

MALHEUR COUNTY, OR 2019-4103
MRORDINANCE 11/08/2019 10:12 AM
Cnt=1 Pgs=18 NO FEE



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I, Gayle V. Trotter, County Clerk for Malheur County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Gayle V. Trotter - County Clerk

NO FEE

**ORDINANCE NUMBER 221
BEFORE THE MALHEUR COUNTY COURT**

An Ordinance Amending the Malheur County Comprehensive Plan and Zoning Maps By Expanding the Urban Growth Boundary to Change the Designation of Tax Lot 200, Map 18S47E06D, Ref. #7685, of the Malheur County Assessor's Office From County Exclusive Farm Use (C-A1) to Ontario Urban Growth Area (UGA); Rezoning Said Property to Urban Growth Area – Residential (UGA-R); and Declaring an Emergency

WHEREAS, the City of Ontario (City) proposes to amend its urban growth boundary to include approximately 0.94 contiguous acres in Malheur County generally described as follows (subject property):

Ref#: 7685; Map: 18S47E06D; Tax Lot 200 0.94 acres zoned County EFU; and

WHEREAS, the proposed amendment meets all applicable local and state laws and rules; and

WHEREAS, once in the urban growth boundary all uses and development of the above referenced property shall comply with City of Ontario plans, ordinances and zoning texts; which the County adopts herein by reference; and

WHEREAS, once the subject property is within the UGB it shall be rezoned to Ontario UGA-Residential (UGA-R); and

WHEREAS, the City Planning Commission and County Planning Commission considered the proposed amendment at a public hearing on October 24, 2019; and

WHEREAS, the City Council and County Court considered the proposed amendment through a joint quasi-judicial hearing on November 7, 2019; and

WHEREAS, the City Planning Commission voted to recommend the approval of the proposed amendment and forward it to the Ontario City Council for consideration; the County Planning Commission recommended approval of the amendment by consensus (a formal recommendation was not made for lack of a quorum); and

WHEREAS, the Malheur County Court reviewed the record and concurs with the findings and concludes the public will benefit from the amendment to the City's UGB; and

WHEREAS, the Malheur County Court deliberated on the amendment to the County's Comprehensive Plan and Zoning maps after a public hearing on November 7, 2019; and

WHEREAS, in order to alleviate the current public health risk due to a failing onsite wastewater treatment system, it is necessary for this Ordinance to be effective immediately upon adoption.

NOW, THEREFORE, THE MALHEUR COUNTY COURT ORDAINS AS FOLLOWS:

Section 1. ADOPTION. Malheur County adopts the findings, conclusions, maps, exhibits, and information in the following documents attached hereto and incorporated herein by reference

- Exhibit 1: Map after Ontario UGB Expansion
- Exhibit 2: Map prior to UGB Expansion
- Exhibit 3: Staff Report
- Exhibit 4: Public Notice
- Exhibit 5: Letter from Ontario Public Works
- Exhibit 6: Letter from Malheur County Environmental Health Director
- Exhibit 7: Legal Description of Ref. #7685

Section 2. ADDITION TO ONTARIO URBAN GROWTH BOUNDARY. The subject property, generally described as Assessor's Map: 18S47E06D, tax lot 200, more formally described in the deed recorded with the Malheur County Clerk's Office as instrument #2013-1192, is added to the Ontario Urban Growth Boundary.

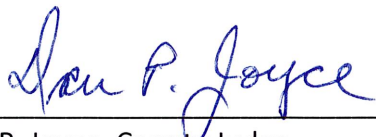
Section 3. AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP. The Malheur County Comprehensive Plan and Zoning Map are amended to change the designation of the subject property shown in Exhibit 1 and described above from County Exclusive Farm Uses (C-A1) to Ontario Urban Growth Area (UGA) with a zone of Residential (UGA-R)

Section 4. EMERGENCY. This Ordinance, being immediately necessary for the preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

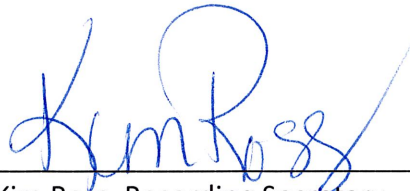
ADOPTED this 7th day of November 2019.

MALHEUR COUNTY COURT:

ATTEST:



Dan P. Joyce, County Judge



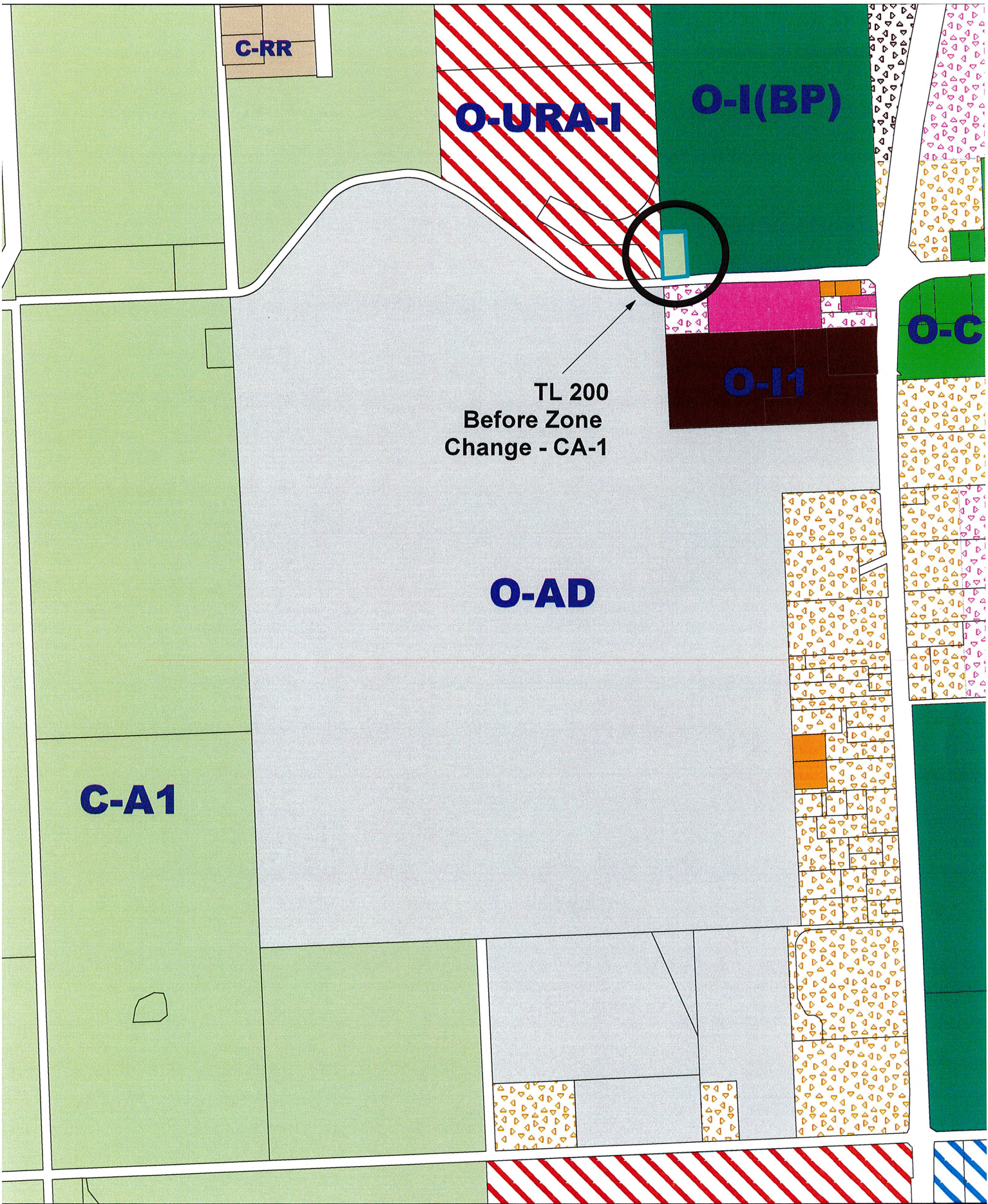
Kim Ross, Recording Secretary

absent

Don Hodge, County Commissioner



Larry Wilson, County Commissioner



**BEFORE AMENDMENT
HART_REF# 7685**

EXHIBIT # 2



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

TO: Ontario Planning Commission, Malheur County Planning Commission,
Ontario City Council and Malheur County Court

FROM: Eric Evans, Malheur County Planning Director

SUBJECT: Planning Action Number 2019-09-001 and City of Ontario Planning
Number 2019-08-57CPAMD: Amend the Ontario Urban Growth
Area/Boundary (UGA/UGB) to include property commonly identified as
Map 18S47E06D TL 200 (0.94 acres) and correct the exclusion of said
property from the URA when Ontario adopted the most current
UGA/URA in 2007; Re-zone property from C-A1/EFU to UGA-R

I. General Information:

SUBJECT PROPERTY ("subject property" or "Property"):

Proposed UGA/UGB Expansion and Rezone From EFU to ONTARIO UGA-Residential

- 18S47E06D TL 200 (0.94 acres)

APPLICANT: Sherri Reif-Hart

DATE: October 24, 2019

CURRENT USE OF PROPERTY: Single family residential dwelling.

II. Summary and Background:

Proposal. A zone change is proposed for the Property as shown on Map 1 attached as Exhibit 1. The overall affect is to bring the Property into the Ontario URA/UGB and ultimately annex the Property into the City of Ontario in order to alleviate a public health risk created by a failing onsite wastewater treatment system on the Property. The owners of the Property intend to connect to Ontario's water and sewer system.

Use/Surrounding Uses. The subject property is 0.94 acres and since approximately 1960 has been used for a single family residential dwelling. The Property is completely surrounded by lands zoned UGA-R and industrial and is irrevocably committed to other uses.

Analysis for Compliance with State and Local Regulations. The requirements of statewide Goal 14 Urbanization are required to be addressed when amending an urban growth boundary. Oregon Administrative Rules Chapter 660 Division 24 contains the requirements for addressing Goal 14 and is addressed under Section IV. Because the Property proposed for inclusion in Ontario's UGB is currently zoned EFU, a *goal exception* to Statewide Goal 3 Agricultural Lands is sought under OAR 660-004-0028 as the property is irrevocably

committed to other uses. A goal exception essentially justifies why the requirements of an applicable statewide goal should not apply to a particular use that cannot reasonably be accommodated in an area that does not require an exception.

Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

The property will be rezoned from County Exclusive Farm Use (C-A1/EFU) to Ontario UGA Residential (UGA-R). It is further anticipated that the property will be annexed into the Ontario City limits.

In addition to the requirements under Oregon’s statewide goals and administrative rules, Malheur County and the City of Ontario have criteria in their zoning ordinances that must be met in order for the proposal to be approved. County and City provisions are addressed in Section III. Because the plan amendment and zone change affect land within the County’s jurisdiction and the City of Ontario, both the County and City governing bodies must approve the zone change and amendment to the UGA.

This request is being processed subject the procedures for a quasi-judicial land use hearing contained in Chapter 11 of the Malheur County Code, and the Urban Growth Area Joint Management Agreement between the City of Ontario and Malheur County.

III. Applicable City and County Criteria and Standards:

1. The applicable criteria can be found in **Ontario Planning and Zoning Development Standards 10B-20-30: REQUIRED FINDINGS, DECISION CRITERIA:**
 - a. The Zoning Map amendment is in conformance with Statewide planning goals and guidelines.

Proposed Finding: Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

- b. The Zoning map amendment is in conformity with the acknowledged Comprehensive plan

Proposed Finding: The Malheur County Comprehensive Plan states, “The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements.” Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the

error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

- 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 effecting the area which make the proposed change appropriate.

Proposed Finding: Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

- d. A public need is demonstrated for this zoning at this location and is not the granting of special privilege for a single property or small group of properties.

Proposed Finding: The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By adding the Property to the UGB and then annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area and alleviate a public health threat (see Exhibit 4).

- 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.

Proposed Finding: The Property is 0.94 (~40,946 square feet) acres and has 150 feet of street frontage. The City of Ontario has established a minimum lot size of 5,000 square feet and each lot must have 50 feet of street frontage. The Property is more than adequate in size and shape to facilitate its use and development.

- 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.

Proposed Finding: The Property is located adjacent to SW 4th Avenue. There is both water and sewer available and is currently stubbed out to service the Property (see Exhibit 3)

- 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.

Proposed Finding: This proposal will have no impact on any of the surrounding uses with respect to dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land. The Property is already developed as a single-family dwelling and will continue to be zoned residential, this criterion is not applicable.

- 2. The applicable criteria can be found in **Malheur County Code 6-10-7: COMPLIANCE WITH COMPREHENSIVE PLAN:**

In considering an amendment to the text or the zoning maps, the planning commission and county court shall determine the following:

- A. That the proposed change is consistent with the comprehensive plan.

Proposed Finding: The Malheur County Comprehensive Plan states, “The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements.” Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the subject property was overlooked when the last URA amendment for the City occurred in 2007, and this process will rectify the error. Malheur County and the City of Ontario also agree that the subject property is irrevocably committed to other uses. Had the Property been included in the URA it would have been first priority for inclusion in the Ontario UGB.

- B. That the level of development in other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best meet such needs.

Proposed Finding: Because the Property is already developed as a single family dwelling and will continue to be zoned residential, this criterion is not applicable. This amendment will correct a mistake when the subject property was inadvertently left out of the last Ontario URA amendment in 2007. The proposed site is needed for residential development and is already developed for the proposed use. Including the Property within the Ontario UGA (and annexation) will allow urban facilities to the Property.

C. That adequate rural services are available and will not be overburdened.

Proposed Finding: The subject property will be zoned UGB and then annexed into the City of Ontario. Thereafter, the Property will connect to City water and sewer services. Urban services will be provided and will not be overburdened. Public facilities are stubbed to and extend beyond the Property. See Exhibit 2. This criterion is not directly applicable, as the proposal is to provide urban services to the site.

D. That amendments to the text or zoning map which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

A text or zoning map amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)

Proposed Finding: The subject property is 0.94 acres and currently has a home which was constructed in 1960. No new development is proposed with this amendment. This proposal will not impact transportation facilities.

IV. Applicable Statewide Planning Goals and Oregon Administrative Rules.

A. Goal 1 – Citizen Involvement:

Proposed Finding: This Goal is met through the required quasi-judicial process including public notice and public hearings. The process provides the opportunity for citizens to be involved by allowing them to comment and present testimony or evidence on the proposed amendment.

B. Goal 2 – Land Use Planning:

OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses.

Proposed Finding: Goal 2 outlines the basic procedures of Oregon’s statewide planning program. Goal 2 also requires consistency between comprehensive plans and implementing zones. In order to achieve consistency in this matter, an exception to Goal 3, under Goal 2 is required to justify why the proposed amendment into the UGB should be allowed on land zoned EFU. The property is deemed irrevocably committed to other uses as set in OAR 660-004-0028 (2):

Characteristic of the exception area: The property is 0.94 acres. It was inadvertently left out of the URA expansion when the last URA amendment was adopted by Malheur County and the City of Ontario in 2007. *See Malheur County Ordinance Number 167 recorded with the Malheur County Clerk on October 25, 2017 as Instrument No. 2007-7974.*

Characteristic of adjacent lands. The subject parcel is completely surrounded by Ontario-Industrial lands to the east and north, Ontario-URA-Industrial to the west, and Ontario-UGA-Residential to the south (see Map Exhibit 1).

The relationship between the exception area and the lands adjacent to it. The exception area is a single small parcel which is not large enough to be farmed. The exception area is surrounded by urban zones. Adjacent properties are not farmed. The current owners of the Property do not own any adjacent property.

Other relevant factors in OAR 660-004-0028 (6). Currently, there are nearby public water and sewer facilities which can adequately supply urban levels of services to the Property. These public work facilities are underground and stubbed to the Property. The Property is small at 0.94 acres and impracticable to farm. The owners of the Property do not own adjacent property. Urban and industrial uses occur on adjacent property. Adjacent properties are not in farm use.

C. Goal 3 – Agricultural Lands:

Proposed Finding: Goal 3 is applicable because the Property is currently zoned C-A1/EFU. In order to add it to the UGB, an exception to this Goal is required. The requirements for justifying a goal exception are contained in Goal 2 Land

Use Planning and in OAR 660-004-0028, which is addressed above. The Property is 0.94 acres and is too small to be farmed. The Property is completely surrounded by residential and industrial zones and is currently used as non-farm residential dwelling. The Property is irrevocably committed to other uses and farming the property is impracticable. The exclusive farm use designation should not apply to the Property.

D. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

Proposed Finding: No identified natural resources have been identified on the subject property. The Property is too small to be farmed as a single unit and cannot be combined with other resource lands as the surrounding property is zoned residential or industrial. Farm use does not occur on adjacent properties.

E. Goal 6 – Air, Land and Water Quality:

Proposed Finding: No negative impacts to air, land, water or other resources have been identified through this process. The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By adding the Property to the UGB and then annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area.

F. Goal 7 – Areas Subject to Natural Hazards:

Proposed Finding: No known natural hazards have been identified on the Property. The subject property is outside the 100 and 500 year floodplains.

G. Goal 8 – Recreation:

Proposed Finding: No current recreational lands or properties are being affected by this UGB expansion. This goal is not applicable.

H. Goal 9 – Economic Development.

Proposed Finding: Goal 9 requires cities to provide an estimate of the approximate number, acreage and site characteristics needed to accommodate industrial and other employment uses to implement plan policies. This goal is not applicable as the property is to be zoned residential.

I. Goal 10 – Housing:

Proposed Finding: The City of Ontario requires 50 foot of street frontage for any residential development and at least 5000 square feet of area. The Property

currently has a little over 150 feet of street frontage on 4th Avenue. Therefore, a maximum of 3 homes could be built once the Property is annexed into the City. This is highly unlikely considering the current home would have to be demolished to develop the Property to this potential. As a result, this UGB expansion will have no immediate affect on housing for Ontario. The overall development potential is a maximum of 3 residential dwellings (either single-family or duplex).

J. Goal 11 – Public Facilities and Services:

Proposed Findings: The subject property sites a single-family dwelling. Adequate public facilities and services are stubbed to the Property. The UGB expansion would not change public services provided by the City of Ontario. *See Exhibit 2.*

K. Goal 12 – Transportation:

Proposed Finding: This action will not create additional average daily trips and will not trigger a traffic impact analysis under the Malheur County or City of Ontario Transportation System Plans. New access to the Property is not needed. The Property has a driveway access/frontage on 4th Avenue. A safe, convenient and economic transportation system consisting of developed and maintained county roads and city streets serve the Property.

L. Goal 13 – Energy:

Proposed Finding: Additional energy services are not expected with this expansion of the UGA. The use of Ontario public utilities on the Property will be more energy efficient.

M. Goal 14 – Urbanization:

Proposed Findings: The subject property currently contains a single-family dwelling, and the City has adequate public facilities and services to serve it. The Property is currently developed as a non-farm dwelling and is immediately surrounded by urban uses. This amendment is needed for an orderly and efficient transition from C-A1/EFU to UGA-residential and will provide for a more livable area in order to accommodate a failing wastewater system on the Property. This UGB expansion is not based on land need, but rather to correct an error when the Property was not included in the URA in 2007 and to solve an environmental health matter. The findings, exhibits, analysis, urbanization study and data supporting Malheur County Ordinance 167, which established the Ontario URA in 2007, is incorporated herein by reference. Ordinance No. 167 was recorded with the Malheur County Clerk on October 25, 2007 as

instrument number 2007-7974.

V. DLCD 35 Day Notice

Notice to Department of Conservation and Development was submitted on September 18, 2019.

VI. Property Owner Notice:

Notice to all property owners within 750 feet from subject property was mailed on September 18, 2019.

VII. Legal Notice

Notice published in the Ontario Argus Observer on or before October 4, 2019.

VIII. Hearing Dates

Joint Malheur County/City of Ontario Planning Commissions: October 24, 2019
Joint Malheur County Court/Ontario City Council: November 7, 2019

IX. Upon Recommendation from the Malheur County Planning Commission and the Ontario Planning Commission to The Malheur County Court and Ontario City Council:

- a. Approve Malheur County Planning Action Number 2019-09-001 and City of Ontario Planning Number 2019-08-57CPAM based on the findings, staff report and public testimony provided at the joint hearing in support of the application.
- b. Amend the Ontario and County Comprehensive Plan by expanding the Urban Growth Boundary to include the 0.94 acre subject parcel.
- c. Amend the Ontario and County Zoning Maps rezoning the property from C-A1/EFU to UGA-R.
- d. Adopt Malheur County Ordinance No. 221 and City of Ontario Ordinance No. _____.

X. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

- a. Approval needs two motions:
 - i. I move that the Planning Commission Accept and Approve the Findings of Fact as set forth in County Planning Action 2019-09-001 and City

Planning Action 2019-08-57CPAMD and be recommended for APPROVAL to the County Court, based on the information, findings and conclusions set forth in the Staff Report.

- ii. I move that the request for Amending the Ontario Urban Growth Area/Boundary (UGA/UGB) to include property commonly identified as Map 18S47E06D TL 200 (0.94 acres) and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 2007; Re-zone property from C-A1/EFU to Ontario UGA-R, as set forth in County Planning Action 2019-09-001 and City Planning Action 2019-08-57CPAMD be recommended for APPROVAL to the County Court, based on the information, findings and conclusions set forth in the Staff Report.

b. Denial:

- i. I move that the request for Amending the Ontario Urban Growth Area/Boundary (UGA/UGB) to include property commonly identified as Map 18S47E06D TL 200 (0.94 acres) and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 2007; Re-zone property from C-A1/EFU to Ontario UGA-R, as set forth in County Planning Action 2019-09-001 and City Planning Action 2019-08-57CPAMD be recommended for DENIAL to the County Court, based on the information, findings and conclusions set forth in the Staff Report.

XI. EXHIBITS

Exhibit 1 – Map after Ontario UGB Expansion

Exhibit 2 – Map before Ontario UGB Expansion

Exhibit 3 – Staff Report (this report)

Exhibit 4 – Public Notice

Exhibit 5 – Letter from Ontario Public Works

Exhibit 6 – Letter from Malheur County Environmental Health Director

Exhibit 7 – Legal Description of Ref. #7685



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **Malheur County Planning Commission** will hold a public hearing on **Thursday, October 24, 2019 beginning at 7:30 p.m.** at the **Malheur County Extension Office, 710 SW 5th Ave, Ontario, Oregon.** The purposes of the public hearings are as follows:

Applicant A: Sherri Reif-Hart: joint hearing with the City of Ontario Planning Commission for a proposed amendment to Ontario Urban Growth Area and zone change from County C-A1 to Ontario O-UGA-R. Tax Lot 200, Section 6D, T.18S, R.47E, W.M. Planning Department File #2019-09-001; Malheur County Ref. #7685. The property is located north of SW 4th Ave, 1/3 mile west of US Hwy 201, in Ontario, OR.

The criteria for the proposed amendment and zone change are listed in Malheur County Code 6-10-7, Joint Management Agreement between Ontario and Malheur County, Ontario City Code 10B-20-30, Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and respective administrative rules.

Applicant B: Malheur County: Approval of a recommendation to Malheur County Court to amend the text of Malheur County Code Title 5 Chapter 2 entitled Flood Control to conform with Federal floodplain regulations and Oregon Specialty Code.

Applicant C: Justin Johnson: the Consideration of a Conditional Use Permit for a Non-Farm Dwelling in Exclusive Farm Use zone pursuant to MCC Title 6, Conditional Uses 6-6-7, 6-6-8-1, and OAR 660, Division 33, Agricultural Lands. Tax Lot 2900, Section 13, T.20S, R.41E, W.M. Planning Department File #2019-09-015; Malheur County Ref. #8808. The property is located approximately 1 mile south-west of the intersection of Back Rd and Copeland Rd in Harper.

Interested persons may appear and will be provided an opportunity to be heard and/or written comments may be received prior to the hearing by sending them to: Eric Evans, Planning Director 251 B. Street West #12, Vale, Oregon 97918 (Eric.Evans@MalheurCo.org).

Testimony, arguments and evidence must be directed toward the criteria set out above, or other substantive criteria in Malheur County's Comprehensive Plan or land use regulations that the person believes apply to the application. Failure to raise an issue at the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue precludes an appeal to the Malheur County Court or the Land Use Board of Appeals based on that issue.

NOTICE TO MORTGAGE, LIENHOLDER, VENDOR, OR SELLER: THE MALHEUR COUNTY CODE 6-11-4 (11) AND ORS CHAPTER 215 REQUIRE THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Malheur County Planning Department Monday - Friday from 8:30 a.m. - 12:00 (noon) and 1:00 p.m. to 4:30 p.m. or on the county website www.malheurco.org/planning-department at no cost. Copies can be provided for \$0.25 per page. In addition, copies of the Staff Report will be available at least seven (7) days prior to the hearing at a reasonable cost or can be viewed on the County website or in the planning department office at no cost. Please contact the Planning Director (541-473-5185) for additional information.



JACOBS®

Engineering Division
1551 NW 9th St
Ontario, OR 97914
Public Works (541) 889-8572

September 19, 2019

Dan Cummings
Community Development Director
City of Ontario
444 SW 4th Street

Subject: 3179 SW 4th Ave

Dear Dan,

This letter is to inform you that the City of Ontario has adequate water and wastewater capacity to accommodate the annexation of the above-mentioned property into the City with connection to both water and sewer services. If you have any questions regarding provision of water or sewer services for this property, please contact Public Works.

Thank you,

A handwritten signature in blue ink that reads "Betsy Roberts".

Betsy Roberts, PE
City Engineer/City of Ontario
Jacobs

EXHIBIT # _____

5



MALHEUR COUNTY ENVIRONMENTAL HEALTH

251 B Street West, #9 , Vale, Oregon 97918 , (541) 473-5186 , Fax (541) 473-5580

September 13, 2019

Dan Cummings
City of Ontario Planning
444 SW 4th Avenue
Ontario, OR 97914

RE: 3179 SW 4th Ave. Ontario, OR 97914 Legal Description 18s, 47E, 06D Lot 200

Malheur County Environmental health recommends that the property located at 3179 SW 4th Ave. Ontario, OR 97914 Legal Description 18s, 47E, 06D Lot 200 connect to city services as soon as possible. The septic system at this location is failed and if they are not connected to city services it will create a public health risk. It is my understanding that the owners of the property have begun the process of annexing into the City of Ontario. It is my recommendation that they be allowed to connect to city sewer as early as possible in the process. If you have any questions please contact me using the information below.

Sincerely,

Craig R. Geddes, MPH, REHS
Malheur County Environmental Health
251 B. Street West Box #9
Vale, OR 97918
Craig.geddes@malheurco.org
541-473-5186

cc. Malheur County Planning

EXHIBIT # 6

Exhibit 7

Land in Malheur County, Oregon, as follows:

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

Sec. 6: A parcel of land in the SE 1/4 SE 1/4, of said Section 6, more particularly described as follows:

Beginning at the Southwest corner of the SE 1/4 SE 1/4, of said Section 6;
Thence N. 02 degrees 29' 52" W., along the West boundary of said SE 1/4 SE 1/4,
A distance of 290.50 feet;
Thence N. 87 degrees 51' 26" E., a distance of 147.85 feet;
Thence S. 03 degrees 19' 00" E., a distance of 290.56 feet;
Thence S. 87 degrees 51' 26" W., a distance of 152.00 feet to a point on the
West boundary of said SE 1/4 SE 1/4, and the Point of Beginning.
SUBJECT TO Southwest 4th Avenue, right of way.