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UMATILLA COUNTY
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Co-Adopting)
City of Hermiston Ordinance) ORDINANCE NO. 2019-08
No. 2271 Amending City of)
Hermiston Comprehensive Plan Map)

WHEREAS the City of Hermiston and Umatilla County have previously entered into a Joint Management Agreement applying to lands within the City Urban Growth Area, and pursuant to the agreement, amendments to the City of Hermiston Comprehensive Plan and Implementing Ordinances for application to the Urban Growth Area, are referred to Umatilla County for adoption;

WHEREAS on March 11, 2019, the Hermiston City Council adopted Ordinance No. 2271 to amend its Comprehensive Plan Map and zoning to convert certain lands from urbanizable status to urban status in anticipation of annexation and rezoning of the lands;

WHEREAS Ordinance 2271 was referred to Umatilla County for co-adoption, #P-124-19;

WHEREAS, at its July 25, 2019 meeting, the Umatilla County Planning Commission reviewed the proposed ordinance and recommended that the Board of Commissioners co-adopt the ordinance;

WHEREAS the Board of Commissions held a public hearing on August 7, 2019, to consider the co-adoption of the ordinance and voted to co-adopt the ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the co-adoption by Umatilla County, Oregon, of City of Hermiston Ordinance No. 2271 amending City of Hermiston Comprehensive Plan and its map to reflect the designation change from urbanizable to urban for approximate 71.02 acres located at the intersection of East Theatre Lane and Northeast 10th Street. A copy of the ordinance is attached to this document and incorporated by this reference.

DATED this 7th day of August, 2019.

UMATILLA COUNTY BOARD OF COMMISSIONERS



George L. Murdock, Chair



John M. Shafer, Commissioner



William J. Elfering, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer



ORDINANCE NO. 2271

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS FROM URBANIZABLE STATUS TO URBAN STATUS LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HERMISTON IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property shall be changed on the city comprehensive plan map, to-wit:

Said Property being described as Parcel 1 and Parcel 2 of Umatilla County Partition Plat No. 2004-02, EXCEPTING the Southerly 10.00 feet of each said Parcel which was dedicated to the City of Hermiston, Oregon for additional right of way for East Theater Lane.

Said Property also being involved in a Property Line Adjustment recorded as Umatilla County Survey No. 2018-028-B.

BEGINNING at the Northwest corner of said Parcel 1; thence South 89°33'33" East along the Northerly line of said Parcel 1 a distance of 501.00 feet to the Northeast corner of said Parcel 1; said Northeast corner also being the Northwest corner of said Parcel 2; thence South 89°34'42" East along the Northerly line of said Parcel 2 a distance of 598.95 feet to a point; thence South 89°34'05" East continuing along the Northerly line of said Parcel 2 a distance of 371.68 feet to a point; thence South 89°34'17" East continuing along the Northerly line of said Parcel 2 a distance of 293.59 feet to a point; thence South 89°33'38" East continuing along the Northerly line of said Parcel 2 a distance of 614.99 feet to the Northeast corner of said Parcel 2; thence South 00°21'07" West along the Easterly line of said Parcel 2 a distance of 1298.22 feet to a point on the Northerly right of way line of East Theater Lane; thence North 89°32'08" West along the Northerly right of way line of said Theater Lane a distance of 2387.83 feet to a point on the Westerly line of said Parcel 1; thence North 00°41'19" East along the Westerly line of said Parcel 1 a distance of 1296.91 feet to the POINT OF BEGINNING.

ALSO INCLUDING the 66 foot right of way for County Road No. 1219 adjacent to the east boundary of said above tract of land.

ALSO INCLUDING the 50 foot right of way for County Road No. 1244 adjacent to the south boundary of said above tract of land.

All being East of the Willamette Meridian, Umatilla County, Oregon;

All land in described in this section shall be designated Medium Density Residential (M).

SECTION 2. The findings of fact as adopted by the City Council on March 11, 2019 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be the thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 11th day of March, 2019.

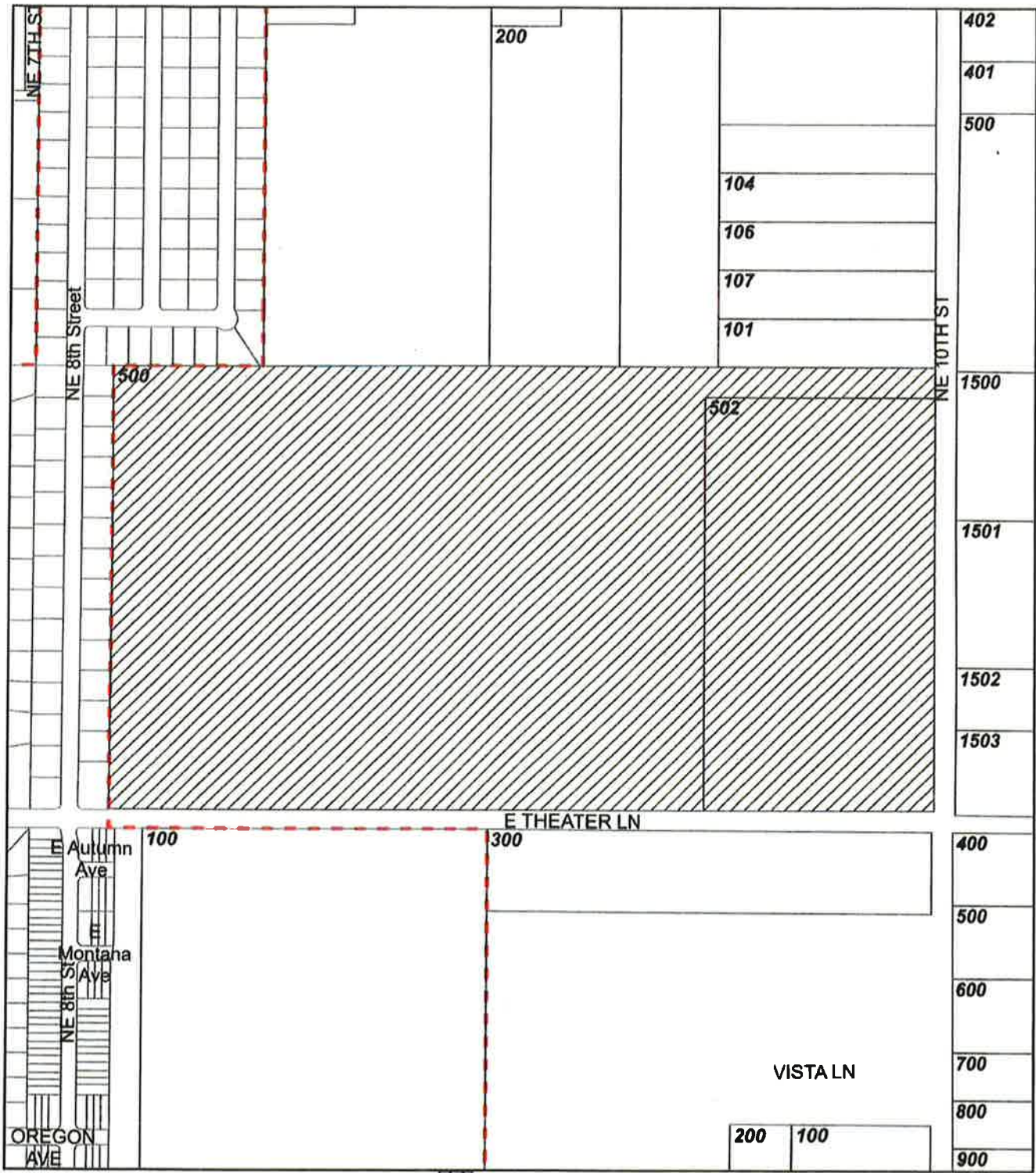
SIGNED by the Mayor this 11th day of March, 2019.



ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

Dr. Dave Drotzmann, MAYOR







-  Area of Proposed Conversion and Annexation
-  Property Line
-  Urban Growth Boundary
-  City Limits



Exhibit A

Findings of Fact

Hermiston School District/Hermiston Irrigation District Conversion and Annexation

March 11, 2019

THE CHANGE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALSO THE GOALS AND POLICIES OF THE PLAN

Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)

1. Notice of the proposed amendment was published in the Hermiston Herald on January 23, 2019 and February 20, 2019 soliciting comments on the proposed amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed land use action was physically posted on the property on January 23, 2019 in conformance with 157.229(B) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on January 23, 2019 in conformance with 157.229(C) of the Hermiston Code of Ordinances.
4. Comments received as a result of all required publications are incorporated into the record of proceedings.

Goal 2 (Land Use Planning) and Policies 2 (Planning Process), 3 (Intergovernmental Coordination), 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)

5. The city is required to review its land use designations and supply adequate amounts of all zoning types.
6. Developing this property residentially is appropriate due to its proximity to similarly zoned residential development.
7. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, the Hermiston School District, and the Confederated Tribes of the Umatilla Indian Reservation on January 23, 2019.
8. The land is adjacent to existing city limits on two sides (west and south) and promotes compact urban development as it is a logical extension of the city limits.
9. The land is greater than 10 acres in size as required by Policy 6 relating to conversion.

Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)

10. The land proposed for amendment is not in cultivation nor has been historically used for agricultural purposes. This policy is not applicable.

Goal 4 (Forest Lands) and Policy 7 (Natural Resources)

11. There are no forest lands within the Hermiston UGB. This goal is not applicable.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Space) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)

12. This property is not identified on the existing Goal 5 inventories in the Hermiston comprehensive plan as having any Goal 5 resources. The property is also not identified on the draft wetlands inventory as subject to any previously unidentified wetlands. This policy is not applicable.

Goal 6 (Air, Water and Land Resources Quality) and Policies 11(Air Quality), 12 (Noise), and 13 (Water Quality)

13. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)

14. The property is identified as an area with excessively well-drained soils on Figure 12 of the Hermiston Comprehensive Plan. As a condition of any development approvals for the property, the city will prohibit the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuel.

Goal 8 (Recreation) and Policy 16 (Parks, Recreation and Open Space)

15. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This property is not included on either inventory. This policy is not applicable.

Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)

16. The land proposed for conversion is designated as Future Residential and will be converted to an urban residential designation. The city's housing needs analysis and economic opportunities analysis have both been prepared using the assumption that this land will develop residentially. No further economic analysis is needed as the existing economic analysis was prepared taking this land into account as residential and the determination that there is sufficient commercial and industrial land was made.

Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)

17. The proposed R-3 designation offers housing options and uses which are similar to those permitted in the R-4 and R-3 zoning which is directly adjacent to the tract to the west and south. R-3 permits single-family, duplex, and multi-family uses as outright uses.
18. The R-3 zoning will permit a range of residential uses allowing the city to provide a variety of housing options.
19. Nineteen acres of the site are owned by the Hermiston School District and are likely to develop as an elementary school. Schools provide opportunities for open space and are generally considered compatible with residential development, especially when located within walking distance of existing housing.

Goal 11 (Public Facilities) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)

20. The city has a planned construction of water services and a municipal water tower near this site is in the bidding stage and construction will be completed by the end of 2019.
21. Sewer services are adjacent to the southwest corner of the site and additional extensions of the sewer system are planned for E Theater Lane as part of the Cimarron Terrace development to the south.
22. Initial reviews of the capacity of the existing utility network indicates it is capable of serving the potential buildout of the tract.
23. All storm water will be retained within the boundaries of the tract. There is no city-wide storm water retention and disposal system.
24. Private development such as multi-family housing and schools will be required to maintain all storm water on private property and within the boundary of the development site.
25. Local streets created to service the internal circulation of the site will retain storm water within the right-of-way using a system of catch basins and drywells, or a system of storm water swales.
26. The city encourages all citizens to utilize Sanitary Disposal for solid waste services. The city provides collection points for recycling at two locations in the city.
27. The comprehensive plan identifies a need for a new school within the boundaries of this tract and one is under consideration by the school district who is a party to the application.
28. The Hermiston Police Department has reviewed the proposal and is able to provide police services to future development.
29. The Umatilla County Fire District #1 has reviewed the proposal and is able to provide fire protection to future development. All public streets and private development will be required to provide fire hydrants in compliance with fire standards and fire sprinklers if the scale of building warrants sprinkling.
30. The city has prepared capital improvement plans for the water, sewer, and street systems for the city. Capital improvements are planned for this area in both water and street infrastructure.
31. Private utilities will be extended into this tract at the time of development.

Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)

32. The existing street classifications of major and minor collector streets are consistent with and able to accommodate the trip generations from R-3 and/or public school development.
33. Significant street upgrades will be required at the time development is proposed to bring the existing streets to a construction standard consistent with collector status.
34. Traffic impact analysis will be required to determine the extent of upgrades necessary.
35. Street frontages of all streets will be approved to the applicable city standard for each street classification at the time development occurs.
36. There are no rail or air transportation services available at this location. This policy is not applicable.
37. Sidewalks will be required on all streets as a condition of development in accordance with Policy 33.
38. The city has an adopted and acknowledged transportation system plan.

Goal 13 (Energy Conservation)

39. Goal 13 requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses.
40. The proposed R-3 zoning is the densest zoning available in the city. This creates the densest possible residential development potential.
41. The site incorporates a public school within walking distance of existing housing units to further reduce the need for vehicle trips.

Goal 14 (Urbanization)

42. The property is located within the urbanizable portion of the urban growth boundary consistent with Goal 14. Goal 14 directs cities and counties to provide urbanizable land and provide a mechanism for the orderly conversion of land from urbanizable to urban status. The applicant has submitted applications to convert the land from urbanizable to urban status. The land is adjacent to city limits and utilities and is ready for conversion at this time.

Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)

43. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

DESCRIBE THE PUBLIC NEED FOR THE COMPREHENSIVE PLAN AMENDMENT AND WHETHER THAT PUBLIC NEED IS BEST SERVED BY THE CHANGING THE ZONING CLASSIFICATION ON THE PROPERTY UNDER CONSIDERATION

44. Hermiston has a pressing need for more housing, both single family housing and multifamily units.
45. Hermiston also has a critical need for a fifth elementary school which HSD will build on the east 19 acres of the subject property when a bond can be passed to fund the building of that school. A school is a conditional use in an R-3 zone.

EXPLAIN HOW THE PUBLIC NEED IS BEST SERVED BY CHANGING THE CLASSIFICATION OF THE SITE IN QUESTION AS COMPARED WITH OTHER AVAILABLE PROPERTY

46. The subject property is on two major thoroughfares—E. Theater Lane and NE 10th. Consequently, access is better for multifamily residential and single family residential as there is access onto two streets and for the contemplated new elementary school on the East.
47. The west 51 acres owned by HID has access off both E. Theater Lane, and to NE 10th through a 60 foot fee owned leg of property. It is possible that any developer of the 51 acres will build an access road on this 60 foot parcel to NE 10th Street, and the city may require this access either as a private easement or as a public road to allow development of the HID property. The east 19 HSD school property has access off both E. Theater Lane and NE 10th.
48. HSD plans to build its fifth elementary school on the East 19 acres when bonding is approved. This site is excellent for a school because it will front two major streets—E. Theater Lane and NE 10th. That will allow HSD to separate parent traffic and bus traffic by providing access from different arterials—the best way for school traffic to be structured.

EXPLAIN HOW THE POTENTIAL IMPACT UPON THE AREA RESULTING FROM THE CHANGE HAS BEEN CONSIDERED

49. HSD and HID entered into an "Agreement for Exchange of Properties" (Exchange Agreement) which is attached as EXHIBIT 5 of the application packet. In that agreement, HSD and HID agreed to exchange property within the subject property with HSD ending up with the East 19 acres for a new (fifth) elementary school. That exchange has occurred and HSD now owns the East 19 acres of the subject property and HID owns the West 51 acres which includes a 60 foot "leg" of fee owned land from the 51 acres to NE 10th where an access road may be built to service the 51 acres. In the Exchange Agreement, HSD agreed that when it constructs a new elementary school on its 19 acres, it would make street, sewer and water improvements at its sole cost along E. Theater Lane and NE 10th as required by the City of Hermiston before an elementary school could be built.
50. A major impact on the area will be traffic. That is solved by the property being on two major thoroughfares and HSD having to make the above improvements including asphalt on E. Theater Lane with both HSD and HID having access onto E. Theater Lane and NE 10th.
51. The proposed comprehensive plan amendment will not change the functional classification of the affected streets which are Theater Lane and NE 10th. In this case E. Theater Lane is classified as a minor collector and NE 10th St. is classified as a major collector. The potential buildout of the HID and HSD properties will generate trips within the carrying capacity of the collector street E. Theater Lane contingent upon improvement of E. Theater Lane to collector standards. HSD will make those improvements to E. Theater Lane.
52. Another major impact resulting from the change will be the need to provide sewer and water to the subject property. Sewer and water are in the street on the Southwest corner of the subject property so it is available and can be extended East along E. Theater Lane for R-3 development on the HID property and to the planned new elementary school on the East 19 acres. The City of Hermiston will require that for a new school to be built on the East 19 acres, that sewer and water be extended all along E. Theater Lane to NE 10, so HSD will have to construct those utilities. Additionally, the Agreement for Exchange of Properties between HID and HSD requires that HSD install all these utilities all along E. Theater Lane at no cost to HID. Consequently HSD will pay for and install all these utilities when it constructs its new elementary school. A sewer lift station probably will be required by the City of Hermiston for HSD to build a new school, and if that is necessary then HSD has agreed with HID that this cost will be solely paid for by HSD.
53. The City of Hermiston is in the process of building a new water tower to the North on E. Punkin Center Road which will provide good water pressure to the subject property.
54. HSD plans to build a fifth elementary school as soon as a bond can be passed to finance its construction. A bond voted on about two years ago which would have built this school failed. HSD still has a pressing need for this new elementary school and its construction is a priority with HSD.

Draft Findings on Annexation

1. The City has received consent to annexation from the property owners for approximately 72 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on January 23 and 30, 2019. Notices were also

- posted in four public places in the city for a like period. A notice of proposed land use action was posted on the property on January 23, 2019.
3. Affected agencies were notified.
 4. A public hearing of the planning commission was held on February 27, 2019. Comments received at the hearing are incorporated into the planning commission record.
 5. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the city council hearing on February 20 and 27, 2019. Notices were also posted in four public places in the city for a like period.
 6. A public hearing of the city council was held on March 11, 2019. Comments received at the hearing are incorporated into the city council record.
 7. The proposal is consistent with all applicable state annexation requirements.
 8. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
 9. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
 10. Following co-adoption of the conversion from urbanizable to urban status by Umatilla County, the property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
 11. Sewer is available to service this property in E Theater Lane. The applicant is responsible for all connection fees.
 12. Water is available to service this property in E Theater Lane and NE 10th Street. At the time of development, the applicant is responsible for all connection fees.
 13. The property is adjacent to E Theater Lane and NE 10th Street. Neither street is improved to full city standards with full width paving, curb, gutter, sidewalk, and drainage improvements as of the date of annexation. The city will improve E Theater Lane with two paved travel lanes in the 2019-20 fiscal year. At the time each property develops, the remaining street improvements, including additional paving, curb, gutter, sidewalk, and drainage improvements, will be required by the City.
 14. At the time each parcel develops, additional improvements to NE 10th Street, including additional paving, curb, gutter, sidewalk, and drainage improvements, will be required by the city.

Draft Findings on Zoning Designation

1. Following co-adoption of the conversion from urbanizable to urban status by Umatilla County, the property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Medium Density Residential.
2. The proposed Multi-Family Residential zoning designation corresponds with the underlying comprehensive plan map designation.