

PLANNING COMMISSION MEETING MINUTES

**Monday
May 13, 2019**

The Ontario Planning Commission was called to order at 7:00 pm in the Council Chambers of City Hall. Commission members present were Cindy McLeran, Max Twombly, John Hall, John Briedenbach, Richard Newman, and Chairman Ralph Poole. Craig Smith was absent.

City Staff present were City Council Ex-Officio Ramon Palomo; Dan Cummings, Community Development Director; and Marcy Siriwardene, Planning and Zoning Technician. Adam Brown, Ex-Officio, was excused.

The meeting was recorded on tape and the tape is on file at the City Community Development Center. The Agenda for this meeting was emailed on or before May 6, 2019. Copies of the Agenda were available at the City Community Development Center.

Chairman Poole led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

John Hall moved, seconded by Cindy McLeran, to adopt the agenda as presented. Roll call vote: Smith-out; McCleran-yes; Twombly-yes; Hall-yes; Briedenbach-yes; Newman-yes; Poole-yes. Motion carried 6/1/0.

ADOPTION OF MINUTES

John Briedenbach moved, seconded by John Hall, to adopt the minutes of October 8, 2018. Roll call vote: Smith-out; McCleran-yes; Twombly-yes; Hall-yes; Briedenbach-yes; Newman-yes; Poole-yes. Motion carried 6/1/0.

There were no unscheduled public appearances.

There were no objections to Planning Commission jurisdiction and no abstentions or ex-parte contact.

There were no Old Business Discussion Items.

PUBLIC HEARING FOR PLANNING ACTION 2019-03-24AZ

Dan Cummings, Community Development Director, presented the staff report.

I. GENERAL INFORMATION:

SUBJECT: **ACTION 2019-03-24AZ:** A request for **Annexation and Rezone** of a parcel of land being located at 2317 NW 11th Street. If approved, this action will result in the Annexation of 1.33 acres of land into the City of Ontario; and, the rezoning of the subject property from Urban Growth Area Industrial (UGA I-1) to the City Light Industrial (I-1) Zone. The applicant is Robert & Marie Golden and property owner is Robert & Marie Golden.

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #17S4733B; Tax Lot #3400.

APPLICANT/AGENT: Robert & Marie Golden
4439 Casa Rio Drive
Ontario, OR 97914
208-921-0048

II. SUMMARY & BACKGROUND:

The applicant owns a parcel of land, known as 17S4733B, tax lot 3400. The applicants wish to annex and rezone the property into the City for further development of the property and to connect to City Sanitary Sewer and Water as they further develop the property to its fullest potential. This application, if approved, will result in the annexation of 1.33 Acres plus the right of way for NW 11th Street and NW 24th Avenue, into the City and a rezone of the property from Urban Growth Area Industrial (UGA I-1) to City Light Industrial (I-1).

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

III. PREVIOUS PLANNING COMMISSION ACTION:

No Planning Commission action has been done on this property, but the hearings Office approved a Condition Use Permit (CUP) on February 22, 2019 under Planning Action 2019-01-08CUP for a Marijuana Retail Facility with conditions of Annexation and Partitioning of the lands.

IV. Applicable Ordinance & Comprehensive Plan Criteria and Standards:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

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 findings clearly does not apply to the current action:**

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.*

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

- 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 effected 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 effected 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 of fact based on the answers and information given in the application (see applicant's narrative) made a part hereof:

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; 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.
- b. The subject properties are currently zoned UGA Industrial (I-1) and the request is to rezone to the companion City I-1 (Light Industrial) Zone that is the same zone as adjacent and nearby properties. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.
- c. The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.
- d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. That being said, the applicant wants to improve the property and there is a need for improving and redeveloping this area as the applicant wishes to do. Also in this area the majority of the lands within the City limits zoned Light Industrial is already developed therefor creating a need for more Light Industrial lands with the City limits
- e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Industrial (I-1) to City I-1 Light Industrial, as the property far exceeds the minimum lot size of 7,500 square feet. As a further note, the preliminary site plan for the proposed development under the Conditional Use Permit shows the parcel meets and exceeds the area required.

- f. The property owner of tax lot 3400 proposes future development and is requesting annexation and rezoning for timely redevelopment of the property in the near future. The applicant has indicated that City Sewer and Water mains will be extended to the site. Applicant will connect existing building and future structures to these services. City fire and police services will be available upon annexation for the property. Additional right of way for NW 11th Street and NW 24th Avenue will be a requirement of this annexation process and will be granted to the City under the proposed Partition application under Planning Action 2019-03-26PTN. City streets, including curb, gutter, sidewalks and public utilities will be constructed prior to Final Plat approval and recording, along the street frontage of this property as per City development codes.
- g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the Light Industrial zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

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 based on the answers and information given in the application made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits with a shoe string connection along the right of way of NW 11th Avenue.
3. The property is currently zoned for Industrial use in the Urban Growth Area; the requested zone, City Light Industrial (I-1), is 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 industrial lands in a highly developable area.

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

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezone 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 to be met, or are 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** of the criteria and standards must be met in order for the request to be recommended for approval.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

A. Approval:

1. I move that the request for Annexation of the subject properties into the City of Ontario, and the request for Rezone of the subject properties from UGA Industrial (I-1) to City I-1 Light Industrial, as set forth in **ACTION 2019-03-24AZ** be recommended for **APPROVAL** to the City Council, based on the information, findings and conclusions set forth in Sections I through IV above, subject to the conditions of approval as set forth in Section VII of this report.

B. Denial:

1. I move that the request for Annexation of the subject properties into the City of Ontario, and the request for Rezone of the subject properties from UGA Industrial to City I-1 Light Industrial, as set forth in **ACTION 2019-03-24AZ** be recommended for **DENIAL** to the City Council, based on the information, findings and conclusions stated below:

VII. CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request at its Public Hearing.
2. The owner of the property dedicated to the City of Ontario the required additional 18 feet of Right of Way for NW 11th Street and 15.50 feet of right of way along NW 24th Avenue along the frontages of this property.
3. The owner shall extend all City Sewer and Water main to and along the frontage of the property and connect existing and future building to these services. The owner shall construct NW 11th Street and NW 24th Avenue to city standards along the frontages of this property prior to Final Partition Plat approval.

4. The owner will sign a lien causing any unpaid Utility bill to be a lien against the property.
5. The existing garage will have to be removed (it's with the road right of way) and the existing house will be allowed to remain if the Variance for front yard setback is granted under Planning Action 2019-03-25V.

DISCUSSION OF 2019-03-24AZ

Commissioner Briedenbach asked Mr. Cummings to explain the one year timeline.

Mr. Cummings said that as long as the proponents were making progress on any one of the approvals then they would be okay. The one year clause was for if they stop moving forward and stop working on the project, just like a conditional use permit. The second reading would not be completed by the City Council until they were 100% sure that they want to move forward.

Chairman Poole asked if NW 24th Avenue had been improved at all and if a half street development would be allowed.

Mr. Cummings said that at that time NW 24th Avenue was not developed but a "heavy half street" would be required although there would still be two-way traffic on them. He also commented that Robert and Marie Golden, owners/proponents of the action were in the audience in case there were questions to direct to them.

Commissioner Briedenbach asked if the 1,000 foot buffer between marijuana dispensaries would trigger a partition.

Mr. Cummings answered that like some of the other marijuana facilities, they would be required to break off a piece of property to stay out of the 1,000 foot buffer for marijuana dispensaries.

Commissioner Poole commented that it would be nice to get city services to that part of town but would be expensive.

There were no proponents.

There were no opponents.

APPROVAL OF PLANNING ACTION 2019-03-24AZ

Richard Newman moved, seconded by Max Twombly, to approve Planning Action 2019-03-24AZ and approve the Findings of Fact. Roll call vote: Smith-out; McCleran-yes; Twombly-yes; Hall-yes; Briedenbach-yes; Newman-yes; Poole-yes. Motion carried 6/1/0.

PUBLIC HEARING FOR PLANNING ACTION 2019-01-19RZ

Dan Cummings, Community Development Director, presented the staff report.

I. GENERAL INFORMATION:

SUBJECT: **ACTION 2019-01-19RZ:** A request for **Rezone** of properties from General Heavy Commercial (C-2H) to Heavy Industrial (I-2). The subject property is located at 157 & 203 NE 1st Street and is known as Tax Lots 3800 and 8300 on Tax Map 18S4703CD, which is at the NW corner of SW 11th Street and SW 5th Avenue.

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #18S47E09BA; Tax Lots #3900.

APPLICANT/AGENT: Bandiloot LLC & Leon's Pump
5567 Fog Road 885 SW 3rd Street
Ontario, OR 97914 Ontario, OR 97914

II. SUMMARY & BACKGROUND:

The applicants/owners owns two parcels, known as Tax Map 18S4703CD, tax lots #3800 and 8300, which property is currently zoned in the City under General Heavy Commercial (C-2H), and is requesting that these property be rezoned to Heavy Industrial (I-2) to allow for better use and development of the properties and make proposed and existing uses more compatible with adjacent zoned property to the North.

This requests for rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from C-2H to I-2 for two parcels of land and adjacent street right of way, within the City Limits of the City of Ontario.

III. PREVIOUS PLANNING COMMISSION ACTION:

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City wide Compressive Plan update in 2007.

IV. Applicable Ordinance & Comprehensive Plan Criteria and Standards:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

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.*

Applicant's submitted Findings:

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

There are 19 goals under Oregon's statewide planning goals and guidelines.

Goals 1;2;3;4;5;6;7;8;10;11;12;13;14;15;16;17;18;19 likely do not apply to the present request for rezoning. As an overall comment this rezoning request will likely have minimal to zero impact on environmental factors, if completed in compliance with current City of Ontario requirements. If it is later determined that these preceding goals are impacted, additional supplemented documentation will be provided.

The only goal that may be involved in Oregon's statewide planning goals is goal 9 because it deals with economic development. By increasing this area of Ontario's industrially zoned properties, there will be an increase in property suitable for economic growth that has been created by the recent voter approved marijuana industry. Currently such property is limited due to the zoning ordinances and uses by other industry.

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

There are 14 goals under the City of Ontario's Comprehensive Plan. Goals 1;2;3;5;6;7;8;10;11;12;14 likely are not implicated in this zoning request. If it is later determined that these preceding goals are impacted, additional supplemented documentation will be provided.

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

Goal 9 of the City of Ontario's Comprehensive Plan is Economic Development. Goal 9 outlines several policies for economic development in Section 10-9-7 that these present rezoning application impacts.

The following are a list of policies, contained in Goal 9, that are neutral in the present rezoning application: (1) industrial development and waste generation; (2) economic development in harmony with community environment and quality of life; (3) economic development and its impact on population, income, land requirements, and other aspects; (4) conflicts with commercial and industrial development; and industrial land in conflict with residential.

While the proposed change does change the characterization of the two pieces of property from C-2-H to Industrial-2 there is no indication that the uses of the properties will generate waste beyond the carrying capacity of the *properties*. Nor would a future conforming use of the properties for industrial use, as allowed under current zoning ordinances, allow the property to create waste that would be beyond the carrying capacity of the properties. This policy consideration is neutral.

The requested zoning change should not impact the quality of life or the community environment any more than present uses of the property. Even if both properties became fully industrial there would be little impact to the present surroundings due to the location of the properties and presence of industrial property currently in operation around the properties. This policy consideration is neutral.

It is very speculative whether the proposed rezoning and subsequent economic development will impact Ontario's population, land requirements, or other aspects, but the applicants concede that it may have some low level impact. Potentially, this rezoning request could provide certain labor jobs and technical jobs that would benefit the community in the future. This policy consideration is neutral.

Based upon where the property is located there is minimal conflict with commercial property. Both properties are surrounded by industrial property and located in a part of Ontario that is comprised of Heavy Commercial property and Industrial Property. Any present uses, after the rezoning, would not be in conflict with either of these types of zoning designations. This policy consideration is neutral.

The following are a list of policies that this rezoning application positively addresses: (1) attraction and development of industry that will employ and raise income

level and economic security; (2) attraction and development of industry that has economic advantage due to the region.

As with any new business venture it is speculative whether the business will raise income levels or economic security of the community. The rezoning of the properties will provide additional development opportunities for people desiring Industrial land in Ontario Oregon. This would be a positive step for growth of the city now and in the future.

With the new opportunities created by the recent voter approved marijuana ordinance there is an increased need for industrial property. This rezoning helps attract industry that will have an economic advantage due to the region of Ontario Oregon and the increased need for marijuana producers.

- 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.

Presently, there has been a change in the market conditions that affect the Ontario Oregon area due to the passage, by Ontario Oregon voters, of an ordinance allowing sale and cultivation of recreational marijuana.

One of applicants requests the zoning change to take advantage of this market change. The second applicant simply hopes to improve the marketability of their property.

- 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.

There is a lack of industrial property in the City of Ontario, as is referenced by the findings in the City of Ontario's Comprehensive Plan. While this request is for two properties, the request still meets the requirements of Ontario's goal to increase the industrial area over the next 20 years. The requested rezoning helps meet the public need by providing industrial land for development in the future.

- 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.

Under Chapter 10A-43 of the City of Ontario's planning and zoning code require that industrial zones meet the following requirements: (1) the property must be 50 feet wide; (2) the property must have a minimum area of 6000 square feet;

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

(3) the side yard must be at least 10 feet; (4) the rear yard must be at least 5 feet; and the lot must not be over 90% covered.

Neither property lacks sufficient side yard, has a rear yard of less than 5 feet or is more than 90% covered.

The property located at 157 NE 1st Street Ontario Oregon is 125 feet wide. The property located at 230 NE 1st Street Ontario Oregon is 50 feet wide. Both properties meet requirement number one of City of Ontario ordinance 10A-43.

The property located at 157 NE 1st Street Ontario Oregon has an area of 25,000 square feet. The property located at 230 NE 1st Street Ontario Oregon has an area of 10,000 square feet. Both properties meet the requirements of I-2 zoning under the City of Ontario ordinance 10A-43.

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 proposed zone change contained in this application is properly related to streets and other public facilities because it abuts current industrial land and can be easily accessed from the primary routes of transportation in the City of Ontario.

There is no indication that any proposed use contained in this zone change request or future potential uses of this property would disproportionately absorb public facilities, utilities or general assets. Admittedly there are costs that will be borne by the owners of the properties in doing business, but under current permitted uses there will be essentially no change with the current proposed uses.

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.

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 present property owners agree to comply with present City of Ontario ordinances preventing such nuisances to their neighbors.

Summary Conclusions: Based on the findings above:

- a. *The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.*

CRITERION IS MET

- b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**
- c. The applicant states in finding 3, that there has been a change in the market conditions that affect the Ontario area due to passage, by Ontario Oregon voters, of an ordinance allowing sale and cultivation of recreational marijuana. One of the applicants request for the zone change is to take advantage of this market. The second applicant simply hopes to improve the marketability of their property. The impact to the City's overall Comprehensive Plan is minimal. Therefore there is a change in social condition, and demonstrates that this criterion is met. **CRITERION IS MET**
- d. The applicant states in finding 4, that there is a lack of industrial property in the City of Ontario, as is referenced by the findings in the City of Ontario's Comprehensive Plan. While this request is for two properties, the request still meets the requirements of Ontario's goal to increase the industrial area over the next 20 years. The requested rezoning helps meet the public need by providing industrial land for development in the future. The proposed re-zone would bring the applicant's existing use of the property in this manner into conformance with the City Zoning Code. Rezoning to a zone to match the surrounding properties within the same block to the north, would not be considered as the granting of a special privilege for a single property or group of property owners. **CRITERION IS MET**
- e. As noted in the findings 5, the subject properties sizes are more than adequate to demonstrate consistency with this criterion and the existing business will be required to meet all off street parking and landscape requirements in future development under the new zone. **CRITERION IS MET**
- f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within NE 1st Street and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided. **CRITERION IS MET**
- g. The applicant states 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 issue. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air uncommon in an Industrial zone. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request a rezone 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** of the criteria and standards must be met in order for the request to be recommended for approval.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

A. Approval:

1. I move that the request for Rezone of the subject property from C-2H to I-2, as set forth in **ACTION 2019-01-19RZ** 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:

1. I move that the request for Rezone of the subject property from C-2H to I-2, as set forth in **ACTION 2019-01-19RZ** be recommended for **DENIAL** to the City Council, based on the information, findings and conclusions set forth in Sections I through IV above. (NEED TO CHANGE STAFF FINDINGS)

Mr. Cummings clarified that the action was only for a rezone.

Malcolm Cople, attorney at Logan Law, Payette, Idaho was in support of the rezone.

There were no opponents.

APPROVAL OF PLANNING ACTION 2019-01-19RZ

Cindy McLeran moved, seconded by John Hall, to approve Planning Action 2019-01-19RZ and approve the Findings of Fact. Roll call vote: Smith-out; McCleran-yes; Twombly-yes; Hall-yes; Briedenbach-yes; Newman-yes; Poole-yes. Motion carried 6/1/0.

Mr. Cummings presented the Community Development Department's quarterly report.

MOTION TO ADJOURN

Max Twombly moved, seconded by John Hall, to Adjourn. Roll call vote: Smith-out; McCleran-yes; Twombly-yes; Hall-yes; Briedenbach-yes; Newman-yes; Poole-yes. Motion carried 6/1/0.

Ralph Poole
Chairman

Attest: Marcy Siriwardene
Planning & Zoning Technician