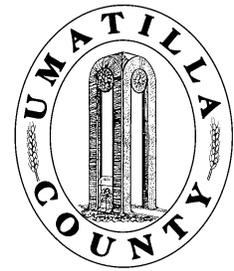


Umatilla County

Department of Land Use Planning



AGENDA

**Umatilla County Planning Commission Public Hearing
Thursday, July 25, 2019 at 6:30 pm
Justice Center Media Room, Pendleton, Oregon**

Planning Commission

Suni Danforth, Chair
Don Wysocki, Vice-Chair
Tammie Williams
Gary Rhinhart
Tami Green

Hoot Royer
Molly Tucker Hasenbank
Jon Salter
Lyle Smith

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Elizabeth Ridley, Planner II/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Dutcher, Administrative Assistant

1. Call to Order

2. New Hearing:

PLAN MAP AMENDMENT, #P-124-19, Co-adopt City of Hermiston Ordinance 2271

The City of Hermiston requests the County co-adopt City Ordinance 2271 amending the comprehensive plan map from urbanizable to urban status for 71.02 acres on the north side of East Theatre Lane and on the west side of Northeast 10th Street. The City Council also adopted Ordinance 2272 annexing said property effective upon co-adoption of Ordinance 2271. The criteria of approval are found in Umatilla County Development Code 152.750 - 152.754 and the Joint Management Agreement between the City and County.

3. Minutes from April 25, 2019 Hearing

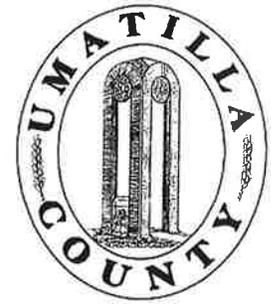
4. Adjournment

**PLAN MAP AMENDMENT #P-124-19
CO-ADOPTION OF HERMISTON ORDINANCE NO. 2271
HERMISTON SCHOOL DISTRICT (HSD), APPLICANT #1
HERMISTON IRRIGATION DISTRICT (HID), APPLICANT #2
HSD & HID, OWNERS
JULY 25, 2019, PLANNING COMMISSION
PACKET CONTENT LIST**

1. Staff Memo, page 1
2. Comprehensive Plan Map Amendment Map, page 2
3. Public Notice Map, page 3
4. Co-adoption request letter from City Planner, Clinton Spencer, page 4
5. Hermiston Planning Commission February 27, 2019, minutes, pages 5 - 23
6. Staff report for March 11, 2019, City Council meeting, pages 24 - 28
7. Findings of Fact – HSD/HID Conversion and Annexation, pages 29 - 37
8. Umatilla County Land Use Request Application, pages 38 - 48

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT
WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commission

FROM: Elizabeth Ridley, Planner II / GIS

DATE: July 17, 2019

RE: City of Hermiston Plan Map Amendment Co-adoption

On March 11, 2019, the Hermiston City Council adopted Ordinance 2271 amending the Comprehensive Plan Map from urbanizable to urban status for 72 acres of land on the north side of East Theatre Lane. The property is described as Tax Lot 500 and 502 located on Assessors Map 4N2802A. The plan map amendment would change the designation to R-3 (Multi-Family Residential). The city council also adopted ordinance 2272 annexing said property effective upon co-adoption of ordinance 2272. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of the conversion now comes before Umatilla County for co-adoption.

Background Information

The Hermiston Planning Commission held a Public hearing on February 27, 2019, and unanimously passed a motion to recommend approval to the City Council. The City Council held a public hearing on March 11, 2019, and unanimously approved the plan map amendment and subsequently, unanimously adopted Ordinance 2271.

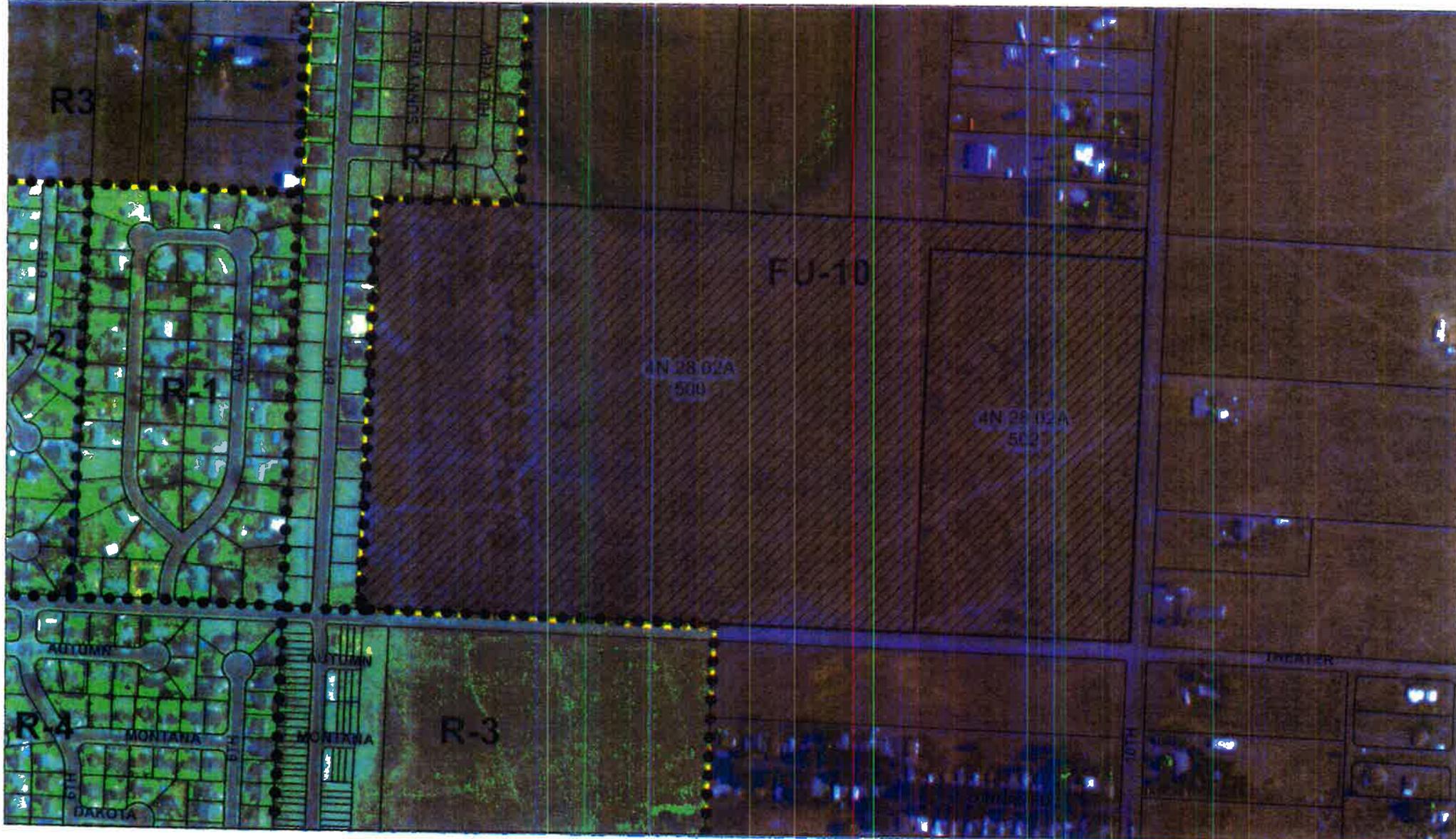
Co-Adoption

The City of Hermiston Joint Management Agreement (JMA) Section E (10) requires Comprehensive Plan Amendments applicable in the UGA to be processed by the City. The JMA requires amendments to be adopted by ordinance by the City then referred to the County for co-adoption review.

Conclusion

The Planning Commission can recommend approval or denial of the City of Hermiston's co-adoption request. The only item for consideration is the co-adoption of the Comprehensive Plan Map Amendment changing the designation of the property from urbanizable to urban. All subsequent actions taken by the City including annexation with an R-3 zoning designation and potential subdivision are not a part of this consideration.

APPLICANT #1: HERMISTON SCHOOL DISTRICT (HSD)
APPLICANT #2: HERMISTON IRRIGATION DISTRICT (HID)
OWNER: HSD & HID, APPLICATION FOR: COMPREHENSIVE PLAN MAP AMENDMENT
MAP: 4N 28 02A, TAX LOTS: 500 & 502



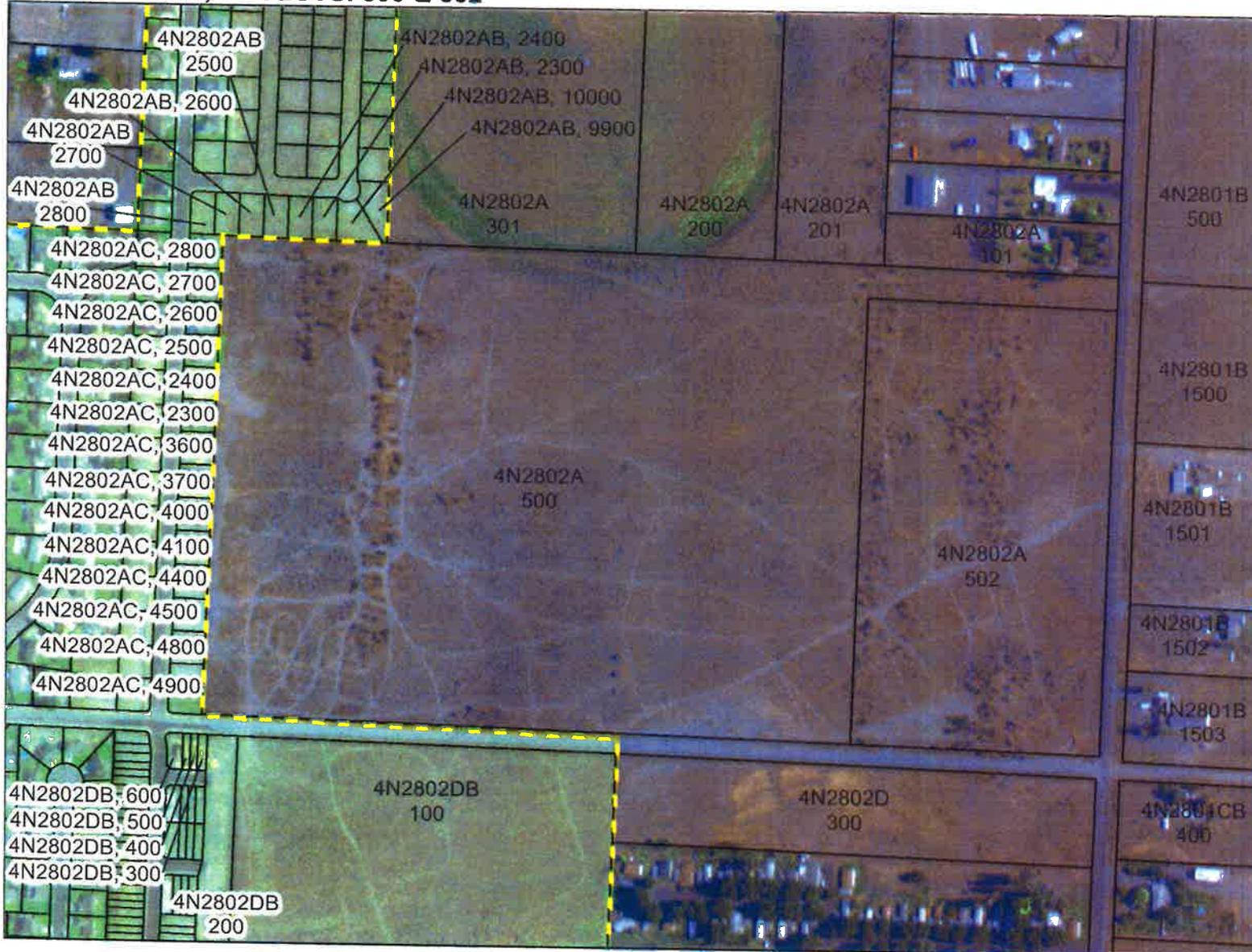
- Zone Boundary
- ▨ Area of Proposed Conversion & Annexation
- Property Boundary
- City of Hermiston



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by E. Ridley, Umatilla County Planning Department. Date: 7/17/2017

APPLICANT #1: HERMISTON SCHOOL DISTRICT (HSD)
APPLICANT #2: HERMISTON IRRIGATION DISTRICT (HID)
OWNER: HSD & HID
APPLICATION FOR: COMPREHENSIVE PLAN MAP AMENDMENT
MAP: 4N 28 02A, TAX LOTS: 500 & 502

Notified Landowners within
 100 feet of Parcel 4N 28 02A,
 Tax Lots 500 & 502



MAP	TAX	OWNER
4N2801B	500	ALMAGUER JUAN JR & MELBA D ET AL
4N2801B	1500	KANYID SABRINA
4N2801B	1501	FIGUEROA ELIGIO & LOPEZ TERESA
4N2801B	1502	BANKSTON LARRY J & FLORENCE R
4N2801B	1503	VICTORY LIGHTHOUSE CHURCH
4N2801CB	400	ASHER TODD JAMES & HOWELL VALERIE K
4N2802A	101	MEDELEZ TRUCKING LLC
4N2802A	200	MEDELEZ TRUCKING LLC
4N2802A	201	MEDELEZ HUMBERTO & MEDELEZ JOSE C
4N2802A	301	MEDELEZ TRUCKING LLC
4N2802A	500	HERMISTON IRRIG DIST
4N2802A	502	SCHOOL DIST #8
4N2802AB	2300	HOLT CARL D & EDITH A (TRS)
4N2802AB	2400	HOLT CARL D & EDITH A (TRS)
4N2802AB	2500	HOLT CARL D & EDITH A (TRS)
4N2802AB	2600	HOLT CARL D & EDITH A (TRS)
4N2802AB	2700	HOLT CARL D & EDITH A (TRS)
4N2802AB	2800	ABLES & ABLES LLC
4N2802AB	9900	HOLT CARL D & EDITH A (TRS)
4N2802AB	10000	HOLT CARL D & EDITH A (TRS)
4N2802AC	2300	LUDWIG JAMES DEAN & COLLEEN
4N2802AC	2400	MILLER KYRAN J ET AL
4N2802AC	2500	KROSTING KATHLEEN
4N2802AC	2600	BECKLEY KEVIN W & AMANDA M
4N2802AC	2700	GOLDMAN MITCHELL J & DEVIN E
4N2802AC	2800	GRABEEL SCOLLAN & GRABEEL BEVERLY
4N2802AC	3600	ABLES & ABLES LLC
4N2802AC	3700	BEDOLLA LEURI ADALBERTO & MANDI L
4N2802AC	4000	KESSELL AMANDA M & MCMAHON COREY
4N2802AC	4100	HAMILTON DEREK D & TAMMY L
4N2802AC	4400	HOLT CARL D & EDITH A (TRS)
4N2802AC	4500	HOLT CARL D & EDITH A (TRS)
4N2802AC	4800	HOLT CARL D & EDITH A (TRS)
4N2802AC	4900	HOLT CARL D & EDITH A (TRS)
4N2802DB	600	HANES ZOLLER JOINT VENTURE
4N2802DB	500	HANES ZOLLER JOINT VENTURE
4N2802DB	400	HANES ZOLLER JOINT VENTURE
4N2802DB	300	HANES ZOLLER JOINT VENTURE
4N2802DB	200	HANES ZOLLER JOINT VENTURE
4N2802D	300	VISTA MHC LLC
4N2802DB	100	AMERICAN DEVELOPMENT COMPANY
4N2802DB	200	HANES ZOLLER JOINT VENTURE
4N2802DB	300	HANES ZOLLER JOINT VENTURE
4N2802DB	400	HANES ZOLLER JOINT VENTURE
4N2802DB	500	HANES ZOLLER JOINT VENTURE
4N2802DB	600	HANES ZOLLER JOINT VENTURE

Property Boundary
 Subject Parcels
 100 ft. Notice Boundary
 City of Hermiston



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by E. Ridley, Umatilla County Planning Department. Date: 7/17/2014

March 12, 2019

Mr. Bob Waldher
Umatilla County Planning Director
216 SE 4th Street
Pendleton, OR 97801



Planning
Department

RECEIVED

MAY 28 2019

UMATILLA COUNTY
PLANNING DEPARTMENT

Re: Co-Adoption of Hermiston Ordinance No 2271

Dear Mr. Waldher:

On March 11, 2019, the Hermiston City Council adopted Ordinance 2271 amending the comprehensive plan map from urbanizable to urban status for 72 acres on the north side of E Theater Lane. The city council also adopted ordinance 2272 annexing said property effective upon co-adoption of ordinance 2271. Per Section E10 of the Hermiston Planning Area Joint Management Agreement the matter of conversion now comes before Umatilla County for co-adoption. A copy of ordinance 2271 is attached to this letter for the county's use.

The applicants in the matter of conversion and annexation are the Hermiston Irrigation District and the Hermiston School District. Mr. George Anderson will contact the county to file any necessary applications and fees associated with the co-adoption process.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton Spencer".

Clinton Spencer

City Planner

C: George Anderson

HERMISTON PLANNING COMMISSION

Regular Meeting

February 27, 2019

Chairman Saylor called the meeting to order at 7:01PM. Commissioners Doherty, Sargent, Hamm, Fialka and Caplinger were present. Commissioners Rebman and Erz were excused. Commissioner Frederic was absent. Staff in attendance were City Planner Clinton Spencer and Heather La Beau.

Minutes

The minutes of the January 9, and February 13, 2019 regular planning commission meetings were approved.

Hearing-Annexation & Conversion 4N2802A Tax Lots 500 and 502

The Planning Commission is holding a hearing to consider a request for conversion and annexation to the City of Hermiston. The Planning Commission will consider the request and make a decision based on the criteria established in §156.08 and §150.05 of the Hermiston Code of Ordinances. The applicant proposes conversion and annexation of approximately 71.02 acre tract of land located at E Theater Lane and NE 10th St. The applicants are the Hermiston School District and the Hermiston Irrigation District.

Chairman Saylor asked if any commissioners had a conflict of interest. Seeing none, the hearing was opened at 7:03PM and the hearing guidelines were read.

City Planner Spencer presented the staff report.

Testimony

George Anderson, 625 W Division- Mr. Anderson is the attorney for the Hermiston School District. He introduced Tricia Mooney, Superintendent of the Hermiston School District, Cameron Bendixsen, attorney for the Hermiston Irrigation District, Mike Bergstrom, Chairman of the Hermiston Irrigation District and Annette Kirkpatrick, Manager of the Hermiston Irrigation District. Mr. Anderson explained the reasoning for the land exchange between the school district and irrigation district and briefly discussed some of the items in the agreement.

Tricia Mooney, 1055 W Judith Place- Ms. Mooney stated the school district is in the long-range facilities planning process and looking at potentially having an elementary facility at this location should the voters approve a bond.

Cameron Bendixsen, 245 E Main St- Mr. Bendixsen asked that the request be approved.

There was discussion as to the road improvements that will be required at the time of construction. Theater Lane will most likely need widened. This will be determined by the traffic study. Public utility infrastructure was also discussed.

Mr. Anderson noted that 10 feet of the southern property was already deeded as right-of-way by the school district and the irrigation district.

Chairman Saylor closed the hearing at 7:23PM.

Findings of Fact

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, 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 side 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.

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. The proposal is consistent with all applicable state annexation requirements.
6. 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.
7. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
8. 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.
9. Sewer is available to service this property in E Theater Lane. The applicant is responsible for all connection fees.
10. 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.
11. 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.

12. 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.

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.

Conditions of Approval

1. Each parcel will be required to prepare a traffic impact analysis at the time development is proposed. The scope of the analysis will be developed by the city consistent with 157.150(E) of the Hermiston Code of Ordinances.

Commissioner Hamm moved and Commissioner Fialka seconded to approve the Findings of Fact for the conversion and the annexation as written. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Hamm seconded to approve the conditions of approval as presented. Motion passed unanimously. Commissioner Fialka moved and Commissioner Hamm seconded to recommend the city council amend the comprehensive plan map from urbanizable to urban status with a medium density residential plan map designation. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Fialka seconded to recommend the city council annex the land with an R-3 zoning designation. Motion passed unanimously.

Hearing- Comprehensive Plan Map Amendment & Rezone 4N2814AC Tax lot 4200

The planning commission is holding a hearing to consider a request to amend the City's comprehensive plan map from Medium Density Residential (M) to Commercial (C) with a corresponding change in zoning designation from Multi-Family Residential (R-3) to Outlying Commercial (C-2). The planning commission will consider the request and make a decision based on the criteria established in §157.226 of the Hermiston Code of Ordinances. The property is located at 810 E Evelyn Ave. The applicants are the Greater Hermiston Chamber of Commerce and Brian and Beverly LaFollette.

Chairman Saylor asked if any commissioners had a conflict of interest. Chairman Saylor disclosed she is on the Hermiston Chamber of Commerce Foundation Board. Commissioner Hamm is involved with the chamber also. Both Commissioner Hamm and Chairman Saylor do not feel they have pre-judged the application. The hearing was opened at 7:27PM and the hearing guidelines were read.

The staff report was presented by City Planner Spencer. A comment letter received late today from Liz Marvin was made available to the commissioners.

Testimony

George Anderson, 625 W Division Ave- Mr. Anderson, attorney for the Chamber of Commerce on this matter, briefly introduced Paul Keeler, Chamber President, Phillip Spicer-Kuhn member of Chamber Building Board, Josh Burns and Tim Mabry, realtor for the property. The chamber has received a \$1 million grant from the state and is working to raise funds to build a larger facility with

a large meeting room for business affairs. Mr. Anderson spoke to the limited amount of commercial property on the southern right of way of a five lane federal highway. Mr. Anderson gave the history of the area's zoning per Tom Harper's recollection. Mr. Anderson feels the residents will be buffered by a good commercial building that will not have people coming and going all day and will get relatively low use on the weekends.

Paul Keeler, 4219 Kirk Ave Pendleton- Mr. Keeler stated that this is a great opportunity for the chamber as this is the ideal property for the proposed use and what it can provide to the community.

Tim Mabry, 7889 Doherty Road- Mr. Mabry has been the listing realtor on the property for a couple of years, has been a commercial real estate broker in this marketplace for a few years and is a member of the Chamber Board. He provided a letter of support from the property owners to the commissioners. When preparing to list the property research showed existing multi-family developers did not feel the property was of a large enough size to make the improvements necessary to develop it.

Josh Burns, 1014 SE Banker Drive- Mr. Burns is a Chamber Board member and is also the general manager of the Wal-Mart Distribution Center. Speaking as the manager, there is a need of workforce development in the area. The proposed building fills this need. The DC has hired 465 people in the last two years. That need is accelerating. Mr. Burns stated assets like this would be a benefit to large businesses and industries in the area.

Commissioner Fialka declared for the record he and his wife are members of the Hermiston Chamber. He stated this does not prejudice him.

Commissioners discussed the traffic impact of the potential use. Mr. Anderson responded that the neighboring property to the north is a church which gets traffic on Sunday, but not very much any other time and considers the chamber building to be a very compatible use.

Mr. Keeler stated that the preliminary designs have a meeting room that can hold up to 120 people. Work force training events would have an average of 30 people. Parking needs will be addressed as design work continues.

Mr. Anderson reminded the commissioners that there is no traffic going to the west side of 395 at that location.

Chairman Saylor closed the hearing at 7:55PM.

Findings of Fact

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 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) and 3 (Intergovernmental Coordination)

5. The city is required to review its land use designations and supply adequate amounts of all zoning types.
6. 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.

Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)

7. The change will promote compact urban development to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services because it will add commercial space along a five-lane federal Highway leading into Hermiston from the South where practically none exists which is readily accessible from the Highway.
8. Commercial space is badly needed on Highway 395 on the South end of Hermiston for commerce and business. Highway 395 on the North is totally built out with Commercial businesses.
9. Having practically all of the land as Residential in the Comp Plan immediately adjacent to both sides of a heavily traveled five lane federal Highway does not promote orderly urban growth. Residential lands should be buffered from this heavily traveled Highway by Commercial lands. This change to Commercial will help add that buffer.
10. The land is within the city limits. Policies 5 and 6 are not applicable.

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

11. 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)

12. 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)

13. 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)

14. 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.

15. Having this property be Commercial, with a Chamber office building between the highway and the multifamily residential housing to the East, will buffer the residential area back from the substantial noise of the Highway.
16. Changing the subject property from Residential to Commercial/C-2 will make it so residences are not along the heavily traveled Highway 395, but are back from it and the attendant noise of the highway.

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

17. The property is identified as an area with a high water table 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)

18. 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)

19. As indicated above, there is practically no readily accessible Commercial/C-2 land adjacent to Highway 395 from Airport Way about a half mile to the bottom of the hill leading into Hermiston. Changing the property to Commercial/C-2 will improve the availability of Commercial/C-2 lands in the City in an area where it is badly needed. There is a substantial demand for Commercial/C-2 lands along Highway 395 South. There is little demand along this stretch of highway for residential development due to it being adjacent to a five lane busy Highway.
20. The Residential designations of the lands along Highway 395 South was done decades ago when the City was relatively small and its residential areas had not spread out as far as they are now. It was contemplated then that residential development would occur along this stretch of the Highway, but that has not happened. Residences are not likely to be built next to a busy five lane federal Highway. That's where commercial development should take place.
21. This whole length of Highway 395 should be reassessed by the City with a view to changing its land uses to Commercial/C-2, due to the acute shortage of Commercial ground along the South part of this Highway. However, this application is only for the subject 2.4 parcel of ground because the pending sale from Lafollette's to the Chamber does not provide enough time for the City to look at the Comp Plan and zoning of all of Highway 395 South. That would involve many parties and a long period of time and the Chamber does not have that time.
22. Hermiston is experiencing an economic boom caused by the construction of massive Amazon data centers in the area. Five have been built and at least seven more are being built or planned in the Greater Hermiston area. This boom has dramatically increased the need for commercial space and buildings. Changing the land uses of land adjacent to Highway 395 South from Residential to Commercial/C-2 would assist the present economic development.
23. The City now owns the 95 acre \$17,000,000 Eastern Oregon Trade and Event Center (EOTEC) at the top of the hill South of the Hermiston airport. Additionally, farther South along Highway 395 the large Tri-Cities retailer Ranch and Home is finishing a 108,000

square foot retail building near the entrance to EOTEC. Thus substantial economic growth is happening at the very south end of Hermiston about a mile from the subject property, and Hermiston's Comp Plan and zoning should take into account the need for more Commercial/C-2 property along the South part of the Highway.

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

24. Changing the subject property from Residential to Commercial/C-2, will have little impact on housing availability and affordability. In fact, there has been no residential development along Highway 395 South from Airport Way into town since the 1970's. That is because of the noise and traffic of Highway 395 and far more suitable locales for residential housing.
25. Developers look to quieter areas and many, many apartments and single family residences have been built in Hermiston since the Comp Plan was adopted, although practically all of the lands along Highway 395 South are Residential in the Comp Plan. No one wants to build along that busy and noisy Highway.
26. Many other areas of Hermiston are Residential in the Comp Plan—more than enough to meet the demand for housing. The corridor along Highway 395 is not needed.
27. Changing the land uses along Highway 395 South to Commercial/C-2 would enhance neighborhood quality by providing a buffer of commercial use to residential uses back from the Highway. On page III-33 of the City of Hermiston Comprehensive Plan an implementing action is listed as:
 - a. "Requiring buffering and/or screening between residential neighborhoods and incompatible uses in the zoning code."

28. Changing the land use of the subject property along Highway 395 to Commercial/ C-2 would create a buffer of the residential areas to the East from the noisy and constant Highway 395 traffic.

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)

29. Sewer and water and power are already to the subject property or in the adjacent Evelyn Street.
30. Because the subject property is a large 2.4 acres, there will be ample area for storm drainage from its parking lot.
31. All storm water will be retained within the boundaries of the tract. There is no city-wide storm water retention and disposal system.
32. 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.
33. The Hermiston Police Department has reviewed the proposal and is able to provide police services to future development.
34. 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.

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

35. The subject property will have all its access off East Evelyn Avenue and has no rights of access of Highway 395.

- 36. Additionally, the property can be accessed from feeder streets to the East and North so not all traffic to the site will have to use Highway 395.
- 37. The proposed change to Commercial/C-2 will not change the functional classification of the affected streets which are South Highway 395 and East Evelyn Avenue. The potential building on the subject property will generate trips within the carrying capacity of East Evelyn Avenue and Highway 395 and streets to the East without any improvements. Evelyn Avenue is paved as are all the streets to the East—as well as federal Highway 395.

Goal 13 (Energy Conservation)

- 38. 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.

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

- 39. 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

- 40. As indicated above, there is a public need for the Comp Plan change and the rezoning as there is a shortage of Commercial properties along Highway 395 South—practically none.

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

- 41. As indicated above, the public would be better served to change the Comp Plan and zoning along Highway 395 South from Residential to Commercial/C-2 as commercially zoned property is needed in that area and Residential usage adjacent to this heavily traveled five lane federal highway is not preferred. Furthermore, Commercially zoned properties along the Highway would provide buffers from the noise and traffic to residential areas back from the highway and behind new commercial development.

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

- 42. The potential impacts upon the area resulting from the change have been considered as indicated above. A change from Residential to Commercial/C-2 would be very beneficial for the subject property and for properties all along this stretch of Highway 395 South. This property along the Highway really is not suitable for low, medium or high density residential housing. No one wants to live on a heavily traveled five lane Highway. It should be Commercial.

Commissioner Hamm moved and Commissioner Sargent seconded to approve the Findings of Fact as written. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Hamm seconded to recommend the city council approve the comprehensive plan amendment and rezone of the property from multi-family residential to commercial. Motion passed.

Chairman Saylor recessed the meeting at 8:00PM for a short break.

Chairman Saylor reconvened at 8:05PM.

EOTEC Parking Plan

Al Davis, 2228 NE 8th St- General Manager of EOTEC. Mr. Davis presented the overflow parking plan to the commissioners. The plan includes total number of parking spaces available, locations for additional parking, and a report from University of Tennessee reviewing parking in agricultural fields. In 2018, the busiest day 3,214 parking spaces were used. There is enough room for 3,829 spaces available if all vehicles are parked perfectly. As the fair and rodeo grow, options for additional parking include adjacent and off-site options. Adjacent options include areas of the airport property and leased ground on the south side of Airport Rd. The parking plan has been reviewed by the EOTEC advisory board, not the fair board and rodeo board separately. The EOTEC advisory board determined it was an operational issue.

The location of the proposed RV Park as well as the number and size of the RV spaces was discussed and how it affects the parking plan.

David Bothum- Mr. Bothum gave an explanation of slack schedules and answered questions related to how rodeo participants are moved throughout the facility. This gave the commissioners an idea of the timing and number of rodeo participants that need trailer parking. Mr. Bothum stated the rodeo came about to help the fair and believes the future pavilion is a key part of the plan. He thinks the RV Park ruins growth and hurts the whole facility.

David Dickmeier- Mr. Dickmeier clarified where the fencing was located relative to the airport property. He feels parking is the biggest thing. When the original rodeo plan was put together they figured maximum seating capacity to be 10,000. Mr. Dickmeier said the RV Park can get away with not having water and electricity and can consider having RV spots scattered around the grounds, not all in one location.

Herman Hull, 720 E Quince Ave- Mr. Hull stated if there is a need for an RV Park, someone will build it. He questioned why the city needs to be in the revenue business with an RV Park.

Chairman Saylor responded that there is a concern for public dollars in private enterprise. An RV park being used during adjacent events supports the events rather than being a commercial venture for the city. Mr. Davis mentioned other cities with RV parks.

Commissioners expressed concern over the availability of the proposed additional parking areas. Commissioners would like to have written confirmation from the FAA that parking on the airport property is allowed. The parking plan should include the plan for moving people between the additional parking areas and the EOTEC facilities. It was noted that while the plan provides adequate parking currently, it does not appear to provide adequate parking for future growth of the fair and rodeo. There are multiple options for future buildings and use of the facility, which varies the number of parking spaces required. Commissioner Hamm would like to have the parking plan vetted through the fair board, the rodeo board and the EOTEC advisory board. The Planning Commission directed Mr. Davis to bring a revised parking plan back to the Planning Commission for approval at a future meeting.

Replat- 4N2824B Tax Lots 200, 300 and 400

City Planner Spencer presented the staff report. Hermiston Foods and the City of Hermiston have proposed a replat of property for the purposes of dedicating right-of-way for E Penney Ave. The replat will also separate the existing building improvements from the vacant lands, making the marketing of the property more attractive.

Findings of Fact**Design Standards****§154.15 Relation to Adjoining Street System.**

The property is bordered by SE Kelli Blvd, Shannon Way and S Highway 395. SE Kelli Blvd and Shannon Way are paved city streets. The transportation system plan calls for E Penney Ave to extend from SE Kelli Blvd eastward to Highway 395. The property does not access any other public streets.

§154.16 Street and Alley Width.

E Penney Ave is proposed to extend from SE Kelli Blvd to Highway 395. E Penney Ave will have a right-of-way width of 60 feet. The property is serviced by both SE Kelli Blvd, Shannon Way, and S Highway 395. SE Kelli Blvd has a right-of-way width of 80 feet.

§154.17 Easements.

There are several existing and proposed easements on the property. Pages one and two of the plat depict and detail the existing and new easement configuration. The easement requirements are satisfied.

§154.18 Blocks.

The TSP calls for the extension of E Penney Ave from its terminus at SE Kelli Blvd eastward to S Highway 395.

§154.19 Lots.

The entire parcel has 1,453.6 feet of frontage on S Highway 395, 135.93 feet of Shannon Way frontage and 1,721.44 feet of SE Kelli Blvd frontage. Lot 1 is 2.144 acres and is developed with a municipal well and water tanks. Lot 2 is 18.169 acres and is presently vacant. Lot 3 is 24.532 acres and is developed with the existing Hermiston Foods food processing facility. Each proposed lot meets the minimum lot size, width and depth standards.

§154.20 Character of Development.

The property currently contains the existing Hermiston Foods food processing facility and the city's municipal well facility known as Well #6. The applicant proposes the partition to create a separate lots for the existing building improvements and the vacant land to make marketing of the property more attractive and to dedicate right-of-way for the extension of E Penney Ave per the TSP.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any parks or schools in the vicinity of the proposed partition.

Minimum Improvements Required**§154.60 Permanent Markers**

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

154.61 General Improvements

SE Kelli Blvd is a paved city road with some additional improvements on the west side of the street. Shannon Way is a paved city street with no additional improvements. Lot 2 will be responsible for constructing the remaining street improvements to their respective street frontages at such time that development occurs on the lot.

§154.62 Water Lines

Water lines exists in E Penney Ave and SE Kelli Blvd. The existing Hermiston Foods facility is served by a 14 inch water line near the northwest corner of the property.

§154.63 Sanitary Sewer System.

Sewer lines exist in SE Kelli Blvd and at the northwest corner of the property at Shannon Way.

Preliminary Plat

Staff has reviewed the preliminary plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances.

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed and none are referenced on the plat**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required.**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required.**

Chapter 157: Zoning

§157.041/§157.055 Mixed Outlying Commercial/Light Industrial (C-2/M-1)

There is no minimum lot size in the C-2 or M-1 zone. Lot 1 is 2.144 acres. Lot 2 is 18.169 acres and Lot 3 is 24.532 acres. Uses permitted in the C-2/M-1 zone are listed in §157.041 (A) and §157.055 (A) of the Hermiston Code of Ordinances.

Conditions of Approval

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the final plat.

Commissioner Caplinger moved and Commissioner Fialka seconded to approve the plat subject to the condition. Motion passed unanimously.

Final Plat- 4N2810AB Tax Lot 402

The staff report was presented by City Planner Spencer. The planning commission approved the preliminary plat at the December 2018 meeting.

Herman Hull, 720 E Quince Ave- Mr. Hull stated the Schnell fence on east side property line is about 10 feet off the property line. It has always been that way, he was aware of it when he bought the property, but does not know the reason why the fence was built off the property line.

Conditions of Approval and Findings of Fact

1. The applicant shall prepare a final plat containing the required elements of 154.46 of the Hermiston Code of Ordinances.
2. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the final plat.
3. Sidewalk shall be installed along the W Elm Ave frontage of both parcels at such time that development occurs on either parcel.
4. The flag shall be paved to a width of at least 36' at such time that development occurs on Parcel 1. A reciprocal easement 50' in width shall be dedicated across Parcel 1 to the north boundary of Parcel 2.

§154.46 Final Plat Requirements

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;
- (I) All necessary curve data;
- (J) The location of all survey monuments and bench marks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

(O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

Finding: All items required for the final plat are shown on the final plat.

Commissioner Fialka moved and and Commissioner Hamm seconded to approve the final plat with the conditions of approval. Motion passed unanimously.

Planner Comments and Unscheduled Communications

The commissioners were updated on the status of HB2001 and the items on next month's meeting agenda.

Adjourn

Chairman Saylor adjourned the meeting at 10:00PM.

MARVIN

Zeno and Liz
1725 East highland Ave
Hermiston, OR 97838

February 27, 2019

City of Hermiston Planning Commission
Attn: Clint Spencer
180 NE 2nd Street
Hermiston, OR 97838

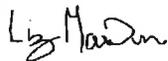
To Whom It May Concern,

I am writing to express wholehearted support for the rezoning of 4N2814AC Tax Lot 4200 from R-3 to C-2. My husband and I are property owners of a multi-family dwelling on SE 8th Place in Hermiston and believe that it is in the best interest of the community of Hermiston to continue to expand areas for commercial development.

As a member of the Greater Hermiston Chamber of Commerce Foundation, I believe this location would be ideal for the Greater Hermiston Chamber of Commerce as well as for the citizens of Hermiston. This facility will serve as a home for the chamber, provide workforce development for the Lower Columbia Basin, and continue to foster economic development and to help our community to thrive.

Thank you for your foresight in planning for our community.

Sincerely,



Liz Marvin
541-701-1882



February 18, 2019

Hermiston Planning Committee
180 NE 2nd Street
Hermiston, OR 97838

RE: Hermiston Chamber of Commerce
810 Evelyn Ave; Hermiston

We are currently the owners of the lot located at 810 Evelyn Ave, Hermiston, Oregon.

We are writing this letter in support of the Hermiston Chamber of Commerce in their request for a zone change, for the above property, from a R3 to a C-1 or 2.

We strongly feel that this piece of property is ideal for the new Chamber of Commerce's office. It has plenty of room for a nice building and parking within the lot. Access to the property is on Evelyn Avenue and not Highway 395, so it should not be a traffic concern.

There has been a lot of positive growth in this area of Hermiston, and the Chamber's office will be a great fit and addition to the area. The Chamber office will be a positive neighbor to the neighborhood.

Sincerely,

Brian LaFollette
Beverly LaFollette

Brian & Beverly LaFollette
PO Box 489
Pendleton, Oregon 97801

HERMISTON CITY COUNCIL

Regular Meeting

March 11, 2019

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Kirwan, Smith, Gutierrez, and Davis. Councilors Myers, Hardin, and Barron participated via phone from 7:21pm to 7:59pm. Councilor Primmer was excused. Staff members in attendance were City Manager Smith via phone from 7:21pm to 7:59pm, City Attorney Gary Luisi, Assistant City Manager Mark Morgan, Chief Edmiston, Clint Spencer, Roy Bicknell, and Lilly Alarcon-Strong. News media present were Jade McDowell from the East Oregonian and Michael Kane from NE Oregon Now. The pledge of allegiance was given.

Presentation- School District Report

Hermiston School Districts Human Resource Director, David Marshall, gave information regarding upcoming events, to include: school auction, 5th grade science assessments, student awards assemblies, college and career day (flyers attached), PTO meetings, band and choir concerts, 8th grade forecasting for high school, drivers education parent and student meeting, penny drive, and updating the school calendar to include snow make-up days.

Mr. Marshall stated school wide enrollment, as of March 4th has increased by 51 students from last year, which is what they have been seeing, year to year, on a consistent basis. The School District is also working on Long Range Facility Planning efforts through a dedicated committee. The Committee is focusing on the previously presented bond and the community perception of that bond, what worked and what didn't work, narrowing down what specific needs are, projected growth, and maintenance with capital project needs. Mr. Marshall stated that some items, such as the roof replacement at Sandstone Middle School, cannot wait for another bond to pass and, therefore, was recently completed. Although no timelines have been set, there are early conversations regarding building another elementary school and high school. The School District is working with the City on growth projections. The School District will continue to need sustainable levels of bond funding as growth continues to happen in Hermiston.

Mayor Drotzmann stated the School District and the City are being more collaborative, working together to create shared School and City resources to capitalize funding and shared expenses through parks, ball fields, school gym spaces, and other programs, as well as infrastructure costs at the new E Theater and NE 10th St site. Mayor Drotzmann thanked Mr. Marshall and the School District for their leadership on these items.

Public Comment

Troy White, 785 SE Opal Ct- suggested the School District sell the piece of property adjacent to Sunset Elementary School, on HWY 395, as this property is in an ideal location for a business.

Mayor Drotzmann encouraged Mr. White to make this suggestion at a School Board meeting as they also have public comment opportunities.

Consent Agenda Items

Councilor Gutierrez moved and Councilor Davis seconded to approve Consent Agenda items A-G, to include:

- A. Recommendation to the Planning Commission for a 3-year term beginning April 1st, 2019 and ending March 31st, 2022: position #1- Tami Rebman and position #2- Philip Hamm
- B. Recommendation to the Faith-Based Advisory Committee for the remaining 3-year term beginning April 1st, 2019 and ending December 31st, 2021: position #3- Mel Swartz
- C. Minutes of the January 9 and February 13, 2019 Planning Commission Meetings
- D. Minutes of the February 25th, City Council work session and regular meeting.
- E. Replat- Hermiston Foods
- F. Initiate annexation proceedings 4N2804D TL 1601 W Elm Ave

HERMISTON CITY COUNCIL

Regular Meeting

March 11, 2019

G. Initiate annexation proceedings 4N2803AC TL 400 -1920 NW Geer Rd
Motion carried unanimously.

At 7:21pm City Recorder Lilly Alarcon-Strong, phoned in City Manager Smith and Councilors Myers, Hardin, and Barron who all identified themselves by name to participate in the meeting.

Public Hearing- Annexation and Conversion 4N2802A Tax Lots 500 & 502 (Ordinances 2271 & 2272)

Hearing no potential conflict of interest, City Planner Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:24pm.

Mr. Spencer presented the staff report stating the City has received applications for conversion from urbanizable to urban status and for the annexation of approximately 72 acres of land along the north side of E Theater Lane between NE 8th Street and NE 10th Street. One property is approximately 51 acres and owned by the Hermiston Irrigation District, the other is approximately 19 acres and owned by the Hermiston School District.

Proponents

George Anderson stated he is the attorney representing the School District; the School District and Irrigation District would like to swap locations as it is very desirable for schools to have their areas of entrance and exit be on different streets, among other things.

There were no Opponents or Neutral parties who wished to address the Council and the hearing was closed at 7:33pm.

Mr. Spencer outlined the findings of fact. Councilor Davis moved and Councilor Kirwan seconded to approve the finds of fact as written. Motion carried unanimously.

Public Hearing- Comprehensive Plan Map Amendment and Rezone - 4N2814AC Tax Lot 4200 (Ordinance 2273) Hearing no potential conflict of interest, City Planner Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:37pm.

Mr. Spencer presented the staff report stating the Hermiston Chamber of Commerce has submitted an application to rezone 2 acres of land at the intersection of E Evelyn Ave and S Highway 395 from Multi-Family Residential to Outlying Commercial. The property is owned by Brian and Beverly LaFollette, however, the Chamber has a purchase agreement and plans to construct a new chamber building on the property.

Proponents

George Anderson stated he is the attorney representing the Chamber of Commerce; the site would be a wonderful addition to the area and is better suited for this type of business instead of the current zoning. There is a lot of community support for this project to move forward on this specific property.

Paul Keeler, 4219 SW Kirk, Pendleton- stated he is the Chairman of the Board for the Hermiston Chamber of Commerce. The building, if approved, would house the Chamber offices, Business Center, Business Event Center, and can hold up to 120 participants at one time but can be divided for smaller functions as well. All functions will be business related events and have no plans for private family rental events.

HERMISTON CITY COUNCIL

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Josh Burns, 1014 SE Banker Dr- stated although he is a Chamber Board Member, he is speaking in his role as the General Manager of the Wal-Mart Distribution Center. There is a need for a Work-Force Development Center in Hermiston as the Chamber is proposing with this facility as Wal-Mart DC currently needs 50 more employees, with 100 needed by year end, and another 250 within the next couple of years and this demand only covers one facility. There is an urgent need for work-force development and is pleased the Chamber is taking this on.

Tim Mabry, 78891 Doherty Rd- stated he is the listing realtor for this property and has marketed this property for over a year, without luck, as he has been repeatedly told by multi-family developers that the property is too small for economic multi-family development as there is not enough space to add enough units to justify the costs of development.

There were no Opponents or Neutral parties who wished to address the Council and the hearing was closed at 7:48pm.

Mr. Spencer outlined the findings of fact. Councilor Smith moved and Councilor Kirwan seconded to approve the finds of fact as written. Motion carried unanimously.

Ordinance No. 2271- Amending the comprehensive plan map and zoning map designations for 71 acres of land at the northwest corner of NE 10th Street and E Theater Lane City Planner Clint Spencer gave information regarding Ordinance 2271 as presented during the public hearing.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Gary Luisi read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Gary Luisi read the ordinance by title only for the second reading, Councilor Gutierrez moved and Councilor Kirwan seconded that ordinance 2271 be adopted and become effective 30-days after co-adoption by the Umatilla County Board of Commissioners. 7 votes for; none against. Motion carried unanimously.

Ordinance No. 2272- Annexing 71 acres of land at the northwest corner of NE 10th Street and E Theater Lane City Planner Clint Spencer gave information regarding Ordinance 2272 as presented during the public hearing.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Gary Luisi read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Gary Luisi read the ordinance by title only for the second reading, Councilor Davis moved and Councilor Gutierrez seconded that ordinance 2272 be adopted and become effective 30-days after co-adoption of City of Hermiston Ordinance No. 2271 by the Umatilla County Board of Commissioners. 7 votes for; none against. Motion carried unanimously.

Ordinance No. 2273- Amending the comprehensive plan map and zoning map designation for 2 acres of land at the southeast corner of Highway 395 S and E Evelyn Ave City Planner Clint Spencer gave information regarding Ordinance 2273 as presented during the public hearing.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Gary Luisi read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final

HERMISTON CITY COUNCIL

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adoption at this meeting and that the second reading be by title only. After City Attorney Gary Luisi read the ordinance by title only for the second reading, Councilor Davis moved and Councilor Smith seconded that ordinance 2273 be adopted and become effective 30-days after adoption by the City Council. 7 votes for; none against. Motion carried unanimously.

At 7:59pm City Manager Smith and Councilor Myers, Hardin and Barron ended the call, therefore exiting the meeting.

NE Water Tank Contract Award

Assistant City Manager Mark Morgan presented the Council with a Power Point Presentation (attached) stating the City, in partnering with Umatilla County, who contributed almost half of the project costs for the North Hermiston Reservoir and Water System Improvements project that will consist of:

- A new 1 million gallon water storage tank
- Budgeted at \$4.5 million
- Approximately 2 miles of new water main
- Make major modifications to Booster Pump Stations

What lead to this project was the loss of a major economic prospect in Hermiston, in 2015. The City was one of two finalists for an Autozone Warehouse and Distribution Center, which would employ approximately 200 people. Autozone ended up electing to build in Pasco Washington due to the fact Hermiston lacked the workforce necessary to fill these positions. In order to supply more labor to the region, the City has been working on ways to add and stimulate housing. Although there has been a steady stream of housing development, there was a consensus that housing demands were not being met fast enough to fill the additional labor needs. Unfortunately, this is an issue throughout the entire state with the top reasons for underdevelopment being: lack of available land, high cost of land, land not development ready, etc.

In order to facilitate housing construction and continue with the Capital Improvement Plan, the City began working on a new water tank in the NE area of the City. The new 124' tall tank will be located on city-controlled land at the corner of NE 10th Street and E Punkin Center Road. This project will:

- Increase the amount of stored water in the City, which it has outgrown, and important during a power outage
- Provide long-term solutions for water pressure on the north side of the City
- Help aid in the creation of over 1,000 new housing units in the north side of the City
- Reduce future costs to the Hermiston School District, thus saving property tax payers money

In order to move forward with the Water System Improvements, the City is recommending the Council award Premier Excavating the contract as they were the lowest of 11 bidders for this project.

Councilor Davis moved and Councilor Kirwan seconded to accept the bid from Premier Excavation for the North Hermiston Reservoir and Water System Improvements project and direct the City Manager to award the contract contingent upon receipt of any protests. Motion carried unanimously.

Committee Report

Parks and Recreation Committee: Councilor Davis stated the Committee will meet this week.

Hispanic Advisory Committee: Councilor Gutierrez stated the Committee will meet next week.

EOTEC Advisory Committee: Councilor Kirwan stated the Committee met last week and discussed future site development to include the RV Park, as well as received EOTEC updates regarding: scheduled events, facility pricing, budgeting, and annual review of Venue Works. The next meeting will be April 4th.

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Public Infrastructure Committee: Councilor Kirwan stated the Committee met prior to the City Council meeting and discussed active construction projects updates, upcoming projects updates, the NE Water Tank project, CIP, etc.

Mayor's Report

Mayor Drotzmann stated he has attended fundraising events every weekend for the last five weeks and is always encouraged to see what a great giving community we are, as events are always supported by a tremendous amount of people who raise significant funds. EOTEC has been a great resource as this venue is larger and allows these fundraising events to expand and become more successful.

Upcoming events to note:

- Walden Town Hall Meeting on Friday, March 15th from 4:00pm-6:00pm at EOTEC
- Ways and Means Committee Meeting on Friday, March 15th at 5:30pm in Pendleton
- Greater Eastern Oregon Development Corporation community update on Friday, March 15th

Adjournment

There was no other business and Mayor Drotzmann adjourned the regular meeting at 8:22pm.



SIGNED: Rodney Hardin
Rodney Hardin, Council President

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder

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.

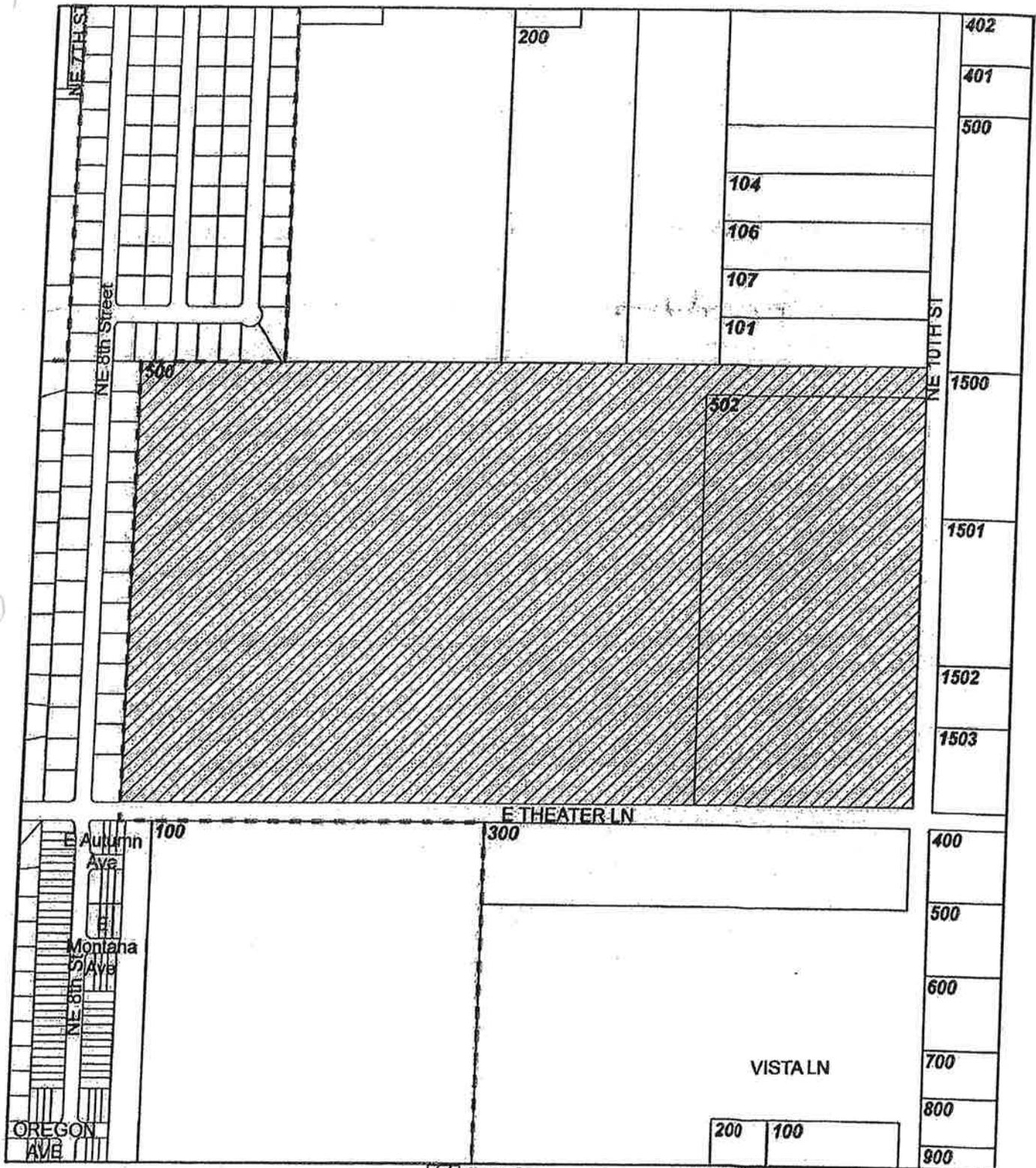
Draft Findings on Annexation

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.



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



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;

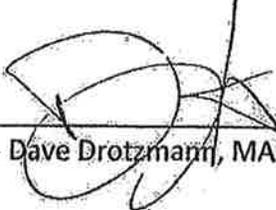
All land in described in this section shall be designated Medium Density Residential (M).

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.





Dr. Dave Drotzmann, MAYOR

ATTEST:



Lilly Alarcon-Strong, CMC, CITY RECORDER

Application Fee (non-refundable):
The acceptance of the fee does not mean the application is determined to be complete at this time.

\$

Assigned Application #:

P-124-19

Umatilla County Department of Land Use Planning Land Use Request Application

This application must be submitted to the Umatilla County Department of Land Use Planning, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval or a Determination of Completeness. PLEASE COMPLETE THIS APPLICATION PRINTING CLEARLY WITH A BLACK INK PEN

Section 1: Type of Application(s) to Submit

Complete the applicable Supplemental Application that corresponds with the application you are submitting.

RECEIVED

MAY 28 2019

UMATILLA COUNTY
PLANNING DEPARTMENT

- Amendment: Comprehensive Plan Text/Map, Zoning Text/Map
- Conditional Use (briefly describe) _____
- Land Division Type I, Type II, Type III, Type IV
- Land Use Decision Farm Dwelling, Non-Farm Dwelling, Lot of Record Dwelling
(OTHER LUD, briefly describe) _____
- Pre-Application Dwellings on resource land (specify) _____
- Variance Lot Size, Setbacks, Other (specify) _____

Section 2: Contact Information

Name of Applicant: Applicant #1: Hermiston School District ("HSD")
 305 Sw 11th, Hermiston, OR 97838
 Contact: George Anderson, Attorney for HSD
 475 E. Main St., Hermiston, OR 97838
Address: Telephone: 541-567-7800
 Email: george@andersonhansell.com

City, State, Zip: _____
Telephone Number & Email: Applicant #2: Hermiston Irrigation District ("HID")
 366 E. Hurlburt, Hermiston, OR 97838
Address: Contact: Cameron Bendixsen, Attorney for HID
 245 E. Main St., Suite E
 Tel: 541-567-5564; email: cameron@bendixsen.com
 The APPLICANT is the ... Legal Owner, Contract Purchaser, Agent, Realtor

Name of Current Property Owner(s): _____
 If Property Owner is not the applicant. Same
Address: _____
City, State, Zip: _____
Telephone Number: _____

OR 2019

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):

Property is located on the North side of E. Theater Lane between NE 10th on the East, and a new housing development on the West. All bare ground which slopes up to the North.

2. Account Number(s) of Property:

Account # 159153 Map # 4N2802A000502 (HSD)

Account # 135670 Map # 4N2802A000500 (HID)

3. Map Number(s) of Property:

(HSD) Township 4N Range 28 Section 2 Tax Lot 502

(HID) Township 4N Range 28 Section 2 Tax Lot 500

Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it?

Yes

No

5. Current size of the Property:

Note: A "TRACT OF LAND" is contiguous (HSD) Acres 19.09

property within the same ownership. A Tract is viewed differently at times in terms of land use (HID) Acres 51.93

6. Current Zoning Designation:

There are some 22 zoning designations in Umatilla County.

EFU

GF

Other Zone FU10

7. Comprehensive Plan Designation:

A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.

Agri-business

Commercial

Grazing/Forest

Industrial

Multi-Use

Urbanizable

North/South Agriculture

Orchard District

Rural Residential

Special Agriculture

West County Irrigation District

8. Buildings on the Property:

None.

9. Current Use of the Property. If the use is farming, explain the types of crops grown.

None

10. Surrounding Uses of the Property. If the use is farming, explain the type of crops grown.

West: New single family residences.

East: Residences with small acreages.

North: Residences with small acreages

South: Vacant land.

11. Does the Property reside in a Floodplain?
If so, a Floodplain Development Permit will need to be completed prior to construction.

- No, the Property is not in a floodplain.
 Yes, the Property is in a floodplain:

Zone _____

Community Number _____

Panel Number _____

12. If the Property is in a Floodplain then is it also located in a wetland as listed on the National Wetlands Inventory maps?

- Yes, provide documentation.
 No, the Property is not in a wetlands

13. How is ACCESS provided to the Property? (i.e. provide name of road that directly serves the Property.) What type of surface does the roadway have?

Name of Road or Lane

NE 10th: 2 Lane paved
E. Theater Lane: ~~Gravel~~ to be paved by city this year.
 Paved, Gravel, Dirt

14. Will the Property need an Access Permit onto a County Road or State Highway? If so contact the County Public Works Department, 541-278-5424, or ODOT, 541-276-1241.

- Yes, if so please contact the proper authority and provide that documentation
 No, one already exists (provide a copy)

NA. Not county roads or state highway
With annexation E. Theater Lane and NE 10th become city streets

15. EASEMENTS: Are there any easements on the Property that provide the MAIN ACCESS for the Property OR adjacent properties? Are there any other easements on the property? Attach easement documentation.

Attach easement documentation:

- Access easements exist
 Utility line easements exist
 Irrigation easements exist
 Other easements exist: _____
 No, other easements exist.

16. Which Rural Fire District/Department covers your Property with fire protection?

Fire Services:

- East Umatilla
 Echo Rural
 Helix Rural
 Hermiston Rural
 Pendleton FD
 Pilot Rock FD
 Stanfield Rural
 Umatilla Rural

Private Companies:

- Meacham
 Milton-Freewater
(subscriber)
 Tribal
 Not in a RFD
 Other, _____

17. Is the Property within an Irrigation District? If the property is served by an Irrigation District, a confirmation letter from that office discussing any concerns of the proposed development must be submitted with this application.

Irrigation District:

- Hermiston
 Stanfield
 West Extension
 Westland

Hudson Bay or Walla Walla River Irrigation

Not in an ID

Other, _____

HID is applicant. Letter from HID attached.

18. Describe the soils on the Property by listing the map name and land capability. Visit <http://websoilsurvey.nrcs.usda.gov> or contact NRCS at (541) 278-8049.

Map Unit	Description	Class
122B	Quincy Fine Loam Sand	
75E	Winchester sand	

19. What type of water use(s) exist on the Property? If there are none currently, will there be water uses developed in the future?

- No current water uses exist
 Water Uses to be developed:
 New Elementary school; residential units _____
 Yes, there are water uses
 Domestic Well
 Irrigation Well
 Stock Well
 Other: _____

20. Are there Water Rights on the Property? If there are Water Rights, the water permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.

- No current water rights exist
 Will apply for Water Rights
 Yes, there are water rights, please provide documentation (permit #, etc.)
 Surface Water Right, # _____
 Ground Water Right, # _____

21. What are the water needs of the proposed development? Provide an explanation that shows how the determination was obtained that shows daily usage of water for the development.

City water will provide water to new school and residential units.

Expected Water Usage:

- Exempt Domestic Well (<15,000 gal daily)
 Exempt Commercial Well (<5,000 gal daily)
 Water Right required, estimated number of gallons to be used daily: _____ gallons
 No water is necessary for the development

22. What is the source of your water supply for the proposed development? Please explain your response on a separate sheet of paper.

City water will provide water to new school and residential units.

Water Source:

- Surface Water, explanation attached
 Alluvial Groundwater, explanation attached
 Basalt Groundwater, explanation attached
 No water is necessary for the development

23. Who is the provider of the utilities for the Property?

Water well, or city water _____

Sewer septic, or city sewer _____

Telephone Various providers

Electrical Hermiston Energy Services

Garbage Disposal Sanitary Disposal, Inc.

24. Provide a description of your proposal (*attach a description if necessary*):

The City of Hermiston on March 11, 2019, annexed the subject properties into the City of Hermiston, and changed its comprehensive plan map to convert the properties from Urbanizable to Urban status with a zoning of R-3 multi family residential.

Section 4: Required Application Materials

25. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of any maps required to be submitted by a Licensed Surveyor. This site plan will show what is or will be on the property. Additional material may be requested.

<input checked="" type="checkbox"/> Materials to be submitted for ALL types of Applications:							
<input checked="" type="checkbox"/>	a) Completed Application form.						
<input checked="" type="checkbox"/>	b) Applicable Application fees.						
	c) Site Plan Marked Exhibit B (see next page) to include:						
<input checked="" type="checkbox"/>	• Scale of drawing						
<input checked="" type="checkbox"/>	• Site area showing <u>property boundaries</u> and dimensions						
<input checked="" type="checkbox"/>	• Proposed and existing <u>structures</u> with dimensions to nearest Property lines						
<input checked="" type="checkbox"/>	• Location of existing <u>wells</u>						
<input checked="" type="checkbox"/>	• Location of existing <u>septic systems</u> (i.e. tanks, drain fields)						
<input checked="" type="checkbox"/>	• Widths and names of <u>roads</u> adjacent to the site as well as existing roads, which provide direct access to the property.						
<input checked="" type="checkbox"/>	• Existing <u>access points</u> (driveways, lanes, etc.)						
<input checked="" type="checkbox"/>	• <u>Easements</u> and rights-of-ways						
<input checked="" type="checkbox"/>	• Existing <u>utility lines</u> (above and below ground)						
<input checked="" type="checkbox"/>	• Approximate location of any unusual <u>topographical</u> features.						
<input checked="" type="checkbox"/>	• Major <u>geographic</u> features						
<input checked="" type="checkbox"/>	• Location of all creeks, streams, ponds, springs and other drainage ways						
<input checked="" type="checkbox"/>	d) <u>VICINITY MAP</u> – Assessor’s map of the Property.						
<input checked="" type="checkbox"/>	e) <u>Property ASSESSOR’S REPORT</u> showing property details.						
<input checked="" type="checkbox"/>	f) <u>The DEED(S)</u> of the Property in question.						
<input checked="" type="checkbox"/>	g) <u>Property TAX LOT CARD(S)</u> and description of property.						
	Not Provided						
<input type="checkbox"/>	h) OVERLAY MAP showing potential re-division of the parcels (if the parcels are large enough to be re-divided). Within the Hermiston Urban Growth Boundary, a formal “Shadow Plat” may be required.						
	Not Applicable						
<input type="checkbox"/>	i) SUPPLEMENTAL APPLICATION for the land use request will also be required to be submitted with this basic application form. Submit a Supplemental Application if applying for any of the following:						
	<table border="0"> <tr> <td>- Amendment to Comprehensive Plan/Map or Zoning Text/Map</td> <td>- Land Division</td> </tr> <tr> <td>- Conditional Use</td> <td>- Land Use Decision</td> </tr> <tr> <td></td> <td>- Variance</td> </tr> </table>	- Amendment to Comprehensive Plan/Map or Zoning Text/Map	- Land Division	- Conditional Use	- Land Use Decision		- Variance
- Amendment to Comprehensive Plan/Map or Zoning Text/Map	- Land Division						
- Conditional Use	- Land Use Decision						
	- Variance						



Section 5: Certification

Original signatures only, photocopies, faxes, etc. will not be accepted.

APPLICANT: I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

Hermiston School District by Tricia Mooney, Superintendent

X Tricia Mooney X 5/22/19
5-20-19

X Michael Bergstrom

Signature of Applicant

Date

Hermiston Irrigation District by Michael Bergstrom, Chairman

Date: X

X Michael Bergstrom

Printed Name of Applicant

PROPERTY OWNER(S): ALL property owners to this land use request are to sign, date and print their names verifying that the applicant is authorized to submit the specified land use request. If there are multiple parcels that are part of this land use request, please indicate which parcel you own. This page can be copied if there are more property owners than this space allows. Attach additional page if necessary.

Legal Owner(s) Hermiston School District

Mailing Address 305 Sw 11th, City, State, Zip Hermiston, Or 97838

Parcel Map # 4N R28 Sec 2 tax lot 502

XX Tricia Mooney
Signature of Legal Owner
By Tricia Mooney, Superintendent

X
Signature of Legal Owner
X 5/22/19
Date

Date

* * * * *

Legal Owner(s) Hermiston Irrigation District

Mailing Address 366 E. Hurlburt City, State, Zip Hermiston, OR 97838

Parcel Map # 4N R28 Sec. 2, tax lot 500

X Michael Bergstrom
Signature of Legal Owner
Michael Bergstrom, Chairman

X
Signature of Legal Owner

X
Date X 5-20-19

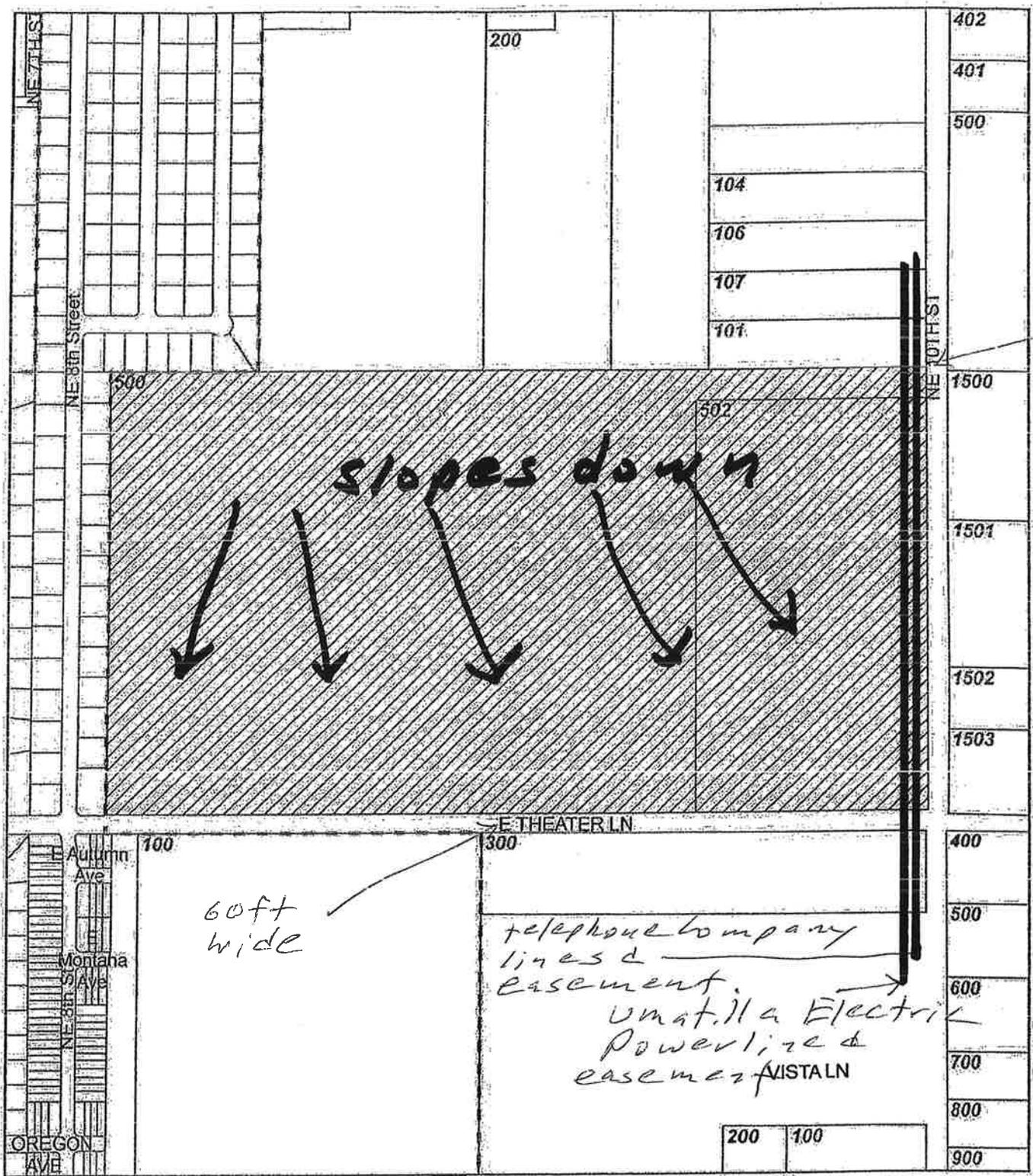
Date

ADDITIONAL PERSON(S) TO SEND NOTICE

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, Prospective Buyer, Attorney, etc.) Provide name and mailing address:

Name: George Anderson, Attorney for HSD
Cameron Bendixsen, attorney for HID

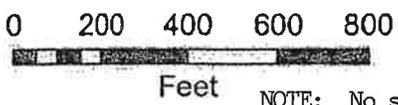
Address: 475 E. Main, Hermiston, OR 97838
245 E. Main St., Suite E, Hermiston, OR 97838



60 feet wide.

60ft wide

telephone company lines & easement.
 Umatilla Electric Powerline & easement



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



NOTE: No structures, wells, septic systems, access roads, easements or rights of way and no water.

APPLICATION OF:

- (1) Hermiston School District
- (2) Hermiston Irrigation District

P-124-19

Amendments to Map and/or Text

1. Which document is being proposed to be added to, deleted from, or otherwise modified?

This application is made to ask Umatilla County to co-adopt City of Hermiston Ordinance 2271 which amended the City of Hermiston's comprehensive plan map from urbanizable to urban

- Comprehensive Plan Map Amendment
- Comprehensive Plan Text Amendment (includes amendment to the Mineral and Aggregate Significant Site Inventory)
- Development Code Text Amendment
- Zoning Map Amendment

2. If amendments to the Comprehensive Plan Map are being proposed, what is the current designation and what is being proposed?

Current Designation: Urbanizable

Proposed Designation: Urban

3. If amendments to the Zoning Map are being proposed, what is the current zoning and what is being proposed?

Current Zoning: _____

Proposed Zoning: _____

4. If modifying the Development Code text please provide a copy fo the proposed language as an attachment.

- Yes, the proposed development code text is attached.
- No, the new development code text has not yet been drafted.

5. What is the current use of the property?

Bare Land.

6. Will a Goal Exception be necessary in order to accomplish the desired land use?

- Yes, an Exception is part of this application (see OAR 660, Division 4)
- No, an Exception is not necessary.

7. Describe the desired land use(s):

R-3 Medium Density Residential (Within Hermiston City Limits)

Hermiston School District plans to eventually build a new elementary school on the east 19 acres.

Hermiston Irrigation District plans to eventually sell the property so housing can be built on it.

8. Explain how the Amendment will comply with the Comprehensive Plan text and map.

See Exhibit A.

9. Transportation - Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TPR) - OAR 660, Division 12, the County TSP and UCDC §152.019, Traffic Impact Analysis (TIA).

See Exhibit A.

EXHIBIT A

- 8. Explain how the Amendment will comply with the Comprehensive Plan text and map.**
- a. The property is Urbanizable in the county comprehensive plan. It is being changed to Urban.
 - b. The property is within the City of Hermiston Urban Growth Boundary.
 - c. The subject property is adjacent to the Hermiston City Limits on the West and South.
 - d. Adjacent property to the West and Northwest is zoned R4 and is Medium Density Residential.
 - e. Adjacent property to the Southwest is zoned R3 and is Medium Density Residential.
 - f. The change will promote orderly and compact urban growth as the subject property is adjacent to the city limits on the West and the Southwest which is similarly zoned and Medium Density Residential in the comprehensive plan.
 - g. Hermiston has a pressing need for more housing, both single family housing and multifamily units.
 - h. 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 R3 zone.

9. Transportation. Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TRP) – OAR 660, Division 12, The County TSP and UCDC Sect 152.019, Traffic Impact Analysis (TIA).

- a. 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.
- b. Both E. Theater Lane and NE 10th become city streets with the city's annexation.
- c. 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.
- d. HSD plans to build its fifth elementary school on the East 19 acres when bonding is approved. This side 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.
- e. HSD and HID entered into an "Agreement for Exchange of Properties" 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.
- f. 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.
- g. 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.

h. 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 R3 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.

i. 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.

j. The City of Hermiston is paving E. Theater Lane this summer and has already started earth work on its sides to widen that road.

k. 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.

l. Before HSD can build a new elementary school on its 19 acres, it will have to get a conditional use permit from the City of Hermiston. Before considering that conditional use, HSD will have to obtain a Traffic Impact Analysis that the City requires.

(End)

\\g\fsd\annexation\County application\Exhibit A.

DRAFT MINUTES

**LAND USE DECISION
#LUD-247-19**

**THOMAS FINE,
APPLICANT & OWNER**

PLANNING COMMISSION HEARING

APRIL 25, 2019

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, April 25, 2019, 6:30 pm
Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

** ** ** **

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Gary Rhinhart, Jon Salter, Molly Tucker Hasenbank, Tami Green, Tammie Williams

ABSENT: Don Wysocki, Vice Chair, Hoot Royer, Cecil Thorne

STAFF: Bob Waldher, Planning Director; Elizabeth Ridley, Planner/GIS; Tierney Dutcher, Administrative Assistant

** ** ** **

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:30 p.m. and read the Opening Statement.

NEW HEARING

LAND USE DECISION #LUD-247-19: THOMAS FINE, APPLICANT & OWNER

The applicant requests approval to construct a Primary Farm Dwelling on Non-High Value Farmland on 160+ acres of Exclusive Farm Use (EFU) Zoned land. The property is located approximately 8 miles south of Pendleton, north of Shaw Road and Holmes Road intersection, east of McKay Reservoir. The property is identified as Tax Lot 1101, on Assessor's Map 1N 32A. The Land Use Decision standards applicable to the applicants request are found in Umatilla County Development Code (UCDC) 152.059(K)(2).

STAFF REPORT

Elizabeth Ridley, Planner/GIS, stated that the applicant, Tom Fine, requested approval of a Primary Farm Dwelling as allowed in the EFU Zone, pursuant to UCDC 152.059(K)(2). Primary Farm Dwellings may be approved on non-high value farmland where the local government, based on facts and record if the following standards are met; the parcel of land is at least 160 acres, the subject tract of land is currently employed for farm use, there are no other dwellings on the subject tract of land, and the dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. Ms. Ridley stated that property is located approximately 8 miles south of Pendleton, north of the intersection of Shaw Road and Holmes Road, east of McKay Reservoir. The surrounding tax lots are also zoned EFU.

Ms. Ridley stated that the applicant originally stated that he would be the person principally engaged in farming the land and partitioned 160 acres from his family farm with the intent to obtain approval of a dwelling. She stated that she requested additional information from Mr. Fine regarding the number and

type of crops as well as who would be working the farm and making the day-to-day decisions. Mr. Fine's responses indicated that the land would continue to be farmed under a lease with Jeff Shaw and Mr. Shaw would be performing the day-to-day functions associated with a traditional agricultural lease. The applicant explained that he will be involved in activities associated with perimeter weed control, fencing maintenance, consulting and assisting in decisions on chemical application and negotiation and market sale of crops. Mr. Fine stated that he may consider self-farming in the future when Mr. Shaw retires. However, at this time he holds a full-time General Management position with a local company.

Ms. Ridley stated that County Planning Staff questioned whether the applicant meets the requirements for who would be principally engaged in the farm use of the land. Therefore, the applicant's request has been directed for decision by the County Planning Commission. The decision made by the Planning Commission will be final, unless timely appealed by the Umatilla County Board of Commissioners.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none.

TESTIMONY

Applicant Testimony: Tom Fine, 612 SW 9th Street, Pendleton, Oregon. Mr. Fine stated that he appreciates the opportunity to appear before the Planning Commission and bring supporting testimony to his request. He stated that his request is to build on a piece of farmland that has been owned by his family for several generations. He was born and raised on a wheat ranch in Helix, Oregon and has farmed his grandfather's farms both as a youth and as an adult, developing deep ties to farming. Mr. Fine expressed his hope that the Planning Commission will rule in his favor and allow him to build a home on this 166 acre parcel. He added that he is recognized as an Agricultural Producer by the United States Department of Agriculture (USDA). Mr. Fine provided an official letter and Producer Farm Data Report from Justin Faulhaber at the USDA dated April 8, 2019. The letter states that Mr. Fine is a Producer and considered "actively engaged in farming" at this time. Commissioner Danforth stated that the letter from the USDA and Producer Farm Data Report will be added to the record as Exhibit A.

Commissioner Rhinhart asked more about the planned location of the home on the parcel. Mr. Fine stated that the dwelling will be constructed toward the northern end, bordering the Bureau of Land Management (BLM) property. He feels it is the best location because it offers easy access to the dwelling from the road and provides privacy both to him and the existing dwellings in the area.

Commissioner Hasenbank asked about the length of time the current lease with Jeff Shaw is effective. Mr. Fine stated that they only have a verbal agreement at this time. The verbal agreement includes an 8 year lease before Mr. Shaw plans to retire from farming. Commissioner Hasenbank asked if the agreement is a crop share and Mr. Fine confirmed that it is a 60/40 split with his responsibility being 40%. Commissioner Hasenbank asked to confirm that Mr. Mike Evans runs his cows or horses on the

property, as well. Mr. Fine stated that is correct. She asked more about the agreement between him and Mr. Evans for those activities. Mr. Fine stated that they have no formal or written agreement.

Mr. Salter asked if Planning Staff discussed other methods to site a home on the parcel. Mr. Fine stated that he learned the property was replatted and broken off into 166 acres. He understood that, as a result of the prior replat, a request for a Farm Dwelling was his only route to achieve a home on the property.

Commissioner Green asked if this request is approved, if Mr. Fine plans to live in the home. Mr. Fine confirmed that he does plan to live in the home. Chair Danforth asked for clarification that another person is working the farmland, but Mr. Fine is overseeing the management of the property. Mr. Fine confirmed this is correct.

Proponent Testimony: Betty Jean Holmes (accompanied by Tom Fine), 44728 Holmes Road, Pendleton, Oregon. Mrs. Holmes stated that she is here to show support for her Grandson's request for a dwelling. She stated that her husband passed away 2 years ago and subsequently, Tom purchased a portion of the ranch in order to keep the land in the family. She was thrilled to learn that he wanted to build a home on the site and she was under the impression that it would be possible. She hopes that the Planning Commission will consider the request and allow for the home to be built. Mrs. Holmes stated that she has wanted a home built on this piece of land for 50 years.

Proponent Testimony: Juan Jose Erice, 44728 Holmes Road, Pendleton, Oregon. Mr. Erice stated that a decision for Mr. Fine to build a home at this site would allow for him to keep it in the family. He feels it is a good fit for everybody.

Public Agencies: No additional comments.

Applicant Rebuttal: Tom Fine, 612 SW 9th Street, Pendleton, Oregon. Mr. Fine stated that having a Farm Dwelling on this farmland for which he is considered a Producer, allows for him to continue his family tradition of farming the land for years to come.

Chair Danforth called for any requests for this hearing to be continued or for the record to remain open. There were none. Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Williams stated that she believes that Mr. Fine has demonstrated that he is actively participating in the farm and marketing. As a result, she feels he should be allowed to construct a Farm Dwelling.

Commissioner Hasenbank stated that she was moved by the testimony of Mr. Fine and Mrs. Holmes. However, as a lawyer, she looks at the definition of a principal; it implies that they are more hands-on in the farming process, not just overseeing the work as a manager. She believes that a person who

maintains a full-time job during the day and leases out the land to be farmed by another individual does not qualify as a principal under the definition of the law.

Chair Danforth stated that she agrees with Commissioner Williams comment regarding the management of the land. She feels that Mr. Fine is the land owner and has proven that he is principally engaged in the farming process; therefore he qualifies for a Farm Dwelling.

Commissioner Rhinhart stated that he is swayed toward granting the Farm Dwelling based on the fact that the farmland has been in Mr. Fine's family for a very long time.

Commissioner Hasenbank acknowledged that the fact that the land has been in the family for many generations makes it a challenging decision. She feels that allowing a Farm Dwelling ultimately achieves the purpose of the law. However, she believes he does not qualify as a principal under the definition, so the decision is difficult.

Commissioner Green made a motion to approve Land Use Decision #LUD-247-19 for a Primary Farm Dwelling on EFU Zoned land, with a determination that the subject tract is currently employed for farm use, as defined in UCDC 152.003 and Oregon Revised Statute (ORS) 215.203. Additionally, Planning finds that the dwelling will be occupied by a person or persons who will be principally engaged in farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. Commissioner Williams seconded the motion. Motion passed with a vote of 4:2.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the March 28, 2019 meeting. There were none. Commissioner Green moved to approve the minutes as written. Commissioner Salter seconded the motion. Motion carried by consensus.

The next Planning Commission Hearing is scheduled for Thursday, July 25, 2019, 6:30pm at the Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, Oregon.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Tierney Dutcher,
Administrative Assistant