

**PLANNING COMMISSION MEETING MINUTES  
September 10, 2012**

The regular meeting of the Ontario Planning Commission was called to order at 7:00 pm in the Council Chambers of City Hall. Commission members present were Chairman Michael Rudd, Rita Kanrich, Cindy Graversen, Mike Allen, and Greg Tuttle. There were two vacant seats that were being advertised.

City Planning Staff present were City Manager, Jay Henry, Planning Administrator David Richey and Planning Technician Marcy Skinner. City Council ex-officio Ron Verini was present.

The meeting was recorded on tape and the tape is on file at City Annex. The Agenda for this meeting was mailed and/or hand delivered on or before April 2, 2012. Copies of the Agenda are available at City Hall.

Chairman Michael Rudd led everyone in the Pledge of Allegiance.

**CONSENT AGENDA**

Greg Tuttle moved, seconded by Rita Kanrich, to adopt the Agenda as presented. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-yes; Rudd-yes. Motion carried 5/0/2.

**ADOPTION OF MINUTES**

Greg Tuttle moved, seconded by Mike Allen to approve the minutes of the April 9, 2012 meeting. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-abstain; Rudd-yes. Motion carried 4/0/2/1.

There were no unscheduled public appearances.

Exparte contact: Chairman Rudd said that he had a short conversation with Mrs. Cruson but that he would still be able to make an informed decision.

**PUBLIC HEARING ACTION 2012-05-03V**

A request for a variance from Ordinance 10A-55-60 Yard Space Encroachment, Fences and Hedges located at 293 NW 1<sup>st</sup> Ave, Assessor's Map 18S4703CB, Tax Lot 8800. The applicants are Max and Jennifer Twombly. **The applicant withdrew his application for variance on 8/28/12**

**ACTION 2012-07-07CPAMD**

A request for a Comprehensive Plan and Zoning Map amendment for .98 of an acre of City owned land. The existing classification is PF, Public Facility and is proposed to be changed to the City classification of I-2, Heavy Industrial. This is a Comprehensive Plan and Zoning Map amendment which will permit the City to rent, lease, or sell the old City Shop and water tower site to private parties. The subject property is addressed as 44 NE 2<sup>nd</sup> Ave. It is Tax Lot 5800, Assessors Map 18S 47E 05C, and is more specifically known as lots 10 through 13, and lots 20 through 26 of Block 155, Wilsons Supplemental Plat.

Mr. Richey, Planning Administrator, gave a staff report explaining that the shop that was located in the Public Facility zone has always been used as Industrial. They would like to rezone the property to Industrial so that it can be used for private parties so that it can be rented or leased and they could not under public facility zone.

Chairman Rudd asked if there had been any communication regarding the action.

Mr. Richey said that he had not received any communication regarding it.

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Sherril Cruson, Ontario, "We own a piece of business property adjacent to the city property at 61 NE 1<sup>st</sup> Avenue and it's zoned Light Industrial and my husband could not be here tonight because he's serving on your airport board and that meetings taking place at this time and he asked me to come and find out why that needs to be zoned Heavy Industrial".

Mr. Richey answered that the properties surrounding the facility and the block area were zoned Heavy Industrial.

Mrs. Cruson, "We were just wondering because ours is Light Industrial and why would there be kind of a hopscotch of Light Industrial here, Heavy Industrial here.

Mr. Richey stated that it was figured out during the Comprehensive Plan study that showed a need for more of those lands.

Mrs. Cruson, "It should be Light Industrial and then we had a portion of it we had to get a variance on.

**\*The tape only recorded shuffling of papers and several conversations going on at the same time. I could not make out the words.**

Mrs. Cruson, "It does, then we own clear back to the underpass, so we own that whole block, half a block from second, and then we had that portion vacated between the two lots..that goes to the underpass. I guess it was just a couple of other comments that I heard in the discussion and you all know that I'm very much in favor of economic development, and I did read the article in the paper, the editorial about showing favoritism for the city um...I'm just wondering about other pieces of property that might be in town that might be on the market. And then making an allowance for the city to go ahead and let the people move in there before it's zoned, um, those are just a couple of inquiries that I've heard some discussion about and I want to bring that before you tonight".

Chairman Rudd stated that the Planning Commission gave recommendations for planning and zoning issues and would have to defer on the economic issues since that would be up to the City Council.

Mrs. Cruson, "I have worked for years and years for several boards and what not wanting to bring in economic development, I would not try to dissuade that any shape or form. I just think that it should be done in a fair manner so that it would be you know whether it's the City or a person applying for that would they be told that they needed to wait for the zoning to be completed to take occupancy".

City Councilor Verini stated that it would be very nice for Mrs. Cruson to write a letter to bring before the City Council. He also stated that the City Council wanted to be fair for the whole community in economic development.

Mrs. Cruson, "Actually, because of my gray hair, I go way back too. Because I go back to the airport property that was out there. That was sold off and kind of done quickly and not according to schedule. And it was actually found out later on that it was actual airport property that was scheduled that should never had been sold and it was all tied to the number of jobs it was gonna bring and the little research company that came out there never did bring all the jobs they were going to and we lost some really valuable airport property. This is way before your time Ron. It was another time where City or "the powers that be" did some things that were kind of second rate to what needed to be done for economic development."

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Councilor Verini said that he thought that allowing the business to operate before the zoning was in effect would not be a one-time thing but would set precedence.

Commissioner Tuttle told Mr. Verini that a few months ago Dr. White had come in for a variance to parking requirements and there was no bending the rules there. The City gave them a lot of hassle.

Mr. Verini said that he hoped that moving forward, the City would not have these type of problems.

Commissioner Tuttle said that it was frustrating for several members of the Planning Commission.

Commissioner Allen stated that he had nothing against the Georgia Equipment Company but he was worried that City was setting precedence saying "Do as we say, not as we do".

Jay Henry, City Manager, responded by saying that when the City shop was moved, the property should have been rezoned immediately and the process should have begun immediately. Then we were faced with a company wanting to have a business that had the potential to expand but they were limited because we had not been on the ball and changed the zoning. They had several other sites they were looking in other cities and in this economic climate it would be good to get a company in Ontario that had the potential to expand in the future. He also said that the City would not be as restrictive on people but would do their best to follow the rules but would be using common sense as well and would try to encourage business in Ontario. The City Council had quite a lively discussion about the equipment company and whether the rules should be bent and in the end the Council decided to go ahead and allow it this time.

Commissioner Allen asked what was Ontario's lawyer, Larry Sullivan's opinion on the matter.

Mr. Henry responded that Mr. Sullivan said that it was an advantageous zone but that the leasing out was for a public purpose. He said that the City wasn't violating the code if the Council moved forward with the action, relieving the Planning Official and the Police Chief. Zoning was state driven but the state would not determine the penalties for non-compliance.

Mr. Henry paraphrased Mr. Sullivan by saying that it was not in accordance with zoning but it was back in the City Council's court.

Chairman Rudd said that in our 2007 audit/update, one of our criticisms from LCDC was the lack of PF, Public Facility, properties in the zone. He asked if the City had any other property that could be exchanged.

Mr. Richey said that he disagreed about not having enough Public Facility property.

Mr. Rudd explained that Ontario was not low on Industrial lands and asked how the City could increase Industrial lands while decreasing Public Facility zone which we were short on.

Mr. Henry said that the company that moved into the building, Georgia Equipment, chose the site.

Mr. Allen said that he spoke with some economic development people who did not think that the property selection was handled properly.

Mr. Tuttle made the comment that anyone could have leased the property.

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Mr. Rudd added that the lease was \$11,666 per year. He also asked if there were any uses in I-2 that would put the city in conflict with the comprehensive plan.

Mr. Richey answered no.

Mr. Rudd said that in 10A-31-13, the code restricts the uses to within 300' of a residence. Heavy Industrial would violate that.

There was discussion about the new small land use action signs that were being used and how the larger ones were more easily seen.

**FINDING OF FACTS**

Michael Allen moved, seconded by Greg Tuttle, to approve the Findings of Fact. Roll call vote: Allen-no; Tuttle-no; Graversen-no; Kanrich-no; Rudd-no. Motion carried 0/5/2.

**DISAPPROVAL OF ACTION 2012-07-07CPAMD**

Michael Rudd moved, seconded by Cindy Graversen, that it was not the Planning Commission's recommendation to City Council that it approves the zone change. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-yes; Rudd-yes. Motion carried 5/0/2.

Chairman Rudd added that he would like to see a variance instead of a zone change.

Mr. Henry answered that the City Attorney said that a variance would not be possible in this instance.

**ACTION 2012-07-08 AZ:** A request for Annexation and Zoning of 2.68 acres. The existing classification is Urban Growth Area Residential and is proposed to be changed to the City classification, RS- 50, Single Family Residential upon annexation. This is a Comprehensive Plan and Zoning Map amendment. The subject property is addressed as 45 W Dorian Dr., Tax Lot 502 Assessors Map 18S 47E 05C. The applicants are Carol and John Robertson.

Mr. Richey explained that the applicants, Mr. And Mrs. Robertson were wanting City utilities and that was the reason for the annexation and zone change.

**FINDING OF FACTS**

Greg Tuttle moved, seconded by Rita Kanrich, to approve the Findings of Fact. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-yes; Rudd-yes. Motion carried 5/0/2.

**APPROVAL OF ACTION 2012-07-08 AZ**

Greg Tuttle moved, seconded by Michael Rudd, to rezone the subject property from UGA-Residential to City RS-50, single family residential as contained in planning file 2012-07-08AZ be recommended to the City Council for approval. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-yes; Rudd-yes. Motion carried 5/0/2.

**DISCUSSION**

Industrial Lands Committee

**REPORTS**

Marcy Skinner reported on the permit activity.

**ADJOURN**

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Michael Rudd moved, seconded by Cindy Graversen to adjourn. Roll call vote: Allen-yes; Tuttle-yes; Graversen-yes; Kanrich-yes; Rudd-yes. Motion carried 5/0/2.

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Michael Rudd, Chairman

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Marcy Skinner, Planning Technician