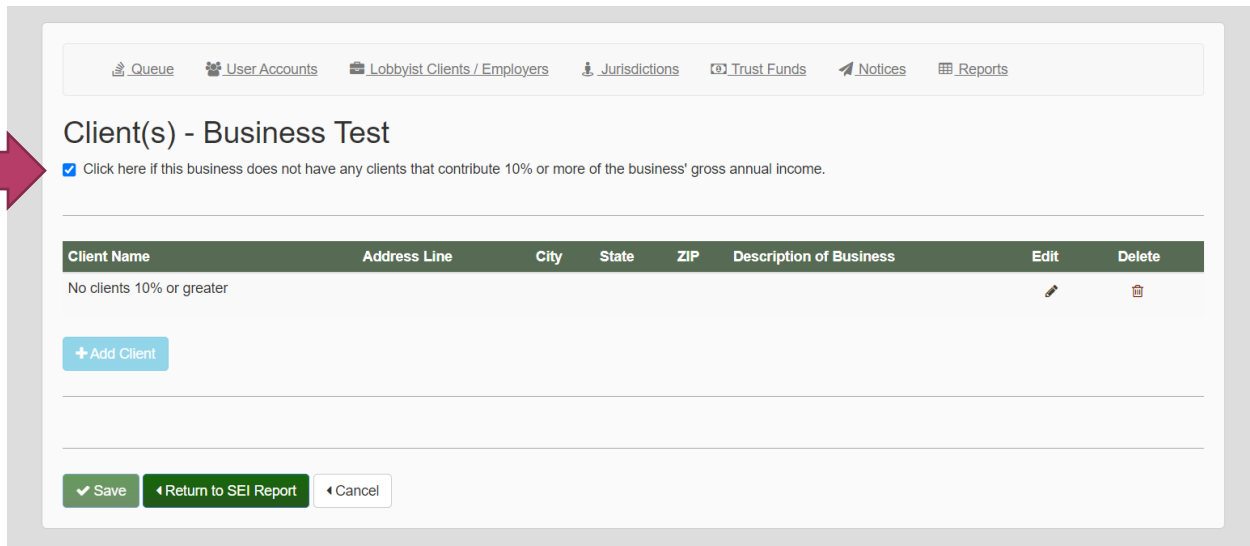
➡ If you have nothing to report, click the box **Check here for none (see above)**.

NEW in 2024: After adding a business to either 1A or 1B, you will be directed to the client input page. [ORS 244.060(9)]

You are now required to list clients, customers, investors, or any other entity who your business has a legal, contractual, or other business relationship if:

- a. They have contributed 10% or more of your business' total gross income,
- b. **AND** they have a legislative or administrative interest in your public official position, or they have been or could reasonably be doing business with the governmental agency you are associated.

No Clients to List:



Queue User Accounts Lobbyist Clients / Employers Jurisdictions Trust Funds Notices Reports

Client(s) - Business Test

☒ Click here if this business does not have any clients that contribute 10% or more of the business' gross annual income.

Client Name	Address Line	City	State	ZIP	Description of Business	Edit	Delete
No clients 10% or greater							

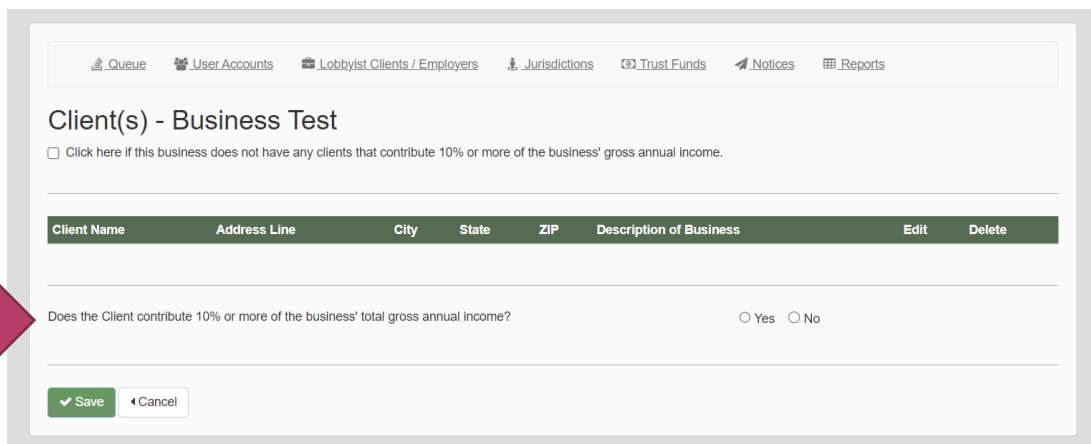
[+ Add Client](#)

[Save](#) [Return to SEI Report](#) [Cancel](#)

1. For those who do not have **any** clients that contribute 10% or more of the business' gross annual income, please select the "Click here if this business does not have any clients that contribute 10% or more of the business' gross annual income" box below the Client(s) – Business Name section.
2. Click **Save** button and the screen will update to show a listing of "No clients 10% or greater".
3. Use the **Return to SEI Report** button to return to your report and complete the remaining sections.

Listing Clients:

The SEI filer will need to report **EACH** client that contributes 10% or more of the business' gross annual income. Please answer the following questions for one client at a time.



Queue User Accounts Lobbyist Clients / Employers Jurisdictions Trust Funds Notices Reports

Client(s) - Business Test

☐ Click here if this business does not have any clients that contribute 10% or more of the business' gross annual income.

Client Name	Address Line	City	State	ZIP	Description of Business	Edit	Delete
Does the Client contribute 10% or more of the business' total gross annual income? ☐ Yes ☐ No							

[Save](#) [Cancel](#)

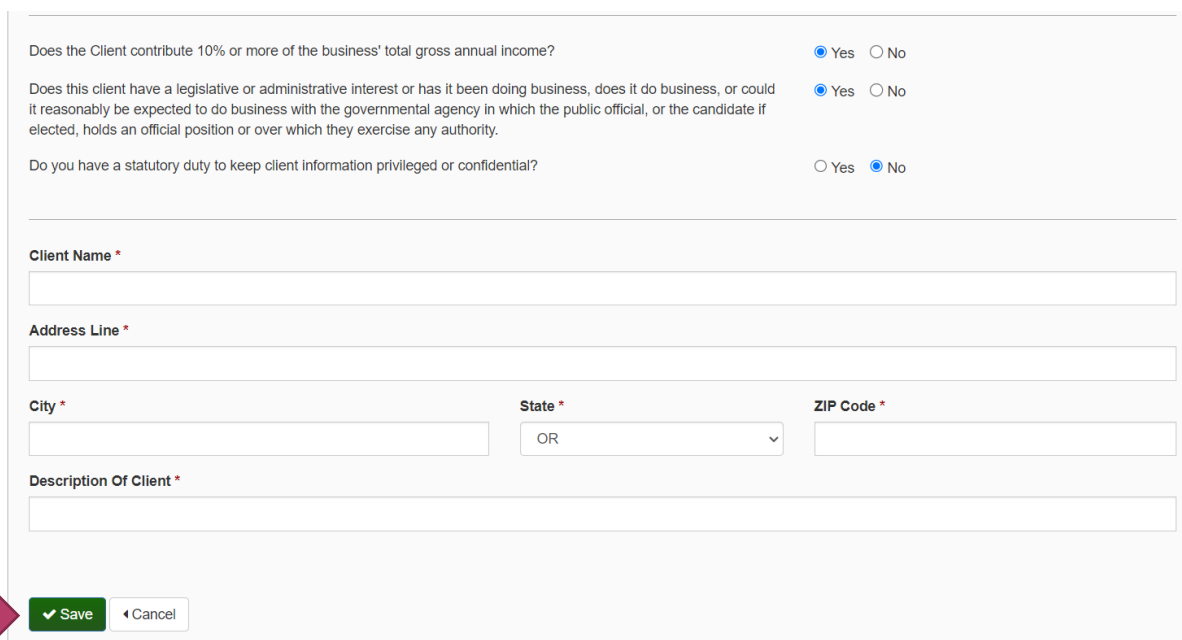
1. Question 1: If the business listed in question 1A or 1 B has a client that contributes 10% or more, answer **Yes** to the first question.
2. Question 2: Does the client have a legislative or administrative interest or has been doing business, does business, or could reasonably be expected to do business with the governmental agency in which the SEI filer holds an official position or over which the exercise any authority?
 - a. If the answer is **No**, you will not be required to enter any additional information about this client.
 - I. Click the **Save** button at the bottom of the screen if you have no additional clients to report.

You must save before returning to the SEI report, or you may lose the information you have added.

- II. Then click on click on **Return to the SEI Report**.

- b. If the answer is **Yes**, the next question will appear.

3. Question 3: Does the filer or household member have a statutory duty to keep the client information privileged or confidential?
 - a. If you answer **No**, you will be prompted to provide the client information. You will list:
 - **Client Name**
 - **Client Address**
 - **Description of Client** (business relationship, i.e. client, customer, investor, contractor, etc.)
 - b. Click on the **Save** button when finished.



Does the Client contribute 10% or more of the business' total gross annual income? ☒ Yes ☐ No

Does this client have a legislative or administrative interest or has it been doing business, does it do business, or could it reasonably be expected to do business with the governmental agency in which the public official, or the candidate if elected, holds an official position or over which they exercise any authority. ☒ Yes ☐ No

Do you have a statutory duty to keep client information privileged or confidential? ☐ Yes ☒ No

Client Name *

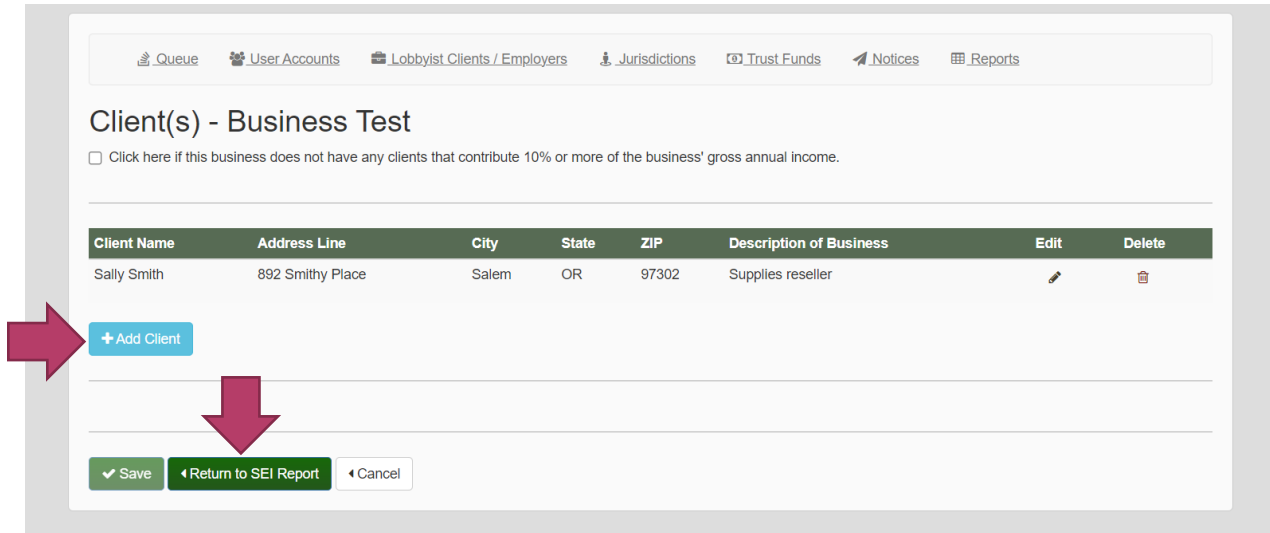
Address Line *

City * State * ZIP Code *

Description Of Client *



4. When you have saved that information, the client information will now appear underneath the client list.
 - a. If you have more clients to add, click on **+ Add Client** button.
 - b. If you do not have any additional clients to add, click on the **Return to SEI Report** button.



Queue User Accounts Lobbyist Clients / Employers Jurisdictions Trust Funds Notices Reports

Client(s) - Business Test

☐ Click here if this business does not have any clients that contribute 10% or more of the business' gross annual income.

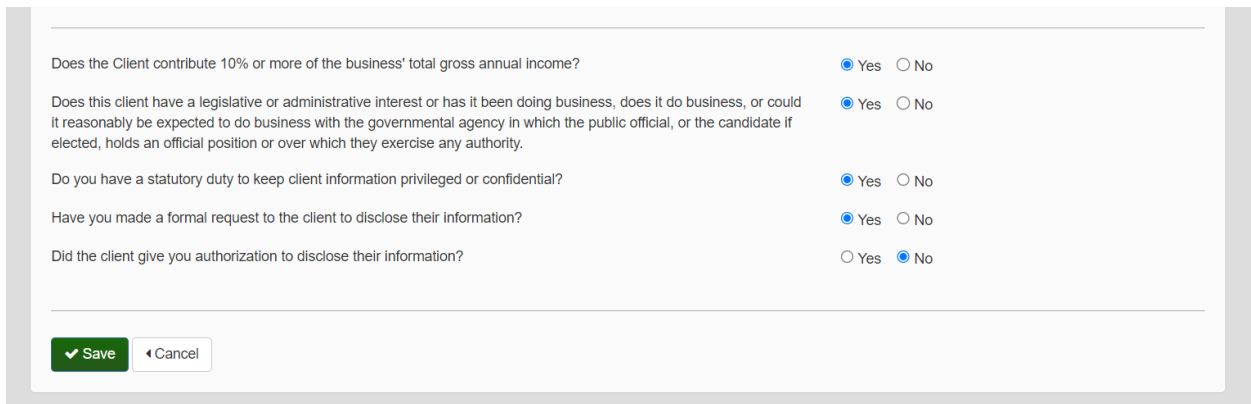
Client Name	Address Line	City	State	ZIP	Description of Business	Edit	Delete
Sally Smith	892 Smithy Place	Salem	OR	97302	Supplies reseller		

+ Add Client

Save **Return to SEI Report** **Cancel**

Confidential Client Information: For SEI filers or household members that have a statutory duty to keep their client information confidential or private, ORS 244.060(9) requires that:

1. You make a formal request to the client for authorization to share their information.
2. Once that formal request has been made, you must select whether they have authorized you to release their information or not.



Does the Client contribute 10% or more of the business' total gross annual income? ☒ Yes ☐ No

Does this client have a legislative or administrative interest or has it been doing business, does it do business, or could it reasonably be expected to do business with the governmental agency in which the public official, or the candidate if elected, holds an official position or over which they exercise any authority? ☒ Yes ☐ No

Do you have a statutory duty to keep client information privileged or confidential? ☒ Yes ☐ No

Have you made a formal request to the client to disclose their information? ☒ Yes ☐ No

Did the client give you authorization to disclose their information? ☐ Yes ☒ No

Save **Cancel**

Whether they have authorized you to disclose their information or not, you will be required to electronically sign that you made the formal request.

1. **Electronic Signature:** Type your first and last name as it appears in your personal profile (it is displayed on the upper right-hand side of your screen).
2. Click the **Confirmed** box.
3. Click on the **Submit** button to finish the required information for that client.

The screenshot shows a modal dialog box titled "Confirmation of Formal Request" with a close button (X) in the top right corner. The text inside the dialog reads: "I certify under penalty of false affirmative that I made a formal request to this client asking if I have their permission to disclose their information in this report in accordance with ORS 244.060(9)(b)(B).". Below this text is a section labeled "Electronic Signature *" with a text input field. A red arrow points to this input field. Below the input field is a checkbox labeled "Confirmed", with another red arrow pointing to it. At the bottom right of the dialog are two buttons: a green "Submit" button with a checkmark icon and a white "Cancel" button with an X icon. A red arrow points to the "Submit" button. The background of the page is partially visible, showing some text like "does not hav", "dress Line", "3 Smithy Pla", "6 or more of", "ive or admin", "o business v", and "on or over which they exercise any authority."

You may file your SEI report without their response now and amend it after filing, when you have received their response.

Clients who did not authorize their information being released will show as "Confidential" while those who authorized the release of their information will have all information shown:

[Queue](#)
[User Accounts](#)
[Lobbyist Clients / Employers](#)
[Jurisdictions](#)
[Trust Funds](#)
[Notices](#)
[Reports](#)

Client(s) - Business Test

☐ Click here if this business does not have any clients that contribute 10% or more of the business' gross annual income.

Client Name	Address Line	City	State	ZIP	Description of Business	Edit	Delete
Confidential							
Sally Smith	528 Smithy Place	Salem	OR	97302	Supplies reseller		

[+ Add Client](#)

[Save](#)
[Return to SEI Report](#)
[Cancel](#)

Repeat these actions as needed to continue filling out sections 1A and 1B.

Editing Client Information: For those who have added new businesses into this year's SEI, you can edit client information from the main page, by simply clicking the underlined number beneath the Client(s) column:

1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

☐ Check here for none

A. If you or a member of your household were an officer or director of a business during **2022**, please indicate that information below.

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Client(s)	Edit	Delete
Business Test	53 Test Ln	Salem	OR	97302	Business supplies	Director of Marketing	Self	<u>2</u>		

[+ Add an item](#)

Please make sure to hit the "Save and File Later" button at the bottom of the report before editing client information if you have added information into questions 2-10.

For those who have businesses that were imported from last year's SEI and are showing a "0" in the Client(s) column, please edit client information by selecting the pencil beneath the Edit Column.

1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

☐ Check here for none

A. If you or a member of your household were an officer or director of a business during 2022, please indicate that information below.

Business Name	Address Line	City	State	ZIP	Description of Business	Title of Office	Held by Whom	Client(s)	Edit	Delete
Business Test	53 Test Ln	Salem	OR	97302	Business supplies	Director of Marketing	Self			

[+ Add an item](#)

***Client Info Missing**

You will be prompted to edit the business information and will need to select "Edit".

Edit Business Office or Directorship

Business Name *
Business Test

Address Line *
53 Test Ln

City * Salem **State *** OR **ZIP *** 97302-

Description of Business *
Business supplies

Title of Office *
Director of Marketing

Held by Whom *
Self

 **Edit** **Cancel**

This will take you to the client screen where you can edit client information without receiving an error message. Be sure to select "Save" after entering client info and then "Return to SEI Report" to return to editing the report.

Client Name *

Address Line *

City * State * ZIP Code *

Description Of Client *

Save Return to SEI Report Cancel

QUESTION 2: SOURCES OF INCOME

SEI filers are required to list all sources of income (not the amount of income) that made up 10% or more of their total annual household income in 2023. This includes any household member who is 18 years of age or over. [ORS 244.060(3)]

- Businesses are sources of income, not the individual clients of the business.
- Do not leave this question unanswered. Everyone should have some source of income from an employer, a business, Social Security benefits, retirement benefits, Veteran benefits, etc.

You will list:

1. **Name of the Source**
2. **Address of the Source**
3. **Description of the Source**

Examples:

Salem Hospital; 1234 Oak St., Salem OR; Husband's salary

ABC LLC; 1234 Pine St, Medford OR; Rental Property income

QUESTION 3: REAL PROPERTY

List all real property (*residential, commercial, vacant land, etc.*) located within the geographical boundaries of the jurisdiction you serve, **other than your principal residence**, in which you the SEI filer or your household member had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract in 2023. [ORS 244.060(4)]

- Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve.

You will list:

1. **Description of the real property**
2. **Address**

- Examples of real property descriptions: Rental property, farmland, vacant land, vacation home, etc.

If you have nothing to report, click the box **Check here for none**.

QUESTION 4: OFFICE RELATED EVENTS

SEI filers are required to list the amount of any expenses with an aggregate value exceeding \$50 that were paid by a source other than the jurisdiction they serve during the preceding calendar year.

- A.** List the amount of any expenses with an aggregate value exceeding \$50 provided to you during **2023**, where the expenses were paid by a government entity, Native American tribe, membership organization or nonprofit organization where the public official was participant in a convention, mission, trip, or other meeting as described in ORS 244.020(7)(b)(F), which is an exception to gift restrictions. [ORS 244.060(5)]

- Do not list expenses that were paid by the public body you represented.
- This is one of the two instances in which the SEI filer is required to upload a receipt to their annual SEI. The paying entity should provide the public official a receipt of the costs within 10 days of the date that the expense occurred. [ORS 244.100]. You will have the opportunity to upload the document at the end of the SEI.

You will list:

1. **Date(s) of Event**
2. **Organization Name** (who paid for the expenses)
3. **Address**
4. **Nature of Event**
5. **Amount** (as listed in the receipt)

If you have nothing to report, click the box **Check here for none**.

- B.** List the amount of any expenses with an aggregate value exceeding \$50 provided to you during 2023 when participating in a mission, negotiations, or economic

development activities described in ORS 244.020(7)(b)(H), which is an exception to the gift restrictions. [ORS 244.060(6)]

- These events are those that were officially sanctioned or designated by your public body.
- Do not list expenses that were paid by the public body you represented.)

You will list:

1. **Date(s) of Event**
2. **Organization Name** (who paid for the expenses)
3. **Address**
4. **Nature of Event**
5. **Amount**

If you have nothing to report, click the box **Check here for none**.

QUESTION 5: HONORARIA

List all honoraria (*see definition*) allowed in ORS 244.042, with a value exceeding \$15, received by you or a member of your household during 2023. [ORS 244.060(7)]

You will list:

1. **Date**
2. **Organization Name**
3. **Nature of Event**
4. **Amount**

Under ORS 244.100(2) any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding \$15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received.

- This is the second of the two instances in which the SEI filer is required to upload a receipt to their annual SEI. You will have the opportunity to upload the document at the end of the SEI.

If you have nothing to report, click the box **Check here for none**.

QUESTION 6: SHARED BUSINESS WITH LOBBYIST

List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during 2023. If any business or sources of income from questions one and two paid a lobbyist registered in Oregon, the SEI filer would list those businesses here. [ORS 244.090(1)]

- Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.
- *Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist.*

You will list:

1. **Name of the Lobbyist**
2. **Name of the Business**
3. **Type of the Business**

If you have nothing to report, click the box **Check here for none**.

PLEASE NOTE – DO NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

QUESTION 7: INCOME OF \$1,000 OR MORE

Respond only if you or a member of your household received a source of income exceeding an aggregate amount of \$1,000 during 2023, and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve. [ORS 244.060(8)]

You will list:

1. **Income Source**
2. **Address**
3. **Description**

If you have nothing to report, click the box **Check here for none**.

QUESTION 8: DEBT OF \$1,000 OR MORE

Respond only if you or a member of your household owed a debt of \$1,000 or more to a person (*see definition of "person"*) during 2023, and that debt involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. [ORS 244.070(1)]

- Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.

You will list:

1. **Name of Creditor**
2. **Date of Loan**
3. **Interest Rate of Loan**

If you have nothing to report, click the box **Check here for none**.

QUESTION 9: BUSINESS INVESTMENT OF \$1,000 OR MORE

Respond only if you or a member of your household had a personal, beneficial interest or investment in a business (*see definition of "business"*) of more than \$1,000 during 2023, if the investment involved an individual or business that did business with or reasonably could be expected to do business with or had a legislative or administrative interest in the public body you serve. [ORS 244.070(2)]

- Do not list the amount of the investment.
- Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

You will list:

1. **Business Name**
2. **Address**
3. **Description of the Business**

If you have nothing to report, click the box **Check here for none**.

QUESTION 10: SERVICE FEE OF \$1,000 OR MORE

Respond **only if you** (not your business) received a fee of more than \$1,000 in 2023 from a person (see definition of “person”) for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. [ORS 244.070(3)]

- Do not list fees if you are prohibited from doing so by law or a professional code of ethics.

If you have nothing to report, click the box **Check here for none**.

VERIFY AND SAVE

1. Supporting Documentation: Uploading your files

Only questions 4A. Office Related Events and 5. Honoraria require documentation to be uploaded.

Upload Notices provided to Public Officials

Supporting Documentation

Please upload your supporting documentation in the form of .JPG, .JPEG, .PNG, .GIF, .PDF, .DOC, or .DOCX. Max file size is 100 MB

Upload your files

Choose files to upload. You can select more than one file at a time. You can also drag and drop files anywhere in this block to start uploading.

Choose files

My Uploads

Name	Size	Status	Remove
------	------	--------	--------

Submit Save and file later Cancel and return

Click on “Choose Files” to select files saved to your device to attach or you can drag and drop files to upload.

If the system does not allow you to directly upload your required documents you will need to electronically send them to the Commission at:

mail@ogec.oregon.gov

Please include:

1. Name used for your SEI account
2. Jurisdiction you serve

3. Report year (2024)
4. Request that the document be attached to your filing.

The OGE Administrator will then attach the document to the filed report. Once uploaded, the documents may be viewed through the **Documents** tab.

2. **Submit:** When the form is complete, select **Submit**.

Upload Notices provided to Public Officials

Supporting Documentation

Please upload your supporting documentation in the form of .JPG, .JPEG, .PNG, .GIF, .PDF, .DOC, or .DOCX. Max file size is 100 MB

Upload your files

Choose files to upload. You can select more than one file at a time. You can also drag and drop files anywhere in this block to start uploading.

Choose files

My Uploads

Name	Size	Status	Remove
------	------	--------	--------

Submit Save and file later Cancel and return

3. **Electronic Signature.** You will be prompted to sign your name to complete the filing. Type your first and last name as it appears in your personal profile (it is displayed on the upper right-hand side of your screen). Click **Confirmed** then select **File Report**.

Submit Report?

Please confirm that you wish to submit this report

I certify under penalty of false affirmation that the information is true and correct.

Electronic Signature *

Confirmed

File Report Continue Editing

4. The **Report Successfully Filed** screen will appear. If you do not see this prompt, the system may return you to the portion of the report that needs more information. Once corrected, you can successfully file. If you complete a **Pending** report, you will see the status has changed from **Pending** to **Filed** in the **Reports** tab of the dashboard.

Electronic Filing System - SEI Filer Report Confirmation

Report Successfully Filed

Thank you, your **Oregon Government Ethics Commission E-Filing Report** for 20 has been successfully submitted.

- Your confirmation number is: **ABC123**
- An email receipt has been sent to the email address provided.
- You can also print this receipt for your records.

 [Go to my account](#)

 [Print This Page](#)

NOTE: The **filing deadline is always April 15th**, even if that date falls on a weekend or holiday. The electronic filing system is available 24-hours a day and 7 days a week for your convenience.

MOST COMMON FILING ERRORS

1. Failing to list all sources of household income on question 2. Sources of Income. All sources of income exceeding 10% of the total annual **household** income must be listed.
 - a. The term “total annual household income” as used in ORS 244.060(3) means the collective income of all members of the public official’s household for the prior calendar year, but excluding the income of any household member under the age of 18. (OAR 199-020-0023(3))
 - b. This includes any income from the public position you hold.
 - c. Salary, pensions, disability benefits, veterans benefits, and social security benefits are all examples of household income.
 2. Adding information to questions 7 to 10 when not necessary. Please carefully read the instructions in the box. The questions need to be answered only if the conditions described in the instructions apply to your responses.
 - a. If you have nothing to add to the individual questions 7 to 10, make sure to click on the “Check here for none” box under each question title.
- **Please do not ignore the email notifications!** ORS 244.350(4)(c) prescribes assessment of a penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5,000.00.
 - You are required to electronically file **no later than April 15**. Please contact OGE

if you have questions.

STATUTORY REFERENCES

Item 4-A, ORS 244.020(7)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(7)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(i) On an officially sanctioned trade promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. [ORS 244.020(2)]

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income

including income from government sources (i.e., social security, your public salary, etc.). [ORS 244.020(9)]

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. [ORS 244.020(8)]

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official. [ORS 244.020(11)]

FAQS

Once logged in to the account, do the sessions time out?

Yes. The session will time out after a 15-minute period of inactivity.

Can filers file a paper Statement of Economic Interest (SEI)?

No. Since 2016, all required filers must file electronically.

Can anyone get a password to file electronically?

No. Only those statutorily identified as required filers who have been assigned to a seat in the system can access the Electronic Filing System (EFS) for filing purposes.

How long is the link in the email invitation valid?

90 days. If the account is not created within 90 days, the link expires.

What if an SEI filer attempts to create their account after the 90 days?

The SEI filer would need to contact their JC to request a new email invitation. The JC will need to reassign the filer to generate a new email invitation and active link.

When is the deadline for filing an annual SEI report?

April 15th of each year. The Electronic Filing System (EFS) is available 24/7.

When does the "window" for filing the SEI report open?

Annually on March 15th. This gives SEI filers 30 days to complete their SEI filing on time.

NOTE: SEI filers, who have an account profile, will receive an email notification

on March 15th letting them know the filing window is open and reminding them that they are required to file.

Are Jurisdictional Contacts (JCs) responsible for assisting filers?

Yes. JCs are responsible for assisting SEI filers in creating their profiles and setting up their accounts within EFS. JCs should reach out to the SEI filers in their jurisdiction to remind them of the filing deadline.

NOTE: *SEI filers are responsible for filing their own SEI reports.*

Are the disclosure questions different from year to year?

Typically, no as the questions are statutorily mandated. However, in 2023 the legislature passed HB2038, which changed the filing requirement to include information about clients of businesses.

The system is not accepting my email address the way I entered it?

Try entering your email address in all lowercase letters.

SYSTEM REQUIREMENTS

To ensure the safety & security of your browsing experience, Oregon.gov websites are compatible with most popular browsing software. For more information, please visit [Supported Browsers](#) on Oregon.gov.

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirements to complete and electronically submit the SEI by April 15.

If you have any questions regarding the Annual Verified Statement of Economic Interest or the Oregon Government Ethics Commission, please call or email the OGE staff.

Oregon Government Ethics Commission

3218 Pringle Rd SE, STE 220

Salem, OR 97302-1680

Phone: 503-378-5105

Website: www.oregon.gov/OGEC

Email: mail@ogec.oregon.gov