



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/02/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hermiston Plan Amendment
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, July 18, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Clint Spencer, City of Hermiston
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person	☐ electronic	☐ mailed
DATE STAMP		
DEPT OF		
JUN 29 2012		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **City of Hermiston**

Local file number: **McAndrew**

Date of Adoption: **6/25/2012**

Date Mailed: **6/27/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 5/3/2012

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The adopted amendments changed the comp plan and zoning map designations of the property in order to expand the existing E. Main Street commercial district and market the property for commercial uses.

Does the Adoption differ from proposal? No.

Plan Map Changed from: **Low Density Residential** to: **Commercial**

Zone Map Changed from: **Duplex Residential (R-2)** to: **Central Commercial (C-1)**

Location: **708 E. Main Street**

Acres Involved: **.35**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 003-12 (19316) [17097]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Hermiston Irrigation District and Umatilla County

Local Contact: **Clint Spencer**

Phone: (541) 567-5521 Extension: 5011

Address: 180 NE 2nd Street

Fax Number: 541-567-5530

City: **Hermiston**

Zip: 97838

E-mail Address: cspencer@hermiston.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Angela Houck at 503-373-0050 extension 238, or by emailing angela.houck@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to angela.houck@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



Planning Department

180 NE 2nd Street
Hermiston, OR 97838
Phone: (541)567-5521
Fax: (541)567-5530
planning@hermiston.or.us

To: Mayor and City Council
From: Clinton Spencer, City Planner
Subject: Comprehensive Plan Map Amendment – McAndrew
Date: June 14, 2012

The city has received an application to amend the comprehensive plan and zoning map for a residential lot located at 708 E Main Street. The property is owned by Rick and Jean McAndrew and contains an existing residential dwelling. The applicants propose to amend the plan and zoning designations of the property in order to expand the existing E Main St commercial district and market the property for commercial uses. The existing property is zoned Duplex Residential (R-2) and has a Low Density Residential comprehensive plan map designation. The lot proposed for amendment and redevelopment encompass approximately 15,000 square feet and is described as 4N 28 11DB Tax Lot 4800.

The proposal will remove the R-2 lot from the city's residential land inventory and add it to the commercial inventory. According to the 2011 residential land inventory, the removal of 0.25 acres will not substantially impact the city's residential land supply.

The land proposed for amendment has a long history on the city zoning maps. Staff conducted research on the property at the request of a local realtor. The original zoning on the property was single-family residential. The entire block from NE 7th Street to NE 8th Street was changed to commercial in the 1950s. It was then changed back to residential in the 1970s. The lots fronting on NE 7th Street directly to the west were amended back to commercial again in the 1980s.

The lands to the east, north and south are all developed with residential land uses. Although the property is zoned for duplexes, there are several multi-family buildings on the same block. The land to the west of the amendment area is designated commercially on the comprehensive plan and zoning maps and is developed with commercial buildings and a two-family dwelling.

Amendments to the comprehensive plan map must demonstrate compliance with the statewide transportation planning rule. Staff discussed the amendment with representatives from DLCD and they indicated that a full traffic impact analysis would not be required for such small amendment, especially when it does not access a state highway. The total traffic generation from either a residential or commercial development on a quarter acre parcel would have a negligible impact on the overall transportation system.

When considering a request to amend the comprehensive plan or zoning maps, an applicant must demonstrate compliance with the city's amendment criteria. The criteria are as follows:

1. The requested change is in conformance with the comprehensive plan and the goals and policies of the plan.
2. There is public need for the comprehensive plan amendment/zone change and whether that need is best served by changing the zoning classification on the property under consideration.
3. The public need is best served by changing the classification for the site in question as compared with other available property.
4. The potential impact upon the area from the change has been considered.

DRAFT FINDINGS

The requested change is in conformance with the comprehensive plan and the goals and policies of the plan.

1. The City of Hermiston's comprehensive plan allows owners within the urban growth boundary to exercise their rights of development in a manner consistent with statewide goals and applicable comprehensive plan policies, as well as to provide efficient and orderly provision of public services and facilities.
2. The planning commission and city council will hold public hearings regarding the proposed change in accordance with Policy 1 of the comprehensive plan.
3. The subject property is located within the urban portion of the urban growth boundary (Policy 4 & 5)
4. City services are available to the property within the existing E Main Street right-of-way (Policy 5).
5. The location of this property encourages small neighborhood type development near existing residential areas and future developed residential areas. It is also located adjacent to existing commercial development (Policy 19).
6. The proposed zone change is consistent with development west and south of the subject property and consistent with the designated Transportation System Plan's designation as a major collector (Policy 21 & 30).
7. Adequate water, sewer and other facilities are available to the subject property (Policy 22).

The public need for the comprehensive plan amendment and whether the public need is best served by changing the zoning classification on the property under consideration.

8. The property adjacent to the site to the west and south is developed commercially. Amending the map designations of this property will make the property consistent with the pattern of existing development around the property.

The public need is best served by changing the classification for the site in question as compared with other available property.

9. Commercial development already exists adjacent to the subject property. Low density residential development is not the highest and best use of this medium traffic area.
10. Commercial development on the property will provide convenient access for both pedestrian (using the designated bike and pedestrian path along the frontage of the property) and vehicular traffic.
11. Commercial development on the property will enable the provision of services not presently available to residents in the neighborhood.

Explain how the potential impact upon the area from the change has been considered.

12. The subject property will provide a positive traffic flow and easy pedestrian access.
13. The property can be developed in a manner that will promote an integrated transportation system as it is large enough and configured such that there can be adequate access to and within the site, as well as logical connections to the surrounding network of streets.
14. In accordance with OAR 660-012-0060, compliance with the transportation planning rule must be evaluated. E Main Street is presently a major collector and capable of accommodating a significant traffic volume. The difference in trip generation between a two or multi-family dwelling allowed in the current R-2 zone and trip generation by a quarter acre commercial development is negligible and will not significantly impact the transportation system.

Consistency with statewide planning goals

1. Goal 1: Citizen Involvement: The city has an acknowledged citizen involvement plan. The city has followed the applicable procedures in the plan in considering the application by holding a public hearing before the planning commission and city council on June 13, and June 25, 2012.
2. Goal 2: Land Use Planning: The city's comprehensive plan and land use regulations are acknowledged by LCDC. The proposed amendment has been processed according to the acknowledged procedures and the city has adopted findings supporting the factual base for the application as required.
3. Goal 3: Agricultural Lands: The site is within the Hermiston UGB and is urban. Goal 3 is not applicable.
4. Goal 4: Forest Lands: The amendment does not affect any existing forest lands. Goal is not applicable.

5. Goal 5: Natural Resources: The subject property is not within any identified natural resource, scenic, historic or other Goal 5 resource land. Therefore, Goal 5 is not applicable.
6. Goal 6: Air, Water and Land Resource Quality: The development will be required to comply with all state, federal and local regulations for air and water quality. Redevelopment will allow improved compliance with water quality standards with on-site treatment of storm water in bioswales.
7. Goal 7: Areas Subject to Natural Hazards: The site is not within any mapped natural disaster or natural hazard area. Goal 7 is not applicable.
8. Goal 8: Recreational Needs: The amendment and redevelopment will enhance the travel safety of residents and visitors allowing greater access to recreational needs.
9. Goal 9: Economic Development: The proposed amendment will allow the expansion of commercial lands within the city thereby promoting additional economic development and job creation.
10. Goal 10: Housing: The removal of 0.26 acres from the housing inventory will not materially diminish housing opportunities within the city.
11. Goal 11: Public Facilities and Services: The site is already serviced by public facilities to the north. All services are adequate for the proposal.
12. Goal 12: Transportation Planning: The difference in trip generation between the highest use of the property under R-2 zoning (a five-plex) and a commercial development is negligible. There will be no negative impact on the city's transportation system which is consistent with Goal 12.
13. Goal 13: Energy Conservation: It is more energy efficient to expand the city's commercial core rather than construct additional commercial buildings at the commercial periphery which is further from the downtown core.
14. Goal 14: Urbanization: The site is already within the UGB and city limits and is existing urban property.
15. Goal 15: Willamette River Greenway: This goal is not applicable to the request.
16. Goal 16: Estuarine Resources: This goal is not applicable to the request.
17. Goal 17: Coastal Shorelands: This goal is not applicable to the request.
18. Goal 18: Beaches and Dunes: This goal is not applicable to the request.
19. Goal 19: Ocean Resources: This goal is not applicable to the request.

Planning Commission Action

On June 13, 2012, the planning commission held a public hearing on the proposed amendments. Following the conclusion of the public hearing the planning commission made a recommendation that the city council adopt the amendments.

Staff Recommendation

Staff recommends that the city council adopt the proposed map amendments subject to the following condition:

1. At such time that the occupancy changes from residential to commercial, the E Main Street frontage shall be improved with curb, gutter and sidewalks in accordance with city standards.

CITY OF HERMISTON

APPLICATION TO AMEND COMPREHENSIVE PLAN MAP

Pursuant to the provisions of ' 157.226 of the Hermiston Code of Ordinances, application is hereby made to amend the text or the comprehensive plan map for the following described property:

Name of Applicant: Rick & JeanE McAndrew Phone: 541 567-0642

Mailing Address: PO Box 1496 Hermiston, OR 97838

Name of Owner (If Different): _____ Phone: _____

Mailing Address: _____

Legal Description: Assessor's Map No: 4N2811DB Tax Lot No: 4800

Subdivision: Hermiston Orchards

Street Address: 708 East Main Hermiston, OR 97838

Current Comprehensive Plan Designation: R-2

Proposed Comprehensive Plan Designation: C-1

IMPORTANT!: The code of ordinances requires a positive recommendation from the Hermiston Planning Commission and approval from the Hermiston City Council before a change can be made in the comprehensive plan designation of any property. This approval must be determined after separate public hearings before these bodies. Oregon's Land Use Planning Laws require the planning commission to make findings of fact with regard to requests for comprehensive plan amendments. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. Inasmuch as **THE BURDEN OF PROOF IS ON THE PROPONENT**, the chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

APPROVAL CRITERIA

- The burden in all land use proceedings is upon the applicant
- The requested change must be justified by proof of the following:

1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.

See attachment:

2. Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the zoning classification on the property under consideration.

See attachment:

3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property.

See attachment:

4. Explain how the potential impact upon the area resulting from the change has been considered.

See attachment:

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for amendment. A metes and bounds description of each parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the planning commission requests the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the planning commission retains the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

RW McAuliffe 4/17/2012
Signature of Applicant Date

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The planning commission shall conduct a public hearing on the proposed amendment at the earliest regular meeting, after the application is submitted, in accordance with the public hearing procedures under '157.226 of the Hermiston Code of Ordinances. Both text and map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action by the city council except as provided for under ORS 197.601. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

Office Use Only

Date Filed: 4/17/12 Received By: B Goodman Meeting Date: 6/13/12
Fee: \$725.00 Date Paid: 4/18/12 Receipt No: _____ (cc)

The requested change is in conformance with the comprehensive plan and also the goals of the plan.

1. The City's comprehensive plan allows within the urban growth boundary to exercise their rights of development in a manner consistent with the statewide planning goals and applicable comprehensive plan policies, as well as to provide efficient and orderly provision of public services and facilities.
2. The planning commission and city council will conduct public hearings regarding the proposal change in accordance with Policy 1 of the comprehensive plan.
3. The property is within the urban portion of the urban growth boundary leading to compact urban development on existing urban designated land in accordance with Policy 4 of the comprehensive plan.
4. City services are available to the property.
5. The proposed amendment will contribute to compact urban development and increase energy efficiency by creating new commercial development near existing residential areas in accordance with Policy 19 of the comprehensive plan.
6. The proposed amendment is consistent with the development and zoning to the property to the west and south.

Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the map designation of the property under consideration.

1. The property adjacent to the property to the west and south is developed commercially. Amending the map designations of this property will make the property consistent with the pattern of existing development around the property.

Explain how the public need is best served by changing the the classification of the site in question as compared with other available property.

1. Commercial development already exists adjacent to the subject property. Residential development is not the highest and best use of this medium traffic to high traffic area.
2. Commercial development on the property will provide convenient access for both pedestrian (designated bike and pedestrian path along full frontage of property) and vehicular traffic.
3. Commercial development on the property will enable the provision of services not presently available to residents.

Explain how the potential impact upon the area resulting from the change has been considered.

1. Commercial development must provide for a positive traffic flow as well as easy pedestrian access. This property can meet both criteria.
2. The property can be maintained in a manner that continues to promote an integrated transportation system.
3. The property is adjacent to commercial development to the west and south.

ORDINANCE NO. 2191

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP AND ZONING MAP.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described real property situated in Umatilla County, Oregon shall be changed on the city comprehensive plan map from "Low Density Residential (L)" to "Commercial (C)" and on the city zoning map from Duplex Residential (R-2) to Central Commercial (C-1), to-wit:

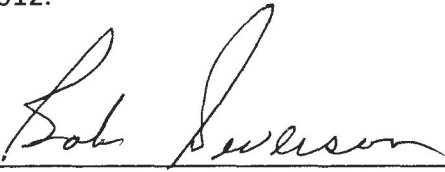
Lot 5 and West 25 feet of Lot 4, Block "D", Hermiston Orchards Addition to the Town, now City of Hermiston, Umatilla County, Oregon.

SECTION 2. The findings of fact as adopted by the City Council on June 25, 2012 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the Common Council this 25th day of June, 2012.

SIGNED by the Mayor this 25th day of June, 2012.



MAYOR

ATTEST:



CITY RECORDER

1/05/04

4N 28 11DB

AERIAL PHOTO NO. NZ-1P-123

See Map 4N 28 11CA

See Map 4N 28 11AC

1/16 Cor

CANCELLED

TL 4401
4201
4601
4102
4801
4603
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7301
301
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302
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200
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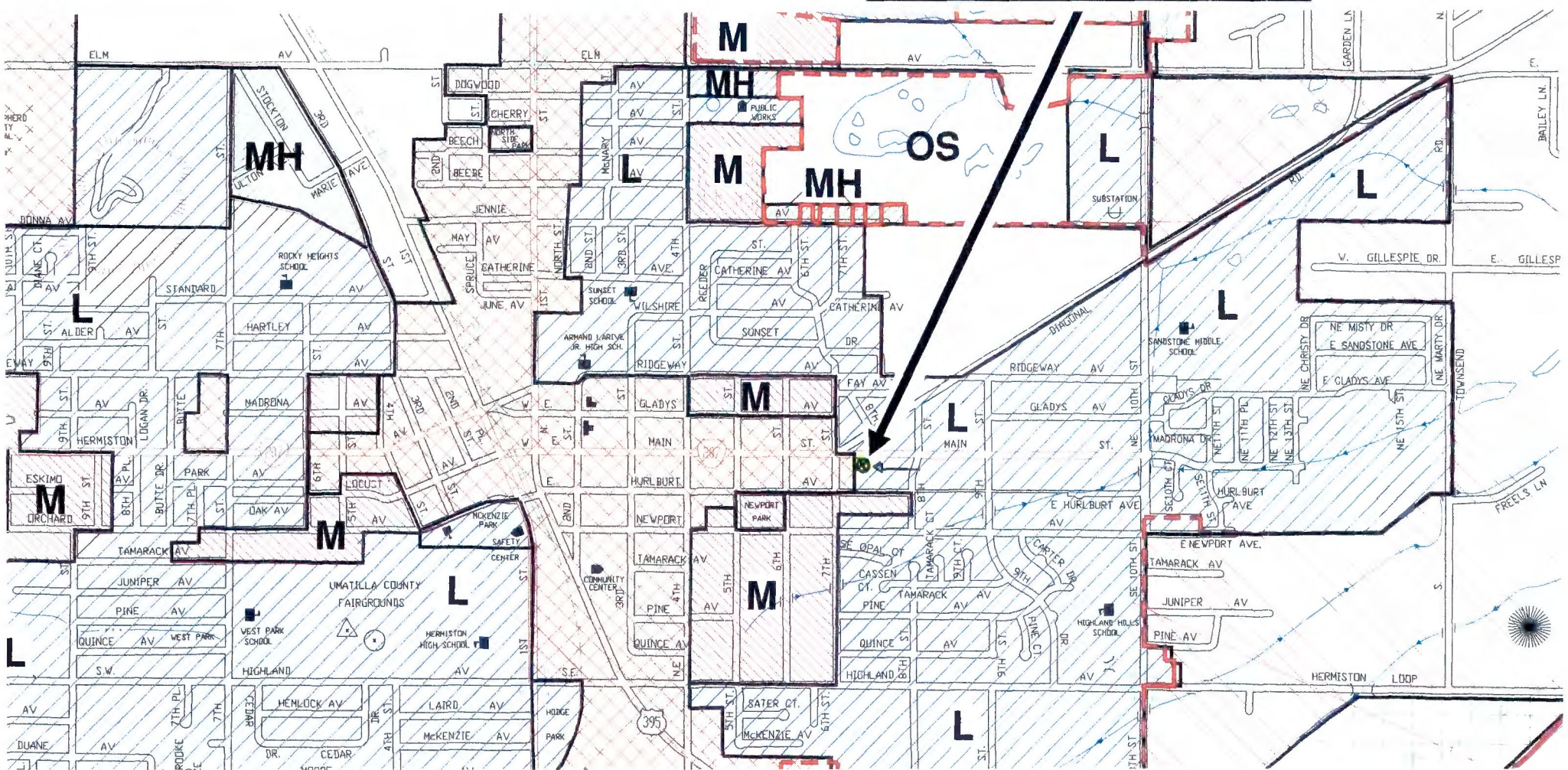
See Map 4N 28 11DA

—S.E. NINTH STREET

See Map 4N 28 11DC

4N 28 11DB

Area of Proposed Comp Plan & Zoning
Map Amendments
Proposed Comp Plan Designation
Commercial
Proposed Zoning Designation
Central Commercial



- LOW DENSITY, RESIDENTIAL
- COMMERCIAL
- MEDIUM DENSITY, RESIDENTIAL



Planning Department

180 NE 2nd Street
Hermiston, OR 97838
Phone: (541)567-5521
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To: Mayor and City Council
From: Clinton Spencer, City Planner
Subject: Comprehensive Plan Map Amendment – McAndrew
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The city has received an application to amend the comprehensive plan and zoning map for a residential lot located at 708 E Main Street. The property is owned by Rick and Jean McAndrew and contains an existing residential dwelling. The applicants propose to amend the plan and zoning designations of the property in order to expand the existing E Main St commercial district and market the property for commercial uses. The existing property is zoned Duplex Residential (R-2) and has a Low Density Residential comprehensive plan map designation. The lot proposed for amendment and redevelopment encompass approximately 15,000 square feet and is described as 4N 28 11DB Tax Lot 4800.

The proposal will remove the R-2 lot from the city's residential land inventory and add it to the commercial inventory. According to the 2011 residential land inventory, the removal of 0.25 acres will not substantially impact the city's residential land supply.

The land proposed for amendment has a long history on the city zoning maps. Staff conducted research on the property at the request of a local realtor. The original zoning on the property was single-family residential. The entire block from NE 7th Street to NE 8th Street was changed to commercial in the 1950s. It was then changed back to residential in the 1970s. The lots fronting on NE 7th Street directly to the west were amended back to commercial again in the 1980s.

The lands to the east, north and south are all developed with residential land uses. Although the property is zoned for duplexes, there are several multi-family buildings on the same block. The land to the west of the amendment area is designated commercially on the comprehensive plan and zoning maps and is developed with commercial buildings and a two-family dwelling.

Amendments to the comprehensive plan map must demonstrate compliance with the statewide transportation planning rule. Staff discussed the amendment with representatives from DLCD and they indicated that a full traffic impact analysis would not be required for such small amendment, especially when it does not access a state highway. The total traffic generation from either a residential or commercial development on a quarter acre parcel would have a negligible impact on the overall transportation system.

When considering a request to amend the comprehensive plan or zoning maps, an applicant must demonstrate compliance with the city's amendment criteria. The criteria are as follows:

1. The requested change is in conformance with the comprehensive plan and the goals and policies of the plan.
2. There is public need for the comprehensive plan amendment/zone change and whether that need is best served by changing the zoning classification on the property under consideration.
3. The public need is best served by changing the classification for the site in question as compared with other available property.
4. The potential impact upon the area from the change has been considered.

DRAFT FINDINGS

The requested change is in conformance with the comprehensive plan and the goals and policies of the plan.

1. The City of Hermiston's comprehensive plan allows owners within the urban growth boundary to exercise their rights of development in a manner consistent with statewide goals and applicable comprehensive plan policies, as well as to provide efficient and orderly provision of public services and facilities.
2. The planning commission and city council will hold public hearings regarding the proposed change in accordance with Policy 1 of the comprehensive plan.
3. The subject property is located within the urban portion of the urban growth boundary (Policy 4 & 5)
4. City services are available to the property within the existing E Main Street right-of-way (Policy 5).
5. The location of this property encourages small neighborhood type development near existing residential areas and future developed residential areas. It is also located adjacent to existing commercial development (Policy 19).
6. The proposed zone change is consistent with development west and south of the subject property and consistent with the designated Transportation System Plan's designation as a major collector (Policy 21 & 30).
7. Adequate water, sewer and other facilities are available to the subject property (Policy 22).

The public need for the comprehensive plan amendment and whether the public need is best served by changing the zoning classification on the property under consideration.

8. The property adjacent to the site to the west and south is developed commercially. Amending the map designations of this property will make the property consistent with the pattern of existing development around the property.

The public need is best served by changing the classification for the site in question as compared with other available property.

9. Commercial development already exists adjacent to the subject property. Low density residential development is not the highest and best use of this medium traffic area.
10. Commercial development on the property will provide convenient access for both pedestrian (using the designated bike and pedestrian path along the frontage of the property) and vehicular traffic.
11. Commercial development on the property will enable the provision of services not presently available to residents in the neighborhood.

Explain how the potential impact upon the area from the change has been considered.

12. The subject property will provide a positive traffic flow and easy pedestrian access.
13. The property can be developed in a manner that will promote an integrated transportation system as it is large enough and configured such that there can be adequate access to and within the site, as well as logical connections to the surrounding network of streets.
14. In accordance with OAR 660-012-0060, compliance with the transportation planning rule must be evaluated. E Main Street is presently a major collector and capable of accommodating a significant traffic volume. The difference in trip generation between a two or multi-family dwelling allowed in the current R-2 zone and trip generation by a quarter acre commercial development is negligible and will not significantly impact the transportation system.

Consistency with statewide planning goals

1. Goal 1: Citizen Involvement: The city has an acknowledged citizen involvement plan. The city has followed the applicable procedures in the plan in considering the application by holding a public hearing before the planning commission and city council on June 13, and June 25, 2012.
2. Goal 2: Land Use Planning: The city's comprehensive plan and land use regulations are acknowledged by LCDC. The proposed amendment has been processed according to the acknowledged procedures and the city has adopted findings supporting the factual base for the application as required.
3. Goal 3: Agricultural Lands: The site is within the Hermiston UGB and is urban. Goal 3 is not applicable.
4. Goal 4: Forest Lands: The amendment does not affect any existing forest lands. Goal is not applicable.

5. Goal 5: Natural Resources: The subject property is not within any identified natural resource, scenic, historic or other Goal 5 resource land. Therefore, Goal 5 is not applicable.
6. Goal 6: Air, Water and Land Resource Quality: The development will be required to comply with all state, federal and local regulations for air and water quality. Redevelopment will allow improved compliance with water quality standards with on-site treatment of storm water in bioswales.
7. Goal 7: Areas Subject to Natural Hazards: The site is not within any mapped natural disaster or natural hazard area. Goal 7 is not applicable.
8. Goal 8: Recreational Needs: The amendment and redevelopment will enhance the travel safety of residents and visitors allowing greater access to recreational needs.
9. Goal 9: Economic Development: The proposed amendment will allow the expansion of commercial lands within the city thereby promoting additional economic development and job creation.
10. Goal 10: Housing: The removal of 0.26 acres from the housing inventory will not materially diminish housing opportunities within the city.
11. Goal 11: Public Facilities and Services: The site is already serviced by public facilities to the north. All services are adequate for the proposal.
12. Goal 12: Transportation Planning: The difference in trip generation between the highest use of the property under R-2 zoning (a five-plex) and a commercial development is negligible. There will be no negative impact on the city's transportation system which is consistent with Goal 12.
13. Goal 13: Energy Conservation: It is more energy efficient to expand the city's commercial core rather than construct additional commercial buildings at the commercial periphery which is further from the downtown core.
14. Goal 14: Urbanization: The site is already within the UGB and city limits and is existing urban property.
15. Goal 15: Willamette River Greenway: This goal is not applicable to the request.
16. Goal 16: Estuarine Resources: This goal is not applicable to the request.
17. Goal 17: Coastal Shorelands: This goal is not applicable to the request.
18. Goal 18: Beaches and Dunes: This goal is not applicable to the request.
19. Goal 19: Ocean Resources: This goal is not applicable to the request.

Planning Commission Action

On June 13, 2012, the planning commission held a public hearing on the proposed amendments. Following the conclusion of the public hearing the planning commission made a recommendation that the city council adopt the amendments.

Staff Recommendation

Staff recommends that the city council adopt the proposed map amendments subject to the following condition:

1. At such time that the occupancy changes from residential to commercial, the E Main Street frontage shall be improved with curb, gutter and sidewalks in accordance with city standards.

CITY OF HERMISTON

APPLICATION TO AMEND COMPREHENSIVE PLAN MAP

Pursuant to the provisions of ' 157.226 of the Hermiston Code of Ordinances, application is hereby made to amend the text or the comprehensive plan map for the following described property:

Name of Applicant: Rick & JeanE McAndrew Phone: 541 567-0642

Mailing Address: PO Box 1496 Hermiston, OR 97838

Name of Owner (If Different): _____ Phone: _____

Mailing Address: _____

Legal Description: Assessor's Map No: 4N2811DB Tax Lot No: 4800

Subdivision: Hermiston Orchards

Street Address: 708 East Main Hermiston, OR 97838

Current Comprehensive Plan Designation: R-2

Proposed Comprehensive Plan Designation: C-1

IMPORTANT!: The code of ordinances requires a positive recommendation from the Hermiston Planning Commission and approval from the Hermiston City Council before a change can be made in the comprehensive plan designation of any property. This approval must be determined after separate public hearings before these bodies. Oregon's Land Use Planning Laws require the planning commission to make findings of fact with regard to requests for comprehensive plan amendments. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. Inasmuch as **THE BURDEN OF PROOF IS ON THE PROPONENT**, the chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

APPROVAL CRITERIA

- The burden in all land use proceedings is upon the applicant
- The requested change must be justified by proof of the following:

1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.

See attachment:

2. Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the zoning classification on the property under consideration.

See attachment:

3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property.

See attachment:

4. Explain how the potential impact upon the area resulting from the change has been considered.

See attachment:

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for amendment. A metes and bounds description of each parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the planning commission requests the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the planning commission retains the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

RW McAuliffe 4/17/2012
Signature of Applicant Date

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The planning commission shall conduct a public hearing on the proposed amendment at the earliest regular meeting, after the application is submitted, in accordance with the public hearing procedures under 157.226 of the Hermiston Code of Ordinances. Both text and map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action by the city council except as provided for under ORS 197.601. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

Office Use Only

Date Filed: 4/17/12 Received By: R Goodman Meeting Date: 6/13/12
Fee: \$725.00 Date Paid: 4/18/12 Receipt No: _____ (CC)

The requested change is in conformance with the comprehensive plan and also the goals of the plan.

1. The City's comprehensive plan allows within the urban growth boundary to exercise their rights of development in a manner consistent with the statewide planning goals and applicable comprehensive plan policies, as well as to provide efficient and orderly provision of public services and facilities.
2. The planning commission and city council will conduct public hearings regarding the proposal change in accordance with Policy 1 of the comprehensive plan.
3. The property is within the urban portion of the urban growth boundary leading to compact urban development on existing urban designated land in accordance with Policy 4 of the comprehensive plan.
4. City services are available to the property.
5. The proposed amendment will contribute to compact urban development and increase energy efficiency by creating new commercial development near existing residential areas in accordance with Policy 19 of the comprehensive plan.
6. The proposed amendment is consistent with the development and zoning to the property to the west and south.

Describe the public need for the comprehensive plan amendment and whether that public need is best served by chnging the map designation of the property under consideration.

1. The property adjacent to the property to the west and south is developed commercially. Amending the map designations of this property will make the property consistent with the pattern of existing development around the property.

Explain how the public need is best served by changing the the classification of the site in question as compared with other available property.

1. Commercial development already exists adjacent to the subject property. Residential development is not the highest and best use of this medium traffic to high traffic area.
2. Commercial development on the property will provide convenient access for both pedestrian (designated bike and pedestrian path along full frontage of property) and vehicular traffic.
3. Commercial development on the property will enable the provision of services not presently available to residents.

Explain how the potential impact upon the area resulting from the change has been considered.

1. Commercial development must provide for a positive traffic flow as well as easy pedestrian access. *This property can meet both criteria.*
2. The property can be maintained in a manner that continues to promote an integrated transportation system.
3. The property is adjacent to commercial development to the west and south.

This map was prepared for Assessment & Taxation purposes only and has NOT been prepared for legal engineering or surveying purposes.



NW1/4 SE1/4 SEC 11 T 4N R 28E WM
UMATILLA COUNTY, OR

1/05/04

SCALE: 1" = 100'

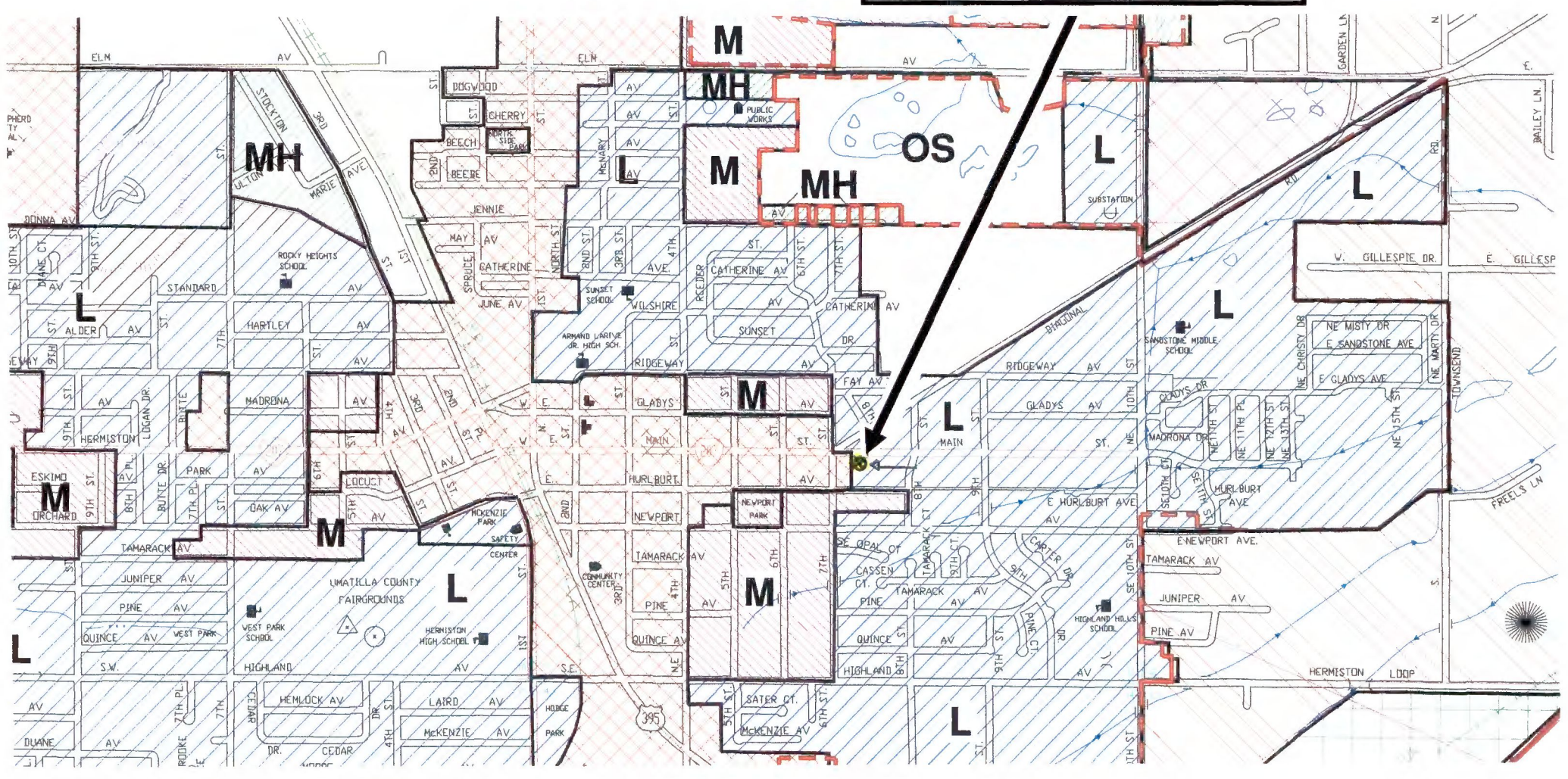
4N 28 11DB

AERIAL PHOTO NO. NZ-1P-123

Area of Proposed Comp Plan &
Zoning Map Amendments
4N28 11DB, Tax Lot 4800
708 E. Main Street



Area of Proposed Comp Plan & Zoning
Map Amendments
Proposed Comp Plan Designation
Commercial
Proposed Zoning Designation
Central Commercial



- LOW DENSITY, RESIDENTIAL
- COMMERCIAL
- MEDIUM DENSITY, RESIDENTIAL

ORDINANCE NO. 2191

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP AND ZONING MAP.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described real property situated in Umatilla County, Oregon shall be changed on the city comprehensive plan map from "Low Density Residential (L)" to "Commercial (C)" and on the city zoning map from Duplex Residential (R-2) to Central Commercial (C-1), to-wit:

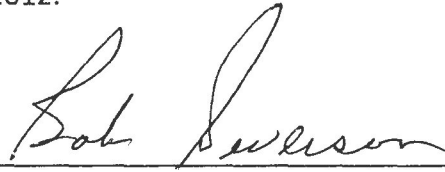
Lot 5 and West 25 feet of Lot 4, Block "D", Hermiston Orchards Addition to the Town, now City of Hermiston, Umatilla County, Oregon.

SECTION 2. The findings of fact as adopted by the City Council on June 25, 2012 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be the thirtieth day after enactment.

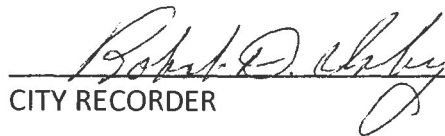
PASSED by the Common Council this 25th day of June, 2012.

SIGNED by the Mayor this 25th day of June, 2012.



MAYOR

ATTEST:



CITY RECORDER

iston
partment
Street
OR 97838

CERTIFIED MAIL™



7006 0100 0003 4299 5011



DEPT OF

JUN 29 2012

**LAND CONSERVATION
AND DEVELOPMENT**

ATTN: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540