



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

November 5, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hermiston Plan Amendment
DLCD File Number 004-07



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: November 15, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Clinton F. Spencer, City of Hermiston

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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



Jurisdiction: **City of Hermiston**

Local file number: **Ford**

Date of Adoption: **10/22/2007**

Date Mailed: **10/25/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **8/10/2007**

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".

Amend comprehensive plan map for approximately 2.53 acres from Medium Density Residential (M) to Commercial (C) and amend zoning map for same property from Multi-Family Residential (R-3) to Central Commercial (C-1).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Medium Density Residential (M)** to: **Commercial (C)**

Zone Map Changed from: **Multi-Family Residential (R-3)** to: **Central Commercial (C-1)**

Location: **S. side of W. Orchard Ave between SW 9th & SW 11th** Acres Involved: **2**

Specify Density: Previous: **9.0 DU/acre** New: **NA**

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. _____

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

Umatilla County, Hermiston Irrigation District

Local Contact: **Clinton F. Spencer**

Phone: (541) 567-5521 Extension:

Address: 180 NE 2nd St

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 Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO 2145

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 property shall be changed on the city comprehensive plan map from "Medium Density Residential" to "Commercial" and on the city zoning map from Multi-Family Residential (R-3) to Central Commercial (C-1), to-wit:

That portion of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 4 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, being described as follows:

Beginning at the northeast corner of said Northeast Quarter and running; thence West along the north line of said Northeast Quarter 659.95 feet to the northwest corner of said Northeast Quarter; thence South along the west line of said Northeast Quarter 227.26 feet to the southwest corner of that tract of land deeded to Milton and Wanda Johnson on instrument # 2004-4720222 Umatilla County Deed Records; thence East parallel with the north line of said Northeast Quarter along the south line of said Johnson tract and along the south line of that tract of land deeded to Elwood and Sandra Koenig on Reel 375, Page 261, Umatilla County Deed Records 413.78 feet, more or less, to the southeast corner of said Koenig tract; thence North parallel with the east line of said Northeast Quarter 64.76 feet to the southwest corner of that tract of land deeded to Jerry and Kay Sobotta on Reel 149, Page 1384, Umatilla County Deed Records; thence East Parallel with the north line of said Northeast Quarter along the south line of said Sobotta tract and along the south line of Partition Plat 2001-45 and along said line extended 246.15 feet to a point on the east line of said Northeast Quarter; thence North along said east line 162.50 feet to the point of beginning.

Containing 134,037 square feet (3.08 acres) more or less, gross.

SECTION 2. The findings of fact as adopted by the City Council on October 22, 2007 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 22nd day of October, 2007.

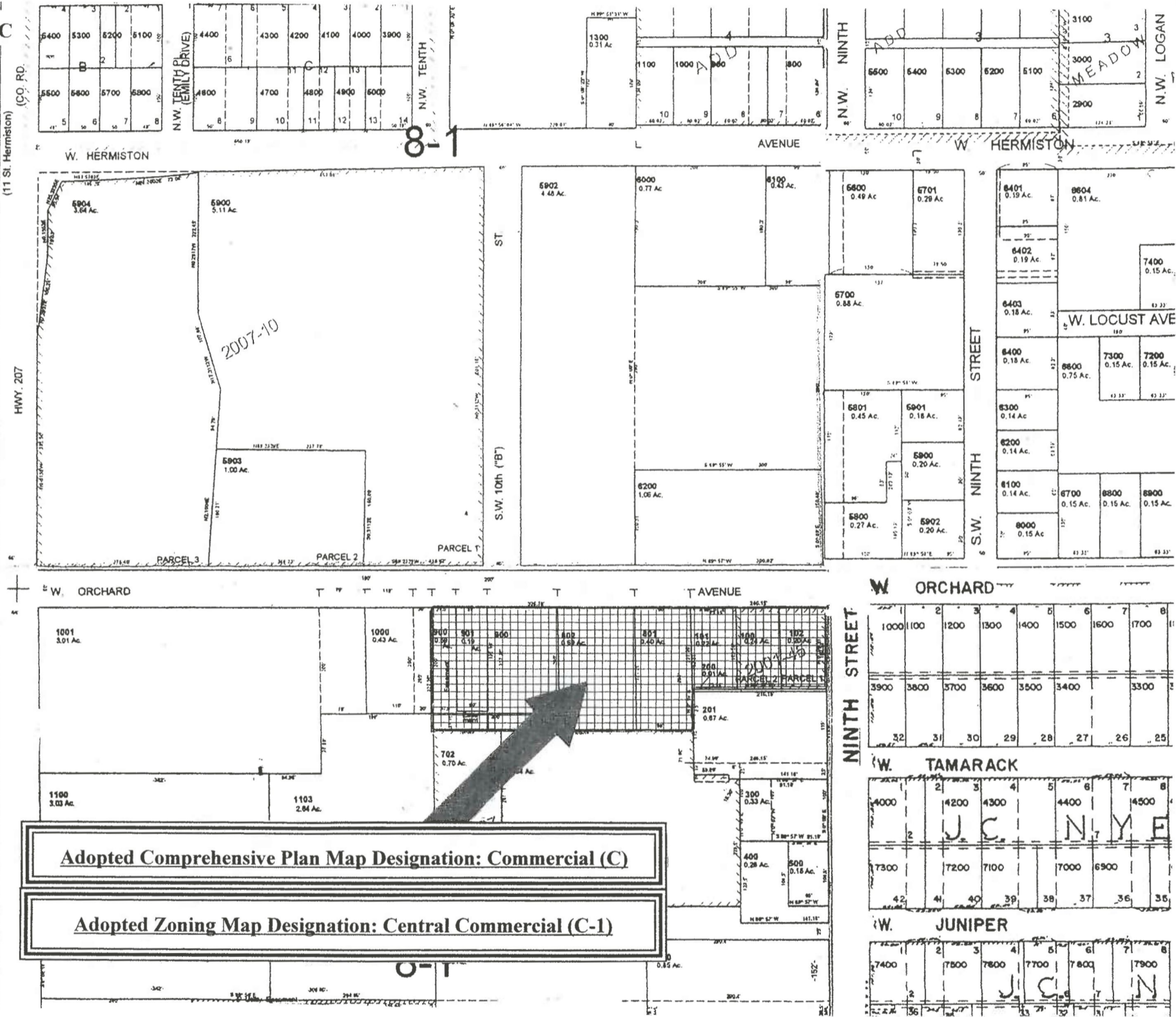
SIGNED by the Council President this 22nd day of October, 2007.


COUNCIL PRESIDENT

ATTEST:


CITY RECORDER

4N 2810CC



Adopted Comprehensive Plan Map Designation: Commercial (C)

Adopted Zoning Map Designation: Central Commercial (C-1)



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 *CS*
Subject: Ford Comprehensive Plan Map Amendment
Date: October 15, 2007

David Hadley has submitted an application to amend the comprehensive plan and zoning maps for approximately 2.53 acres of land located at the southwest corner of W Orchard Avenue and SW 9th Street. The proposal is to amend the comprehensive plan map designation from Medium Density Residential to Commercial and amend the zoning map designation from Multi-Family Residential to Central Commercial. The property is divided into seven lots. Each lot contains an existing commercial use. In the R-3 zone, all of the existing uses are considered to be conditional uses and any expansion or change in use of these existing businesses must be approved through the conditional use permit process. The intent of the proposed map amendments is to give certainty to the existing commercial businesses on this block. There is a substantial cluster of existing commercial businesses which are all considered legal non-conforming uses due to the older residential zoning of the property.

All properties within 300 feet of the property were provided a direct mailing of the proposal and notice was published in the Hermiston Herald prior to the hearing. Staff did not receive any objections as a result of the noticing.

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| <u>Applicant:</u> | Wendell Ford |
| <u>Owners:</u> | The seven lots are owned by nine separate property owners. A comprehensive list of all property owners and their consent to the proposed amendment is attached to this report as part of the application package. |
| <u>Property Location:</u> | The property is located at the southwest corner of W Orchard Avenue and SW 9 th Street and east of the existing Yakimex Market. The property encompasses 935, 945, 955, 975 and 995 W Orchard Avenue |
| <u>Property Description:</u> | The property is described as 4N 28 10CC Tax Lots 100, 101, 102, 801, 802, 900 and 901. |
| <u>Existing Use:</u> | Tax Lots 900 and 802 contain a medical office building and a parking lot. Tax Lot 901 contains a dental office. Tax Lot 801 contains a counseling office. Tax Lot 101 contains a |

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|---|--|
| | pharmacy. Tax Lot 100 contains a chiropractic office. Tax Lot 102 is vacant. |
| <u>Surrounding Uses:</u> | The land is bounded by commercial uses to the west, multi-family uses to the north, single family uses to the east and assisted living facilities to the south. |
| <u>Comp Plan Designation:</u> | Medium Density Residential (M) |
| <u>Surrounding Comp Plan Designations:</u> | Lands to the north have a Medium Density Residential designation. Lands to the east and south have a Low Density Residential designation. Lands to the west have a Commercial designation. |
| <u>Requested Comp Plan Designation:</u> | Commercial (C) |
| <u>Existing Zoning:</u> | Multi-Family Residential (R-3) |
| <u>Surrounding Zoning:</u> | Lands to the north have a Multi-Family Residential (R-3) designation. Lands to the west have an Outlying Commercial (C-2) designation. Lands to the east have a Single Family Residential (R-1) designation. Lands to the south have a Single Family Residential and a Duplex Residential (R-1 and R-2) designation. |
| <u>Requested Zoning:</u> | Central Commercial (C-1) |

Requirements

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning map. The proposed amendment has been deemed a quasi-judicial change in that it involves the map and does not have widespread and significant impact beyond the immediate area of the proposed amendment. The following criteria as cited in §157.226(E) must be followed in deciding upon a quasi-judicial proceeding:

1. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
2. The requested zone change must be justified by proof that:
 - a. The change is in conformance with the comprehensive plan and also the goals and policies of the plan.
 - b. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 - c. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 - d. The potential impact upon the area resulting from the change has been considered.

3. The courts will require a “graduated burden of proof” depending upon the more intensive land use that will occur as a result of the proposed rezoning.
4. Procedural process for a quasi-judicial hearing:
 - a. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.
 - b. There must be a record which will support the findings made by the city council or planning commission.

Notice of the proposed action for a comprehensive plan map amendment or zoning map amendment shall be submitted to the Department of Land Conservation and Development 45 days prior to the date set for the initial hearing.

After the close of the initial evidentiary hearing, the planning commission shall make findings of fact and recommend to the city council adoption, revision or denial of the proposed amendments. Notice of the hearing before the city council shall be by one publication in the local newspaper. After the close of the public hearing, the city council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments.

Draft Findings

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

Findings: The change from Medium Density Residential to Central Commercial is consistent with the relevant comprehensive plan policies. The relevant plan goals and policies include the following:

Policy 1: THE CITY OF HERMISTON WILL INSURE THAT CITIZENS HAVE AN ADEQUATE OPPORTUNITY TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

Findings: The Comprehensive Plan Amendment and Zone Change follow the City's public involvement standards including standards for public notice and for public hearings before both the Planning Commission and the City Council. This request is consistent with the City's policy of providing opportunity for citizen involvement.

Policy 2: THE CITY OF HERMISTON WILL MONITOR AND UPDATE PERIODICALLY ITS COMPREHENSIVE PLAN AND IMPLEMENTING ORDINANCES TO RESPOND TO CHANGING CONDITIONS.

Findings: The City has not changed land uses in the vicinity of the W. Orchard Avenue since the Comprehensive Plan was adopted. The change of land from residential to Central Commercial land uses better reflect the changing character especially because of an increased population in the west side of Hermiston requiring more commercial

services with less cross town travel. The proposed Comprehensive Plan Amendment responds to the changing physical conditions of the immediate area and the changing demand for commercial services and reflects the shift in location of much of the medical community.

Policy 7: THE CITY OF HERMISTON WILL PROTECT NATURAL RESOURCES TO THE MAXIMUM DEGREE POSSIBLE.

Findings: There are no Goal Five resources identified on the subject property as it is built out for the most part. Therefore, the proposed Comprehensive Plan Amendment and Zone Change will have no impact on the natural resources of the area.

Policy 8: THE CITY OF HERMISTON WILL COORDINATE ACTIVITIES WITH OTHER GOVERNMENT AGENCIES TO PROTECT THE AREA'S SURFACE GROUNDWATER SUPPLIES.

Findings: The entire site is within the City limits and is presently served by the City's water system. The zone change and plan amendment will not affect the areas groundwater supply.

Policy 11: THE CITY OF HERMISTON WILL COMPLY WITH STATE AND FEDERAL STANDARDS TO PROMOTE CONTINUED AIR QUALITY.

Findings: According to the City's Comprehensive Plan there are no major point sources of air pollution in the Hermiston UGB. The City will continue to comply with state and federal air standards regardless of whether the property is zoned and planned residential or commercial.

Policy 12: THE CITY OF HERMISTON WILL COMPLY WITH STATE NOISE STANDARDS TO MINIMIZE NOISE IMPACTS ON RESIDENTIAL AND OTHER SENSITIVE USES.

Findings: All activity conducted on the site, following the Comprehensive Plan Amendment and Zone Change, will comply with state noise standards to minimize noise impacts on residential properties to the north, east, and south of the site.

Policy 14: THE CITY OF HERMISTON WILL CONTROL CAREFULLY AND, WHEN NECESSARY, PROHIBIT DEVELOPMENT IN AREAS CHARACTERIZED BY NATURAL HAZARDS AND/OR DEVELOPMENT LIMITATIONS.

Findings: No portion of the site is mapped as subject to natural disasters or hazards.

Policy 15: THE CITY OF HERMISTON WILL ENCOURAGE THE CONSERVATION OF ENERGY RESOURCES WHEREVER POSSIBLE

**THROUGH CAREFUL LAND USE PLANNING, COMMUNITY EDUCATION,
AND ADOPTION OF CONSERVATION-ORIENTED POLICIES.**

Findings: The re-designation of 2.53 acres of residential land allowing commercial land use, will bring additional retail uses nearer the existing and future residents of the immediate area. The residential communities of Viewcrest, St. John's, Shea Meadows, and a large number of new and existing multi-family residents will benefit from the proximity of commercial services to their homes, thereby reducing automobile trips and fuel consumption.

Policy 19: THE CITY OF HERMISTON WILL ASSURE THE AVAILABILITY OF A SUFFICIENT SUPPLY OF COMMERCIAL LAND TO ACCOMMODATE 20-YEAR PROJECTED NEEDS AND STRIVE TO ACHIEVE THE BALANCED DISTRIBUTION OF COMMERCIAL ACTIVITIES IN NEIGHBORHOODS, DOWNTOWN AND ALONG OUTLYING HIGHWAYS.

Findings: The City at present does not have a detailed inventory of vacant commercial land. As a practical matter, it is apparent that the City of Hermiston's commercial lands within the City limits has been increasingly built out or redeveloped. In particular there is little commercial land similar to the site subject to this rezone which already has existing commercial businesses established. A core area of outlying commercial at this location complements the nearby outlying commercial and helps insure a sufficient supply of commercial land to meet the City's needs and especially in providing a balanced distribution of commercial activities in neighborhoods, downtown, and along outlying highways.

Policy 20: THE CITY OF HERMISTON WILL ENCOURAGE THE HOME-BUILDING INDUSTRY TO PROVIDE A VARIETY OF HOUSING OPPORTUNITIES IN SUFFICIENT QUANTITIES AT AFFORDABLE PRICES TO MEET THE HOUSING NEED OF ITS RESIDENTS. PROVISION OF AN ADEQUATE SUPPLY OF HOUSING FOR LOW AND MODERATE INCOME FAMILIES IS A TOP PRIORITY. IN ORDER TO PROVIDE THE NECESSARY VARIETY OF HOUSING REQUIRED BY THE POLICY, THE CITY ALSO ESTABLISHES AS A HIGH PRIORITY, THE PROVISION OF SUFFICIENT HOUSING OPPORTUNITIES WITH APPROPRIATE AMENITIES FOR HIGHER-INCOME FAMILIES.

Findings:

The subject property, if developed as R-3 zoned land, could accommodate 50 housing units. The loss of 50 multi-family housing units, represents less than 4 percent of the surplus multi-family housing supply. If the subject land is converted to commercial, the City will still have a supply of land that will accommodate more than 1,000 units in excess of that which is demanded over the next twenty years. These estimates are based on extrapolation from the Aspens Shoppes zone change from 2005. Therefore, the Comprehensive Plan Amendment and Zone Change will allow the City to meet their

goals of providing a variety of housing opportunities in sufficient quantities at affordable prices to meet the housing needs of its residents.

Policy 21: THE CITY OF HERMISTON WILL PROTECT AND ENHANCE THE QUALITY OF LIFE IN RESIDENTIAL NEIGHBORHOODS.

Findings: The quality of life will not be negatively impacted if the proposed Comprehensive Plan Amendment and Zone Change are approved. Existing residential lots and multiple-family housing units are located north, south, and east of the subject area. Any new development will benefit from several design techniques that can be employed to minimize the impact of the commercial development. These include the use of directional, cut-off light fixtures that minimize the amount of light impacting adjacent property; a required 20 foot setback and landscaped area adjacent to property lines, and building placement that uses the building to buffer the impact of automobile use circulation from the adjacent homes.

The addition of central commercial land in the neighborhood will improve the quality of life to residents by bringing retail services to the residents of the area, reducing automobile trips and fuel consumption.

Policy 22: THE CITY OF HERMISTON WILL PLAN FOR THE TIMELY AND EFFICIENT PROVISION OF A FULL COMPLEMENT OF URBAN SERVICES AND FACILITIES IN ALL DEVELOPED AND DEVELOPING AREAS WITHIN THE COMMUNITY.

Findings: The site within the City limits of Hermiston. Therefore, all services are available to the site, including storm water management, sewer, water, and streets.

Policy 23: THE CITY OF HERMISTON WILL EXTEND PUBLIC WATER AND SEWER TO ALL DEVELOPING AREAS WITHIN THE UGB: THE CITY MAY EXTEND PUBLIC WATER TO INDUSTRIAL LANDS EXCEPT AREAS OUTSIDE THE UGB: ANNEXATION WILL BE A CONDITION OF SUCH EXTENSIONS EXCEPT WHEN A HEALTH HAZARD OR POLLUTION THREAT EXISTS AND EXCEPT FOR WATER PROVISION TO INDUSTRIAL LANDS.

Findings: The site is within the City limits of Hermiston. Sewer and water service is available on W. Orchard Avenue.

Policy 24: THE CITY OF HERMISTON WILL ENCOURAGE THE EFFICIENT AND SAFE DISPOSAL OF SOLID WASTE.

Findings: The site will be served by the local private disposal company now serving other City properties.

Policy 25: THE CITY OF HERMISTON WILL SUPPORT AND FACILITATE THE PROVISION OF HIGH QUALITY ELEMENTARY AND SECONDARY EDUCATION IN THE COMMUNITY.

Findings: If developed as central commercial property, there will be no impact on the provisions of education within the community, as no school age children will reside on the property.

Policy 26: THE CITY OF HERMISTON WILL PROMOTE ADEQUATE AND EFFICIENT POLICE PROTECTION.

Findings: The site is served by City police regardless of whether it is developed as Residential or Commercial. There will be no negative impact on the delivery of police protection services as a result of the Comprehensive Plan Amendment and Zone Change.

Policy 27: THE CITY OF HERMISTON WILL PROMOTE ADEQUATE AND EFFICIENT FIRE PROTECTION.

Findings: The site is protected by Hermiston Fire District regardless of whether it is developed as Residential or Commercial. There will be no negative impact on the delivery of fire protection services as a result of the Comprehensive Plan Amendment and Zone Change.

Policy 28: THE CITY OF HERMISTON WILL PROMOTE ADEQUATE AND EFFICIENT PROVISION OF LOCAL GOVERNMENT SERVICE AND FACILITIES.

Findings: Upon approval of the Comprehensive Plan Amendment and Zone Change, the site is more likely to develop or redeveloped in the manner the City desires. Development or redevelopment of the site may increase property value and enable the collection of property taxes to better enable the City to pay for such services.

Policy 29: THE CITY OF HERMISTON WILL ENCOURAGE AND FACILITATE THE ADEQUATE AND EFFICIENT PROVISION OF PRIVATE UTILITIES INCLUDING ELECTRICAL, NATURAL GAS, AND TELEPHONE SERVICE.

Findings: Electrical, natural gas, and telephone service is presently available.

Policy 30: THE CITY OF HERMISTON WILL PROMOTE A BALANCED, WELL INTEGRATED LOCAL TRANSPORTATION SYSTEM WHICH PROVIDES SAFE, CONVENIENT, AND ENERGY EFFICIENT ACCESS, AND FACILITATES THE MOVEMENT OF COMMODITIES.

Findings: While this application for the property is requesting a zone change the property has nevertheless historically been used for central commercial kind of purposes,

at least for the last forty years. W. Orchard Avenue is an urban minor collector street. Collector streets are intended to carry between 1,200 and 5,000 vehicles per day, including limited through traffic, at design speeds of 25 to 35 mph. A collector street can serve adjacent residential, commercial, industrial, or mixed uses and connect arterials to local streets. This site is in close proximity to Hermiston Avenue which is an urban major collector and to the west is State Highway 207 which is an urban major arterial. The primary traffic flow in this area will remain on Hermiston Avenue and Highway 207. Traffic flow onto Orchard Avenue will be consistent with traffic which presently uses Orchard for destination purposes as opposed primarily for through or across town trips.

Traffic off of Highway 207 to and from its connection with W. Orchard will be directly improved by the reconfiguration and signalization of Highway 207/Hermiston Avenue intersection project anticipated to be completed in 2008. That project will significantly enhance traffic on Orchard Avenue crossing Highway 207 as a result of such signalization now being to the south at Highland as well as the north at Hermiston Avenue. Therefore, the Plan Amendment and Zone Change to accommodate commercial uses will be consistent with the plans policy regarding Hermiston's transportation system by the fact that the zone change in and of itself will not significantly alter mobility or safety standards.

Policy 31: THE CITY OF HERMISTON WILL COMPLY WITH THE REQUIREMENTS OF THE TRANSPORTATION PLANNING RULE WITH THE ADOPTION OF THE TRANSPORTATION SYSTEM PLAN AND RELATED AMENDMENTS TO IMPLEMENTING ORDINANCES.

Findings: Transportation Planning Plan (TPR) 660-012-0060(1) states, "Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility."

The requested zone change is designed to legitimize not only the existing businesses for their central commercial purposes but to allow for the redevelopment of this area with other central commercial uses to accommodate the growth needs in the west side of Hermiston. Because commercial uses have been ongoing in this area forty years without creating negative performance standards the change in rezoning would not "significantly affect a transportation facility." Any redevelopment of the property would take into consideration all traffic issues with the design and spacing of access to Orchard Avenue as well as parking limitations, if any, on the south side of Orchard Avenue. While speed limits could be adjusted, the nature of this area, at a 25 mph continues to provide a natural speed safety level for entrance and exit to the site and provides similar safety features for the housing to the north of the property.

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.

Findings: The public need for the rezoning is primarily due to the increased growth within and around the City of Hermiston and especially the western half of Hermiston. Due to the large number of residents both existing new and potential future residents the need for a "closer to home" variety of central commercial type activities benefits those citizens as well as the City overall. With such a high density of housing within the immediate vicinity many residents will be able to walk to the area for goods and services.

Because the property is surrounded by both existing commercial enterprises and primarily multifamily housing the highest and best use of the property appears to be central commercial type uses especially in light of the fact it has operated similarly for approximately forty years.

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

Findings: The present zoning R-3 allows building single, duplex, and multifamily dwellings. However, this area, for many years has not had dwellings located upon it.

Because of its long standing history, and the fact that the rezoning does not alter the present use of the property – this site is unique to the Hermiston area. The result is that the northern frontage of the block if rezoned for central commercial purposes provides the appropriate buffering from the western C-2 outlying commercial zone to the surrounding multifamily and single-family properties to the north, east, and south. It is because of the existing uses, and history of the property, that there are few, if any, other properties within the City to compare. The public need is best served with this zone change.

The potential impact upon the area from the change has been considered.

Findings: City services already exist in the area and currently support the property that has been developed for commercial purposes. The property has ready access, through existing access points to W. Orchard Avenue. The current uses of the property have adequate offsite parking independently or with shared parking arrangements. Any redevelopment would require the necessary number of off street parking sites.

In the event that there is future redevelopment on the property with different commercial use the access to the site remains excellent, the speed limit is low, and it is doubtful that the traffic impact will be any more significant than the current uses in this area. It is also important to note that auto intensive use type businesses locate on appropriate traffic corridors such as Highway 395 or Highway 207/Eleventh Street. Traffic impacts, if any, by central commercial uses, could be far less than if the property were fully developed as multifamily housing. In summary, "potential impacts" are carefully considered and may well be predominately positive impacts.

Impacts as a result of the zone change may be further reduced were one or more of the parcels redeveloped to a different commercial use through appropriate buffering, lighting

conditions, and landscaping. Because the site is presently developed and seems to have little, if any impact on adjoining properties this fact appears to be the best indication that impacts, if any, would be nominal.

Finally, since the site is one likely to attract commercial activities that are designations of users, and because the site is off a major collector or highway the traffic impacts, if any, would be nominal.

Planning Commission Action

On October 10, 2007, the Hermiston Planning Commission held a public hearing on the proposed map amendments. Following the conclusion of the hearing, the planning commission made a recommendation that the city council approve the proposed map amendments.

Staff Recommendation

Staff has reviewed the proposed map amendments and finds that the highest and best use of the subject property is commercial development rather than residential. All lots are either developed with existing commercial uses or serve as parking for those uses. The applicant has chosen to request a Central Commercial zone rather than an Outlying Commercial zone to insure better neighborhood compatibility. A C-1 zone requires businesses to use indoor storage and automotive intensive businesses are not allowed. This will help insure neighborhood commercial uses which are compatible with the adjacent multi-family and single-family developments. Staff recommends the city council approve the proposed map amendments.