

**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, MARCH 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 March 4, 2025. Copies of the Agenda are available at the Community Development Center and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) MOTION TO ADOPT MINUTES

A) Motion to Adopt Minutes for February 10, 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) NEW BUSINESS

7) PUBLIC HEARING Short-term rentals ordinance

A) Short-term rentals ordinance

8) HAND-OUTS/DISCUSSION ITEMS

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN



PLANNING COMMISSION MEETING MINUTES
Monday, February 10, 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, Tyler Whitaker, William Ecret and Chairman John Breidenbach. James Grissett and Max Twombly were excused.

City Staff present were: Dan Cummings, City Manager; Jennifer Braden, P&Z Technician; Kellie Schmidt, City Finance Department, and Tatiana Burgess, Planning & Zoning Director. Susann 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 February 3, 2025. Copies of the Agenda were available at the City Community Development Center.

Chairman Breidenbach led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

Blue Fortner moved, seconded by Tyler Whitaker, to adopt the Agenda as presented. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

ADOPTION OF MINUTES FROM JANUARY 13, 2025, MEETING

Blu Fortner moved, seconded by Tyler Whitaker to adopt the minutes from January 13, 2025, as presented. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

There were no unscheduled public appearances.

ELECTION OF OFFICERS

Chairman Breidenbach welcomed Commissioner Ecret and Commissioner Whitaker to the Planning Commission.

Chairman Breidenbach opened the floor for nominations for Chairman and Vice Chairman.

Chairman Breidenbach was nominated and accepted the nomination for the Chairman position. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

Blu Fortner was nominated and accepted the nomination for Vice Chairman. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

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)

Chairman Breidenbach opened the Public Hearing.

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.

Ms. Burgess presented the staff report.

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.

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.

Chairman Breidenbach asked if proper notice was given for the hearing, and if any communication had been received regarding the action.

Ms. Burgess responded that proper notice had been given and said ODOT had sent communication stating they had no comment regarding the action.

Chairman Breidenbach asked if the Planning Commissioners had any questions for staff.

Commissioner Whitaker asked if the planned structures would be built on foundations or if they would be mobile/manufactured homes.

Ms. Burgess replied that building plans had not been submitted but the general plan was for the developer to build "stick built" homes. She noted that more detailed plans would be submitted for approval later in the process.

Commissioner Christiani asked if there were restrictions on what could be built on the lot.

Ms. Burgess explained that the preservation of the zone to a commercial designation allowed a variety of options for development and explained that multi-family residential units and all C-1 and General Commercial uses would be allowed on the lot.

Mr. Cummings noted that the zone did not allow manufactured homes.

The applicant was not present and there were no proponents or opponents to the action.

There were no further questions or discussion points from the Planning Commissioners.

Chairman Breidenbach closed the public hearing.

APPROVAL OF PLANNING ACTION 2025-01-01AZ– FINDINGS OF FACT

Blu Fortner moved, seconded by Tyler Whitaker to adopt the Finding of Fact as presented. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

APPROVAL OF PLANNING ACTION 2025-01-01AZ

Blu Fortner moved, seconded by Al Christiani to approve the Annexation and Rezone as presented. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

CONTINUED SHORT-TERM RENTAL DISCUSSION

Chairman Breidenbach opened the public hearing.

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

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 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.

Chairman Breidenbach opened the floor to questions and discussion.

Commissioner Fortner commented that the maximum number of short-term licenses allowed per owner as being six.

Ms. Burgess explained that the number of six licenses per owner had been changed after the November 18, 2024, meeting after the public comment and discussion at that meeting.

Commissioner Fortner asked how many short-term rentals would have to be permitted before the city of Ontario would experience a housing shortage.

Ms. Burgess replied that the City didn't have a way to estimate that statistic. She noted that Ontario had approximately 8-9 short-term rental properties, according to an Internet search of the most common booking sites (AirBNB, VRBO, etc.). She reminded the Commission that the ordinance could be amended in the future to address density.

Mr. Cummings commented that there was still a limit of two short-term rentals allowed per parcel.

Commissioner Fortner noted that each owner who came into the business could have six short-term rentals each, potentially, on three to six lots per owner.

Mr. Cummings confirmed.

Commissioner Christiani asked if Ms. Burgess knew of any plans or discussions by the State of Oregon to regulate short-term rentals at the State level.

Ms. Burgess replied that she had not seen anything in the current legislative session. She noted that she had read one article from late 2024 that highlighted how different these ordinances looked between jurisdictions. The article had given examples of towns who had experienced density problems due to short-term rentals. The article also referenced the City of Portland's changes to their short-term rental ordinances. She was not aware of anything currently in front of the State for a state-wide ordinance for short-term rentals.

Commissioner Fortner asked what specific changes the City of Portland had made to their ordinance, according to a news article Ms. Burgess had just referenced.

Ms. Burgess replied that their ordinance had adapted the regulations related to density, fire escape/egress, and defined parking requirement standards for certain areas.

Commissioner Fortner asked if Ontario included any parking requirements for any occupancy numbers in the draft ordinance.

Ms. Burgess stated that the draft ordinance directed that the parking for the primary occupants (night-time occupants) must be provided on-site, which was consistent with any other use in the city, and that all developers were required to accommodate for their parking. She noted that Ontario's specially designated downtown district (C-3 zone) was the only zone in the City that was allowed to have shared on-street parking.

Mr. Cummings added that single-family residences in Ontario were required by City Code to provide two, off-street parking spots for the home.

Ex-Officio Mills asked if there was any sort of law that required that Ontario to adopt a short-term rental ordinance.

Ms. Burgess stated there was not.

Ms. Mills continued with her statement and stated that her view of short-term rentals was that it was much

like staying in a hotel. She felt an ordinance for an owner's use of their own property was getting the government involved in personal property where taxes and insurance were already being paid. She noted that City ordinances were in place for problems. She noted that there had not been a large volume of complaints about the existing short-term rentals. She noted that contracts between renters and owners had a lot of rules that would have to be followed as part of the rental agreement and those rules usually provided the oversight to manage the property effectively.

Ms. Mills also stated that she felt that the ordinance was not a benefit to the landowners or the people that lived here at this point in time and expressed that she did not see an advantage to the City either. She referred to a public testimony comment that had been presented at a previous Planning Commission meeting in which the member stated that the ordinance was "too much government". Ms. Mills acknowledged those comments as valid to the ordinance process. She acknowledged that the issue of short-term rentals may have to be addressed later on in the future. She stated that her opinion was short-term rentals had not seemed to cause a lot of issues for the City. She said she did not feel as though the ordinance was mandatory and said she didn't feel that Ontario currently had a real need for a short-term rental ordinance.

Ms. Burgess thanked Ms. Mills for her opinion and input. She remarked that the continued discussions surrounding this ordinance were to give the Planning Commission the opportunity to make a combined decision. She called the Commissioners back to the original staff report wherein she presented "pro's and con's" for this ordinance based on her research of short-term rentals in cities. She also stated that short-term rentals industry was a growing industry, and it seemed better for the City to have an ordinance in place to deal with the growth rather than deal with problems retroactively. She stated that the ordinance was drafted at the request of the Planning Commission and presented to the Commission for discussion and a final decision on whether or not to proceed with presenting an ordinance to City Council.

Ms. Burgess noted complaints received were not the only catalyst to the ordinance, and that an additional component to this ordinance was the operation of short-term rentals in residential zone. She stated that a short-term rental operator submitted a business registration application during the previous summer for their short-term rental. She explained how, as the the City was processing the business registration, staff realized they technically couldn't issue the license because residential zones did not allow commercial operations. She explained that the ordinance also intended to have a mechanism to resolve that situation.

Mr. Cummings confirmed Ms. Burgess' statement that without the ordinance, short-term rentals could not be allowed to operate in residential zones. He reiterated that the short-term rentals had not been collecting the local TOT and that some short-term rentals were not meeting residential building code requirements. He explained that an ordinance was a response to the collective concerns regarding short-term rentals in Ontario. He stated it was necessary to let short-term rental owners know that their properties/rentals must meet State building codes and that they must pay the City's TOT.

Mr. Cummings also reminded the Commissioners that they could send a recommendation that the City *not* put an ordinance in place for short-term rentals, but the Planning Commission was directed to discuss this issue so that the public knew the TOT ordinance for short-term rentals was being violated and that properties might not have met State building codes.

Commissioner Whitaker asked if any of the existing short-term rentals in Ontario had paid any TOT to the City.

Mr. Cummings responded they had not, but that they had been on notice that it was required.

Commissioner Whitaker asked if there was an avenue for short-term rental owners to pay the TOT.

Mr. Cummings responded that they could remit the TOT anytime. He added that AirBNB and other similar listing sites also directed their property owners to check with local jurisdictions for any local taxes and then notify those sites if anything should be collected. So far, Mr. Cummings said that no TOT had been collected from any short-term rental listing platform or property.

Commissioner Whitaker asked if the City had an enforcement mechanism in place to force collection of the TOT.

Mr. Cummings said the City could send notice of violation letters to the property owners, but also said he had been waiting to do so until the matter of the potential ordinance had been decided. He noted that most property owners probably weren't aware that they were required to collect TOT but that through this process people had hopefully been alerted to the fact they were in violation if TOT wasn't being collected. He explained that if the Planning Commission decided against the short-term rental ordinance, the City staff would notify the property owners of the TOT requirement.

Commissioner Christiani asked if the City wanted to have a vehicle to find and notify short-term rental owners that the TOT was required.

Commissioner Fortner added to Commissioner Christian's comment and stated that inspections for safety also had to be considered but without the ordinance the inspection process was not possible. He commented that the ordinance was very important and showed a lot of common sense as a way to address the City's concerns.

Commissioner Whitaker commented that his initial impression been that the ordinance wasn't completely necessary but that asking the questions about TOT and learning about how it had been adopted after voter ballot had helped answer some questions for him.

Ms. Burgess added to Commissioner Fortner's statement about the importance of safety. She stated without an ordinance the City would still be able to collect the TOT but that they would have no way to inspect and verify the safety of the occupants in a short-term rental. She said that the ordinance would include a site inspection as part of the application process but clarified that the inspection would only be for the space that was being rented and its direct amenities.

Ms. Mills asked if an owner/landlord who owned multiple properties on one tax lot or parcel and then rented a portion of them for less than 30 days would have to register those properties and pay TOT for each one.

Ms. Burgess responded that they would, based on the definition of the TOT's requirement for transient lodging tax. She reiterated that the definition of "short-term rental" was specifically defined in existing City code as a property rented for less than 30 days.

Mr. Cummings confirmed Ms. Burgess' comment. He then stated that the other issue that had to be addressed was that short-term rentals were operating as a commercial operation in residential zones and thus were not in the same category as long-term rentals in residential zones.

Ms. Mills asked if short-term rentals that rented sporadically and infrequently would be required to follow the short-term rental ordinance.

Mr. Cummings responded those would be considered short-term rentals. He commented again to the fact that the goal of the ordinance was to address existing issues and to anticipate future problems that may arise, especially if the industry grows in Ontario.

Commissioner Ecret asked if there was a known number of existing "AirBNB's"/short-term rentals?

Commissioner Whitaker responded and said he had found 11 in the Ontario area earlier that day and those 11 listings had around 800-900 reviews from people who had stayed at and left reviews for the properties.

Commissioner Ecret then asked if those were registered with the City.

Mr. Cummings responded no short-term rentals were registered with the City. Ms. Burgess pointed out that a few of the properties Commissioner Whitaker referenced were outside Ontario City limits and thus not required to pay the TOT.

Kellie Schmidt (City of Ontario Accounts Payable Clerk) stated that she is responsible for collecting and distributing the TOT taxes for the City. She commented that the City had received TOT from one previous property owner that had operated a short-term rental but that the owner had since ceased operating it as a short-term rental and as such, no longer paid TOT to the City.

Commissioner Christiani asked Ms. Schmidt how many people were paying the TOT.

Ms. Schmidt responded that there were none.

Chairman Breidenbach asked if there were any proponents. There were none.

Chairman Breidenbach called Kate Draper to testify. Ms. Draper presented testimony as an opponent.

Mrs. Kate Draper:

"Hi ladies and gentleman. My name is Kate Draper and I live just outside the city limits of Ontario, and I am a managing partner for an AirBNB that is located outside the city limits of Ontario but it is in the Urban Growth Development area. So, my main interest is seeing what happens with the City ordinance because I feel like the County will look closely at what the City of Ontario decides to do. So, and just, as we're talking about this TOT tax, I do want to let you know that we are just listed with AirBNB, and we just got our 2024 statement and we are paying the State TOT taxes to the State of Oregon. AirBNB collects those taxes and pays them. Of course we don't pay a City tax, we're outside your City limits, but we do pay our TOT taxes to the State of Oregon. So they're collecting them and we're paying them. I want to thank you. This is the third month I've, that I've been here and seen some different faces coming through, but, I do appreciate the time that you take to read through this information and to sit in these meetings and to give up your time, I do appreciate that. And I have to assume, because you're here and giving those time and talents on a public commission, that you are men and women who value the fundamental rights and freedoms that we enjoy everyday as Americans. So, I'm also going to make the assumption that you either, or maybe both, own a home here in Ontario or maybe even own a business, run a business in Ontario. So you may have had some experience with government being involved in your everyday life. So, I'm going to quote Thomas Jefferson, you all know Thomas Jefferson, the, one of our founding fathers, and the primary author of the Declaration of Independence, our third United States president. One of his famous quotes is "that government is best which governs least". Okay? That government is which governs least. And that's my main concern with the ordinance that you are considering today, for however many months. I think we have two major issues. The

first is the taxes. The City has passed a tax, it's a significant tax of 10%, that's a big deal. I guess, I understand, you are not in charge of changing the amount of that, I know that. It's a big deal. You want to collect your tax. I don't see a problem, collect your tax. So that's your first issue. You can set a, you can figure out your ordinance so that you can identify your short-term rentals in the city of Ontario and make sure they're paying their taxes. That's fairly easy. The second one seems to be, you want these properties to be safe. If that means you need to just be sure that they have exits and entrances, whatever that makes them safe, I think you can do that and make sure that our wonderful fire and emergency personnel can get in and out of buildings, people are safe, awesome. That's really it. That's really all you need to do. You need to make sure people are paying their taxes and that people are safe in your community. The rest of it is excess. The rest of it is not "that government which is best governs least". The rest of it is excessive. Like Councilor Mills spoke to, that it's just too many fingers in too many people's business. So, I definitely have questions about what Mr. Cummings is speaking too, about a land use action and a code change. Tonight's the first time I'm picking up on those words. I don't understand, I don't think I've heard of code change before so I'm not sure what that means, and maybe you'll address that later. But I don't, maybe I missed it in the last three months, but I don't know why we're now discussing a code change. I'd love to know more about that. Back to my topic, I've looked up a recent Gallup poll from October 2024. The Gallup poll showed that a majority of Americans believe that government is trying to do too many things that should be left to individuals and businesses. I'll bet some of you agree with that majority. I'm going to just make that assumption. It's not easy for me to stand up here in front of you. My legs are shaking and my voice is shaky, this is not easy for me because my husband and I have come here for the last couple of months and we have made public comments. We have been targeted and treated unfairly by people in the county for the AirBNB that we're trying to manage outside of City limits. That's been very frustrating for us to have been targeted because we feel like we should stand up and speak out whenever our rights are being infringed upon. One of my favorite quotes is from Edmund Burke and paraphrasing it says something like "all it takes for evil to win is for good men to do nothing". So although it's been hard and we're paying the price for making some public comments, I'm not, I'm not going to let my opportunity as an American go by, and not stand up and be in front of you and let you know how I feel, because I have that opportunity and I value it. So, I want you just to recognize that the issue you are facing is probably not the most important issue that the City or the County has to face right now. And sometimes people turn a molehill into a mountain and that may have been the case here. It may have started with we need to collect our taxes and we need to keep people safe, and then it went to we're going to tell you how many people you can have on this property day and night, which is what it is, that's what you've got. You've got you can have this many people here from 7:00am to 10:00pm and you can have this many people from 10:00pm to 7:00am, and we're going to look through all of your property and we're going, you're going to pay for a permit fee every year, and you're going to pay for licensing every year, and it goes, it's just gotten, maybe out of hand. I want you to please consider what I have to say. I respect your time. I respect your efforts and what you're doing. People should pay their taxes, people should be safe, and I will end with another quote from Thomas Jefferson, who said "My reading of history convinces me that most bad government results from too much government.". Ladies and gentlemen, thank you for your time."

Chairman Breidenbach reminded the audience that if the Planning Commission decided to move the ordinance forward for recommendation to City Council, there would be another public hearing and another opportunity to present testimony.

A member of the public present in the audience did not wish to provide testimony specifically to the ordinance but had a few questions about the ordinance related to the business she managed.

Renee Cummings, manager of River Point RV Park, located in Ontario Oregon, addressed her questions to the Planning Commission. She explained she was previously unaware of the ordinance until she spoke with Ms.

Burgess and answered some questions Ms. Burgess had asked her about some of the basic requirements for customers renting space at the RV Park. She shared that their RV Park had 179 sites and that a portion of their sites could be rented for up to 30 days for short-term stays. She asked the Planning Commission and City staff if their RV Park fell into the category of short-term rentals, as was being discussed by the Planning Commission, particularly regarding the maximum number of short-term rentals allowed per owner and the TOT.

Chairman Breidenbach deferred the question to Mr. Cummings to respond.

Mr. Cummings responded that River Point was paying the TOT. He stated that RV parks were considered true "transient" because they weren't renting out a structure. People brought their privately owned RV's into the park and then took their RV with them when they left. He noted that RV parks were completely different than residential zones and stick built houses. He responded to Ms. Cummings concerns and said that this ordinance would not apply to RV parks. He also noted that existing mobile home parks had become less regulated due to State laws related to housing availability. Mobile home parks also could allow a certain portion of their spaces to be allocated to transient-type rentals for RV's, for short-term rental use, in order to address housing shortages.

Mr. Cummings addressed Mrs. Draper and stated that he understood her sentiments about government and that it was not an uncommon viewpoint. He thanked Mrs. Draper for her statement.

Chairman Breidenbach asked Mr. Draper if he'd like to make a comment. (Mr. Draper did not complete a public testimony sign-in sheet.)

Mr. Draper:

"So, there was a comment made that we should do this because what if. Well, let's go govern Mars because, what if. You know, that's how foolish this really is. We need taxes, we need safety. And, it's been said over the last few months that what if a hundred AirBNB's come to Ontario. Well the statistics show that Ontario is losing 3-4% of business and residential area every year. We're losing people. We're not, we're not gaining people. So these are bringing people into our communities. It's helping our businesses. It's helping our Cultural Center. And so, my wife did a beautiful job as you all heard. Keep it at taxes, keep it at safety, and let's go with that. Why do we have to create all of this for one complaint that came from a governmental worker? One. No one else has complained. No one else has said a thing. We have residential neighbors for our AirBNB that are in City limits. No one is coming to the City and complaining. And neither are any of the others, there's been one complaint. Why so much government? Thanks".

Mr. Cummings asked to respond to Mr. Draper. He stated that one of the reasons for drafting an ordinance to address the fire and life safety of these properties, but that without some sort of permit or license, the City did not have the right to go to those facilities to inspect them for safety.

Mr. Draper responded and said he agreed and said the Commission should make an ordinance that addressed the TOT and guaranteed an annual inspection.

Chairman Breidenbach commented that anything the Planning Commission moved on to City Council must also be reviewed by the State's land use group for compliance with land use laws.

Mr. Cummings confirmed Chairman Breidenbach's comment. He stated that the ordinance would be a change to City Code and that the City was required to follow State land use laws. The City was required to notify the

State of Oregon whenever codes were adopted that affected land use. He reiterated that the State regulates the City's zoning codes. If the City allowed uses in zones where they were not allowed, the State would become involved. He stated again that commercial operations were not allowed in single-family residential zones, but that the ordinance created the avenue to legally allow those operations to operate in single-family zones.

Mr. Draper asked the Planning Commission why they went from "0-100" when all that was really important was taxes and safety, and asked why all the other rules and regulations were added.

Mr. Cummings responded that short-term rentals were not allowed to operate in residential zones without the ordinance.

Chairman Breidenbach responded to Mr. Draper and said the reason the other components were added, such as occupancy and family gatherings, was because that was what the Planning Commission had been tasked to work on, and that the current draft ordinance was a product of four months of work by the Planning Commission body. He acknowledged that it may not be needed right now but that it would be needed in the future.

Mr. Draper replied to Chairman Breidenbach and asked what would happen if it was never needed at all.

Chairman Breidenbach responded that it would be up to City Council to give the final approval.

Mr. Cummings added that he personally knew of three short-term rentals that were currently operating in City limits, in a single-family zone. He stated that those properties were operating illegally. He reiterated it the ordinance would not just address taxes and safety, but that it would also resolve the issue of commercial operations doing business in residential zones, which was illegal due to State land use laws. The City had to either make those businesses legal by adopting new code or the operations would have to shut down. He reminded Mr. Draper that the ordinance did not just address the taxes and safety of short-term rentals, but that it also made a way for short-term rentals to be able to legally operate as businesses in a residential zones.

Chairman Breidenbach asked Ms. Burgess to present a rebuttal.

REBUTTAL POINTS:

1. RV PARKS - Ms. Burgess shared the information she learned from speaking with Renee Cummings, manager of River Point RV Park. The RV park had occupancy limits. She also clarified that short-term rentals were defined in City code as "dwellings", and that RV's were recreational vehicles, not dwellings.

2. ADDRESSING ONLY SAFETY IN ORDINANCE – Referring to Mr. Cummings point, Ms. Burgess affirmed that the ordinance was necessary so that the City had the right to inspect properties being rented as short-term rentals. The additional requirements that had been put in the draft were there to give the City a way to manage and permit short-term rentals. She explained that whenever the City defined a "use", there were goals and standards that had to be created for that use. She stated the process was the same for any ordinance created by the City.

3. TAXES – Ms. Burgess stated that the concerns raised regarding TOT tax had been addressed, and restated that it was a matter that had already been decided and put in place. She reiterated that neither she nor the Planning Commission had any say in the TOT amount or application to short-term rentals.

Chairman Breidenbach closed the Public Hearing.

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

Chairman Breidenbach asked the Planning Commissioners for questions or discussion points.

Mr. Cummings reminded the Commissioners that changes to the ordinance must be requested at this meeting. He explained that the next meeting would be to make an action on the ordinance, submit the ordinance to the State and then send either a favorable or unfavorable recommendation to the City Council.

Chairman Breidenbach stated that he felt the work over the last four months had been successful and that the ordinance was ready to be forwarded to City Council.

Commissioner Fortner suggested that the Planning Commission could consider increasing the daytime occupancy from three times the nighttime occupancy to four times the nighttime occupancy. He stated that there wasn't anything else in the draft ordinance that he felt the Commission could adjust or remove. He noted that all of the requirements had to do with safety, especially occupancy and the City's ability to contact the owners.

Mr. Draper interjected from the audience and stated that the annual permit process would hinder the businesses.

Commissioner Fortner asked Mr. Draper to provide specific examples of what portions of the draft ordinance would limit the short-term rentals from operating successfully.

Mr. Draper replied and stated that if the City passed an ordinance that accounted for the taxes and safety only, short-term rental owners wouldn't have to worry about anything else. He stated he did not feel the extra requirements were necessary for safety.

Commissioner Fortner again asked which specific portions Mr. Draper felt were unnecessary and would hinder operations.

Mr. Draper replied it was the occupancy requirements.

Commissioner Fortner responded that occupancy was safety.

Mrs. Draper commented that the nighttime occupancy was not as troubling to them but that the daytime occupancy was not appropriate and would limit the success of short-term rentals. [Comments immediately following were unintelligible due to cross-talking and muffled sound quality.]

Chairman Breidenbach stated that he agreed and thought that the occupancy requirements may be something that would change but stated he was comfortable that it was in the draft ordinance. He felt the Planning Commission had a good start for the ordinance and that the City Council would have the opportunity to review the ordinance and change it, if they saw fit. He noted again that complaints would demonstrate the effectiveness of the ordinance. If a property was operating outside the regulations or was not up to code, then the issues would be addressed during the renewal process.

Mr. Draper continued to restate his comments. He asked why the ordinance could not just address taxes, safety and annual inspection, and then address additional concerns at a later date, if they arose.

Chairman Breidenbach commented that there were other short-term rental owners who had participated in the ongoing discussion, and that based on the conclusion of the last meeting, the current version of the draft ordinance was what had been agreed upon by the Planning Commission.

Mr. Draper restated his comments that the bar was too high and there had not been enough complaints to warrant such a high starting point. He stated that this ordinance would drive away business. He said the City should only address safety and taxes in this ordinance. He stated that the Planning Commission should address the other issues in the future as they came up, and that complaints received would demonstrate the problems that needed to be addressed.

Chairman Breidenbach addressed Mr. Draper and stated that he appreciated his comments. He stated that the Planning Commission had to make a decision and asked Mr. Cummings for clarification about the process.

Mr. Cummings said that this current meeting was being held to see if there were any changes that needed to be made. The next meeting will be to finalize the ordinance and then send it to City Council with a favorable or unfavorable recommendation.

Commissioner Fortner asked if the Planning Commissioners could now discuss the ordinance, since the Public Hearing portion had been closed.

Chairman Breidenbach indicated they could.

Commissioner Fortner stated that the only portions of the draft ordinance that he felt did not directly affect safety were the regulations that would impact the neighbors, specifically, the daytime occupancy and family gatherings.. He asked the Planning Commission if they should consider removing the daytime occupancy completely but retain the nighttime occupancy for safety.

Ms. Burgess commented that safety did not just apply to the confines of the short-term rental. She stated that it also included safe routes to and from the property, and that short-term rentals were businesses operating in residential zones. Safety for the rest of the neighborhood was an important factor that should be considered in addition to the impact to the business owner.

Chairman Breidenbach remarked that parking for daytime occupancy had been discussed but not defined.

Commissioner Fortner suggested that they adjust the daytime occupancy from three times the nighttime occupancy to four times the nighttime occupancy.

Chairman Breidenbach asked for a consensus from the Commissioners to change the occupancy as suggested by Commissioner Fortner. All agreed with the change.

Chairman Breidenbach directed Ms. Burgess to change the draft accordingly.

Ms. Burgess reminded the Commission that in her research into other jurisdictions, the largest amount of additional occupants allowed at a short-term rental had been six additional people.

Chairman Breidenbach acknowledged Ms. Burgess' comment. He then asked for any other changes. None were suggested.

Commissioner Fortner asked the Commissioners if there was anything else they had seen that should have been addressed.

Commissioner Whitaker noted that he agreed with the increase in occupancy and that the increase would be appealing to customers with larger families. He suggested that short-term rental owners might benefit from doorbell cameras to increase safety but noted that probably could not be required. He asked if the ordinance would designate a specific entrance and exit to the short-term rental or if the short-term rental customers would use the same entrances and the same parking areas that were designated to the home.

Mr. Cummings replied that building codes would require exit plans for the inside of the property in case of emergencies.

Commissioner Ecret asked for confirmation that inspections would be annual, upon renewal of the license. He commented that complaints would address occupancy issues if short-term rentals had too many people on the property.

Mr. Cummings confirmed. He commented that neighbors in private neighborhoods often had many people at their homes and on a frequent basis and often violated noise and parking standards. He noted that if neighbors weren't making complaints to the City in those situations then the City did not police those types of gatherings on their own initiative.

Commissioner Ecret asked if short-term rentals would affect the fair housing laws and rentals.

Mr. Cummings responded that the State would probably be favorable to the ordinance for a variety of reason.

Commissioner Ecret asked why the limit had been added and if there was any limit to the number of long-term rentals that could be owned and operated by one owner.

Mr. Cummings responded that the limit on the number of short-term rentals allowed for one owner had come from the desire to limit corporations from buying up large numbers of dwellings and operating them as short-term rentals. He commented that the long-term rental supply in Ontario needed to be protected. He noted that some communities in Oregon had experienced extremely negative impacts from the loss of long-term rentals to the short-term rental industry.

[Inaudible due to cross-talking.]

Chairman Breidenbach noted that previous discussions had mentioned that some Homeowners Associations (HOA) in towns around Oregon, particularly on the Oregon Coast, had that had completely banned short-term rentals because of parking issues.

Commissioner Ecret asked if research had been done into other jurisdictions, especially those in the same geographic region as Ontario.

Commissioner Whitaker noted that he had experienced HOA's in Idaho that completely restricted short-term

rentals and required a minimum of six-month leases for rentals.

Mr. Cummings responded that Ms. Burgess had done extensive research into other jurisdictions and the results of that research had been discussed at the first meeting.

Chairman Breidenbach asked if the Planning Commission was ready to approve the ordinance for submission to City Council.

Mr. Cummings reminded the Commissioners that the first step was hold the official public hearing required by State law. He stated a consensus by the Planning Commission would be sufficient in place of an official Motion.

Chairman Breidenbach asked each Commissioner if they agreed, by consensus, to increase the daytime occupancy to no more than four times the permitted nighttime occupancy, and if they agreed that the revisions and edits to the draft ordinance could be considered completed. All Commissioners agreed to the change to the ordinance and agreed to close the edits and revisions for the draft ordinance.

HAND-OUTS/DISCUSSION ITEMS

Chairman Breidenbach informed the Planning Commissioner that they were required to complete the SEI Filing and Training.

Mr. Cummings provided further comments and information about setting up the training and when it might be scheduled. He noted that it would possibly be held locally so that other jurisdictions could utilize the training. He also noted that the SEI training and filing was the responsibility of the Commissioners and informed them that they could be held liable and assessed fines if the certification/filings were to lapse.

Ms. Burgess noted that City Recorder Tori Barnett had sent emails to the Commissioners regarding the ethics filing. She reminded the Commissioners that that accounts must be activated no later than February 15, 2025, and final filings must be complete no later than April 15, 2025.

There were no additional comments or ex-officio reports.

Chairman Breidenbach called for a Motion to Adjourn.

MOTION TO ADJOURN

Blue Fortner moved, seconded by Tyler Whitaker, to adjourn. Roll call vote: Fortner-yes; Christiani-yes; Whitaker-yes; Ecret-yes; Breidenbach-yes. Motion carried 5/2/0.

John Breidenbach
Chairman

Attest: Jennifer Braden
Planning & Zoning Technician



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

To: Planning Commission
FROM: Tatiana Burgess, Planning Director
SUBJECT: **SHORT-TERM RENTALS ORDINANCE**
DATE: March 3, 2025

PROPOSED MOTION:

- 1. TO MAKE A RECOMMENDATION TO CITY COUNCIL TO ADOPT ORDINANCE #2837-2025 TO AMEND TITLE 10A, TO REGULATE SHORT-TERM RENTALS WITHIN CITY LIMITS.**
- 2. TO MAKE A RECOMMENDATION TO CITY COUNCIL TO NOT ADOPT ORDINANCE #2837-2025 TO AMEND TITLE 10A, TO REGULATE SHORT-TERM RENTALS WITHIN CITY LIMITS.**

SUMMARY:

Affected Zones:

RS-50	Single-Family Residence
RD-40	Duplex Residence
RM-10	High Density, Multi-Family Residence
R-MH	Manufactured Home Residence
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Central Commercial

Proposal: Amend Ontario Municipal Code, Title 10A, by setting standards for property owners to regulate the operation of short-term rentals within the referenced zones in the City limits

BACKGROUND:

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.

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 operated by 785,000 hosts.” (*Wheat, K., 01/24/2025, www.addressesrealestate.com*)

In Oregon, there is no uniform land use legislative requirement that regulates STRs. The proposed draft ordinance would amend Ontario Municipal Code Title 10A, to:

1. Set operation standards and outline a licensing and permitting process of the STRs.
2. Facilitate and regulate lodging options for visitors without a detriment to the available housing supply within City limits.
3. Maintain a good-neighbor policy by encouraging business opportunities, while preserving the rights of the property owners, living in residential neighborhoods.
4. Offer an expansive ability to allow operation of STRs beyond the residentially zoned properties and includes the commercially zoned properties within the city limits.

The proposed draft ordinance would amend Ontario Municipal Code Title 10A by introducing new definitions to Chapter 10A-03, as well as creating a new chapter – Chapter 10A-57-101.

All sections of the proposed Chapter 10A-57-101 are consistent with other adopted chapters of the Ontario Municipal Code, and define its purpose, set standards and requirements and outline the application and permitting process. The introduction of the application and permitting process of STRs is critical to ensure safe operation and occupation of the STRs and offers a path to apply and enforce current Building Codes.

The proposed ordinance was drafted with careful consideration by reviewing existing ordinances within neighboring jurisdictions, both within the State of Oregon and State of Idaho. Among those jurisdictions reviewed were Baker City, Sumpter, Burns, La Grande, Enterprise, Joseph, Bend, Baker County, Wallowa County, Union County, Umatilla County, Harney County, Tillamook County (OR) and Boise, Fruitland, Caldwell, McCall (ID).

CURRENT SITUATION:

Planning Commission held 4 work sessions to date to discuss and draft the text of the proposed short-term rental ordinance.

Findings of Fact

1. The City of Ontario substantive regulations for land development requirements are contained in Title 10C of the Ontario City Code
2. Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.
3. Appropriate legal notice has been provided for this hearing.

The city, from time to time, may amend its zoning regulations in response to emerging technologies or business concepts or changes in state law. The proposed amendments are measures in response to identification of changing business concepts and lack of uniformed state regulations. The proposed STR ordinance will expand existing approved uses in the cited zones, as well as offer an avenue to ensure life and safety of all parties involved, through enforcement of current Building Codes.

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:

Staff recommend that the City of Ontario Planning Commission recommend to the City Council adoption of the proposed ordinance attached as Exhibit A, based on the Findings of Fact.

ATTACHMENTS:

- 1. Staff Report
- 2. Ord #2837-2025 DRAFT



City of Ontario
Planning Director
Community Development Department
444 SW 4th Street
Ontario, OR 97914
Voice (541)881-3222
Tatiana.Burgess@ontariooregon.org

SHORT TERM RENTAL ORDINANCE – STAFF REPORT 2025-01-02 ZCA

Report Prepared By: Tatiana Burgess, Planning Director

SUBJECT: **ACTION 2025-01-02 ZCA:** to have the Planning Commission form a recommendation to City Council to adopt/not adopt a city-wide ordinance, regulating short-term rentals.

I. GENERAL INFORMATION

Affected Zones:

RS-50	Single-Family Residence
RD-40	Duplex Residence
RM-10	High Density, Multi-Family Residence
R-MH	Manufactured Home Residence
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Central Commercial

Proposal: Amend Ontario Municipal Code, Title 10A, by setting standards for property owners to regulate the operation of short-term rentals within the referenced zones in the City limits

II. SUMMARY & BACKGROUND

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.

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 operated by 785,000 hosts.” (Wheat, K., 01/24/2025, www.addressesrealestate.com)

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

The proposed draft ordinance would amend Ontario Municipal Code Title 10A, to:

1. Set operation standards and outline a licensing and permitting process of the STRs.
2. Facilitate and regulate lodging options for visitors without a detriment to the available housing supply within City limits.
3. Maintain a good-neighbor policy by encouraging business opportunities, while preserving the rights of the property owners, living in residential neighborhoods.
4. Offer an expansive ability to allow operation of STRs beyond the residentially zoned properties and includes the commercially zoned properties within the city limits.

The proposed draft ordinance would amend Ontario Municipal Code Title 10A by introducing new definitions to Chapter 10A-03, as well as creating a new chapter – Chapter 10A-57-101.

All sections of the proposed Chapter 10A-57-101 are consistent with other adopted chapters of the Ontario Municipal Code, and define its purpose, set standards and requirements and outline the application and permitting process. The introduction of the application and permitting process of STRs is critical to ensure safe operation and occupation of the STRs and offers a path to apply and enforce current Building Codes.

The proposed ordinance was drafted with careful consideration by reviewing existing ordinances within neighboring jurisdictions, both within the State of Oregon and State of Idaho. Among those jurisdictions reviewed were Baker City, Sumpter, Burns, La Grande, Enterprise, Joseph, Bend, Baker County, Wallowa County, Union County, Umatilla County, Harney County, Tillamook County (OR) and Boise, Fruitland, Caldwell, McCall (ID).

III. PREVIOUS ACTION:

Per Ontario Municipal Code 10B-15-05, amendments to Title 10A may be initiated by the Council or Commission by motion, or by individuals by application. Amendment actions shall first be referred to the Planning Commission for the public hearing and recommendation.

The Department of Land Conservation and Development (DLCD) shall be notified of the pending action at least 35 days before the final hearing date, unless a shorter time is authorized by Oregon Administrative Regulations for the type of action being taken.

The Planning Commission has held 4 work sessions to date, to discuss and shape 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. At the subsequent meetings, on November 18, 2024, January 13, 2025, and February 10, 2025, operators of current short-term rentals were present and gave testimony. Each of the work sessions was properly noticed through the local newspaper, as well as published on the Planning Commission's website. All input received during the work sessions, from both the Planning Commission as well as the public, was acknowledged by staff and compiled into the proposed draft ordinance.

A notice of the proposed ordinance was published onto DLCD's website on January 16, 2025 for March 10, 2025, Planning Commission public hearing, 53 days ahead of the scheduled hearing and it was published in the Argus Observer on February 26, 2025.

IV. FINDINGS OF FACT

1. The City of Ontario substantive regulations for land development requirements are contained in Title 10C of the Ontario City Code.
2. Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.
3. Appropriate legal notice has been provided for this hearing.

CONCLUSION:

The city, from time to time, may amend its zoning regulations in response to emerging technologies or business concepts or changes in state law. The proposed amendments are measures in response to identification of changing business concepts and lack of uniformed state regulations. The proposed STR ordinance will expand existing approved uses in the cited zones, as well as offer an avenue to ensure life and safety of all parties involved, through enforcement of current Building Codes.

V. RECOMMENDATION

Staff recommend that the City of Ontario Planning Commission recommend to the City Council adoption of the proposed ordinance attached as Exhibit A, based on the Findings of Fact.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

A. Approval:

I move that the proposed ordinance to regulate short-term rentals within City limits, as set forth in **2025-01-02 ZCA** be recommended for **APPROVAL** to the City Council, based on the information, findings and conclusions set forth in Sections I through IV above.

B. Denial:

I move that the proposed ordinance to regulate short-term rentals within City limits, as set forth in **2025-01-02 ZCA** be recommended for **DENIAL** to the City Council, based on the information, findings and conclusions stated below:
State Reasons:

EXHIBITS:

Exhibit A: Short-term rental draft ordinance

EXHIBIT A

SHORT TERM RENTAL ORDINANCE No.XXXXXX

OTHER EXISTING DEFINITIONS CAN BE FOUND IN TITLE 10A-03

DEFINITIONS TO BE ADDED TO TITLE 10A-03:

10A-03-35.1: “BEDROOM” 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 people, 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 to complaints directed by the local non-emergency line. 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 hours.

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 four (4) 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) Two active short-term rental permits are permitted per parcel.
- (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) 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 people, 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 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 to complaints directed by the local non-emergency line. Regarding 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 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. 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) Family gatherings hosted in a short-term rental, shall not exceed short-term rental's maximum number of daytime occupants, as per current short-term rental's permit. 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 to 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. 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 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 year from the date the permit was revoked.

After Recording Return to:
City of Ontario
Attn. Tori Barnett
444 SW 4th Street
Ontario, OR 97914



ORDINANCE #2837-2025

AN ORDINANCE AMENDING TITLE 10A SUBSTANTIVE ZONING REGULATIONS

- WHEREAS,** As of 01/01/2025, the State of Oregon does not have an uniformed land use code to regulate short-term rentals; and
- WHEREAS,** Amendments to Ontario Municipal Code Title 10A may be initiated by the Council or Commission by motion, or by individual by application
- WHEREAS,** The City staff has made the amendments as recommended by Planning Commission, and adopted by City Council, as noted herein.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

10A-03-35.1: "BEDROOM" 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 people, 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).

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10A-57-101 – SHORT-TERM RENTALS

10A-57-102 – PURPOSE

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 - (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) 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 people, 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 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.
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 - (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.

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- (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 to 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.

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- 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 year from the date the permit was revoked.

Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2025, by the following vote:

AYES:
NAYES:
ABSENT:

APPROVED by the Mayor this _____ day of _____, 2025.

ATTEST:

Deborah Folden, Mayor

Tori Barnett, MMC, City Recorder