



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

04/03/2012

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 001-12

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: Tuesday, April 17, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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.

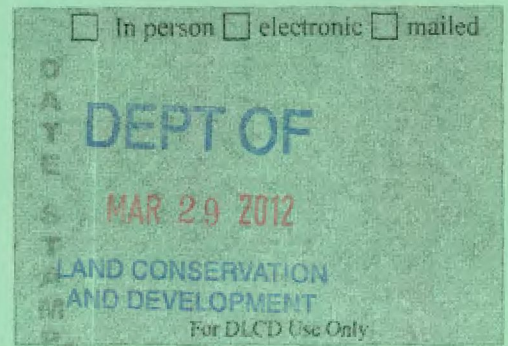
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

Cc: Clint Spencer, City of Hermiston
Angela Lazarean, DLCD Urban Planner
Grant Young, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

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: **Hermiston**
Date of Adoption: **3/26/2012**

Local file number: **Fairgrounds Overlay Zone**
Date Mailed: **3/27/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/6/2012**

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

The fairgrounds overlay zone is intended to provide an area to accommodate the various uses and accessory uses, which are associated with a county fairgrounds and regional event center. Uses on the fairgrounds include commercial, industrial and agricultural uses, which overlap many zoning designations and cannot be accommodated under one zoning classification.

Does the Adoption differ from the proposal? Please select one

No

Plan Map Changed from: **n/a** to:

Zone Map Changed from: **n/a** to:

Location: **n/a** Acres Involved: **n/a**

Specify Density: Previous: **n/a** New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment 35-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**

Please list all affected State or Federal Agencies, Local Governments or Special Districts: **n/a**

Local Contact: **Clint Spencer**
Address: **180 NE 2nd Street**

Phone: **(541) 567-5521** Extension:
Fax Number: **541-567-5530**

City: **Hermiston, OR** Zip: **97838**

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

DLCD file No. 001-12 (19175) [16993]

ORDINANCE NO. 2185

AN ORDINANCE AMENDING CHAPTER 157 OF THE CITY OF HERMISTON CODE OF ORDINANCES TO ADD AN OVERLAY ZONE FOR FAIRGROUNDS AND EXHIBITION CENTERS.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 157 of the Hermiston Code of Ordinances is hereby amended to add the following language:

157.057 Fairgrounds Overlay

(A) Purpose

The fairgrounds overlay zone is intended to provide an area to accommodate the various uses and accessory uses, which are associated with a county fairgrounds and regional event center. Uses on the fairgrounds include commercial, industrial and agricultural uses, which overlap many zoning designations and cannot be accommodated under one zoning classification.

(B) Uses Permitted Outright

In the fairgrounds overlay zone the following uses are permitted outright:

- 1) Agricultural and animal display buildings;
- 2) Amusement enterprise enclosed in a building;
- 3) Amusement enterprise not enclosed in a building;
- 4) Auditorium or exhibition hall;
- 5) Community building;
- 6) Government structure or land use including but not limited to a public park, playground, recreational building, fire station, library or museum;
- 7) Horse arena and other equine buildings;
- 8) Parking lot;
- 9) Professional office or service office;
- 10) Public and private roads;
- 11) Recreational vehicle park subject to the requirements of 157.147;
- 12) Rodeo grounds or other open air arena; and
- 13) A use permitted outright in the underlying M-1 and/or OS zone

(C) Uses Permitted Conditionally

- 1) Caretaker's dwelling conforming to the standards of 157.042(B)(2)

(D) Restrictions on Use

ORDINANCE NO 2185

- 2 -


- 1) The perimeter of the fairgrounds overlay shall be fenced with a 6 foot chain link fence;
- 2) All buildings shall be constructed at least 25 feet from any adjacent private property line;
- 3) Paved parking shall be provided in accordance with the provisions of 157.175 through 157.179 and shall be adequate to provide parking sufficient for all public assembly buildings on the property. Additional overflow parking for use during the Umatilla County Fair or other large festival may be grass or gravel provided that dust control is provided during the event;
- 4) Building heights and lighting restrictions established in Chapter 151 of the Hermiston Code of Ordinances regarding development within the airport clearance areas shall be maintained

SECTION 2. The findings of fact as adopted by the City Council on March 26, 2012 are incorporated herein by reference.


SECTION 3. Inasmuch as it is necessary for the health, safety, comfort and convenience of the people of the City of Hermiston that this ordinance have immediate effect, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage by the council and approval by the mayor.

PASSED by the Common Council this 26th day of March, 2012.

SIGNED by the Mayor this 26th day of March, 2012.


MAYOR

ATTEST:


CITY RECORDER



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: Proposed Fairgrounds Overlay Text Amendment
Date: March 19, 2012

There has been an effort for several years to relocate the Umatilla County Fairgrounds out of the downtown. The site originally identified as the potential area for the fairgrounds and event center is located south of the Hermiston Airport. This property is zoned both Light Industrial and Open Space. The OS portion of the property can accommodate fairground uses with no difficulty. However, the M-1 zoning does not allow for public uses or recreational uses. Staff's original proposal to rectify this was to add public and recreational uses to the M-1 zone. This proposal met with resistance from DLCD who stated that it would open the door for the city's employment lands to be developed as parks or other land intensive uses which could seriously hamper future economic development opportunities. The city agreed with the state's analysis and worked jointly to develop a more focused overlay which could be applied to a specific development site without affecting other employment lands.

The proposed Fairgrounds Overlay zone creates a specific set of uses and development standards which are designed to apply to the site selected for the Eastern Oregon Trade and Event Center. The text needs to be incorporated into the zoning code before it can be applied to the property. The overlay as proposed adds a series of public recreational uses while preserving the uses allowed in the underlying zones. It is also designed to create spacious building setbacks from adjacent property owners and to protect the height restrictions of the nearby Hermiston Airport.

Adoption of a new zoning designation is considered a legislative amendment to the ordinance code. It does not apply the zoning designation to any property in particular but inserts the new designation into the code where it can later be applied to specific property.

The proposed change to the ordinance is as follows:

Create a new §157.057 of the Hermiston Code of Ordinances

§157.057 Fairgrounds Overlay

(A) *Purpose*

The fairgrounds overlay zone is intended to provide an area to accommodate the various uses and accessory uses which are associated with a county fairgrounds and regional event center. Uses on the fairgrounds include commercial, industrial and agricultural uses which overlap many zoning designations and cannot be accommodated under one zoning classification.

(B) Uses Permitted Outright

In the fairgrounds overlay zone the following uses are permitted outright:

- 1) Agricultural and animal display buildings;
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- 7) Horse arena and other equine buildings;
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- 13) A use permitted outright in the underlying M-1 and/or OS zone

(C) Uses Permitted Conditionally

- 1) Caretaker's dwelling conforming to the standards of 157.042(B)(2)

(D) Restrictions on Use

- 1) The perimeter of the fairgrounds overlay shall be fenced with a 6 foot chain link fence;
- 2) All buildings shall be constructed at least 25 feet from any adjacent private property line;
- 3) Paved parking shall be provided in accordance with the provisions of 157.175 through 157.179 and shall be adequate to provide parking sufficient for all public assembly buildings on the property. Additional overflow parking for use during the Umatilla County Fair or other large festival may be grass or gravel provided that dust control is provided during the event;
- 4) Building heights and lighting restrictions established in Chapter 151 of the Hermiston Code of Ordinances regarding development within the airport clearance areas shall be maintained

Notice of the proposed action for a zoning text amendment was submitted to the Department of Land Conservation and Development 35 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

Subject to the comments and considerations of the public hearing, the following findings are presented:

1. Relevant Statewide Planning Goals ("Goals").

A. "Goal 1: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."

RESPONSE: The City can find that Goal 1 is satisfied for two (2) reasons. First, the City has an acknowledged citizen involvement program which guides its planning process including post-acknowledgement amendments to its land use regulations. Second, the Planning Commission will follow the procedure in its acknowledged land use regulations to provide two (2) evidentiary hearings on the proposed text amendment before the Hermiston Planning Commission and Hermiston City Council.

The City can find that this Goal is satisfied.

B. "Goal 2: Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision[s] and actions related to use of land and to assure an adequate factual base for such decisions and actions."

RESPONSE: The City can find that this Goal is satisfied because it has followed the procedures in its acknowledged land use regulations for this legislative amendment. Further, the City will coordinate with affected governmental units by providing them with a reasonable opportunity to comment on the amendment and will consider their comments in the decision as much as possible.

The City can find that this Goal is satisfied.

C. "Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon citizens."

RESPONSE: The City can find that this Goal is satisfied because the Fairgrounds Overlay zoning district provides additional economic development opportunities through the subsequent quasi-judicial mapping of the Fairgrounds Overlay zoning district to provide a Umatilla County Fairgrounds and Regional Events Center. The City finds this to be an economic development opportunity for the City and the surrounding region because it will create additional employment.

The City finds that this Goal is satisfied.

D. "Goal 12: Transportation: To provide and encourage a safe, convenient and economic transportation system."

RESPONSE: The City finds that Goal 12 is satisfied because the legislative amendment to its acknowledged land use regulations will not create additional vehicle trips and, therefore, will have no impact on the City's safe, convenient and economic transportation system.

The City can find that his Goal is satisfied.

E. Other Goals. The City can find that other goals are either irrelevant because of their respective geographic limitation or are irrelevant because their substance does not concern the proposed land use regulation amendment. For the above reasons, the City can find that the relevant goals are satisfied.

2. Relevant Oregon Administrative Rules.

A. OAR Division 9, "Economic Development."

RESPONSE: The City can find that this administrative rule is not relevant to this application because it applies only to comprehensive plans. As explained below, the City is not amending its acknowledged comprehensive plan but further implementing its acknowledged comprehensive plan through the adoption of the Fairgrounds Overlay zoning district. Therefore, this administrative rule does not apply to this post-acknowledgement amendment.

B. OAR Chapter 660, Division 12, "Transportation Planning."

RESPONSE: OAR 660-012-1160(1)-(3) applies to an amendment to the City's acknowledged land use regulations. The first task is to determine whether this legislative amendment will "significantly affect" an existing or planned transportation facility. "Significant affect" is defined in OAR 660-012-0060(1)(a)-(e). The City finds that this legislative text amendment has no significant affect because no additional trips are authorized until such time as the Fairgrounds Overlay zoning district is mapped by amending the acknowledged City of Hermiston land use regulation map. The City notes that the Oregon Land Use Board of Appeals ("LUBA") has so held regarding no significant affect for mere legislative text amendments where additional uses are not otherwise authorized until implementation of the text amendment. *Central Oregon Land Watch v.*

Deschutes County, ___ Or LUBA ___ (LUBA No. 2010-075 and 076, March 10, 2011) Slip Op 22 and 23.

The City finds that the Transportation Planning Rule is satisfied because this legislative text amendment will not have a significant affect on any existing or proposed transportation facilities.

C. Other Administrative Rules. The City finds that no other administrative rules are applicable to this post-acknowledgment amendment.

3. Hermiston Code of Ordinances.

The Hermiston Code of Ordinances includes the City's acknowledged land use regulations. Hermiston Code of Ordinance § 157.226 is entitled "Amendments." This section explains why the City finds that the relevant provisions governing amendments to its acknowledged land use regulations are satisfied.

A. Section 157.226(A), "Authorization to Initiate Amendments."

RESPONSE: The City can find that this section is satisfied because the City Council has initiated the amendment to the zoning ordinance text on March 12, 2012. On that date the council moved that the zoning ordinance was not adequate to accommodate the relocation of the fairgrounds to the desired location and that a new overlay was an appropriate solution.

B. Section 157.226(B), "Types of Amendments."

RESPONSE: The City can find that this amendment is properly described as an amendment to the text of the zoning ordinance and is therefore a legislative revision.

C. Section 157.226(C), "Legislative Revisions."

RESPONSE: The City can find that this application is correctly identified as a legislative revision because the proposed amendment involves the text of the relevant chapter of the Hermiston Code of Ordinances.

D. Conclusion.

For the reasons contained above, the Company can find that the relevant provisions concerning a legislative revision to the Hermiston Code of Ordinances are satisfied.

4. Hermiston Comprehensive Plan.

A. Goal 1 and Policy 1, "Citizen Involvement: The City will ensure that citizens have an adequate opportunity to be involved in all phases of the planning process."

RESPONSE: For the reasons described in Goal 1 above, the City finds that Plan Goal 1 and Policy 1 have been satisfied.

B. Goal 2 and Policy 3, "Intergovernmental Coordination: The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner."

RESPONSE: For the reasons explained above in Goal 2, the City can find that this Plan Goal and Policy are satisfied,

C. Plan Policy 2, "Planning Process: The City of Hermiston will monitor and update periodically its comprehensive plan in implementing ordinances to respond to changing conditions."

RESPONSE: The City can find that Plan Policy 2 is satisfied because this is an occasion whereby the City Council has determined, by virtue of its initiation of this text amendment, that an overlay zoning district to provide a location for additional uses, including but not limited to the Umatilla Fairgrounds and the Regional Events Center, is required.

The City can find that this Plan Policy is satisfied.

D. Plan Policy 21, "Neighborhood Quality: The City of Hermiston will protect and enhance the quality of life in residential neighborhoods."

RESPONSE: The Fairgrounds Overlay zoning district will be applied at a later date to an existing Industrial zoning district through a quasi-judicial process. Surrounding property owners and other persons will have an opportunity to testify to both the Hermiston Planning Commission and the Hermiston City Council as to the impacts on quality of life in residential neighborhoods by the application of the Fairgrounds Overlay zoning district for property.

The City can find that this Plan Policy is satisfied.

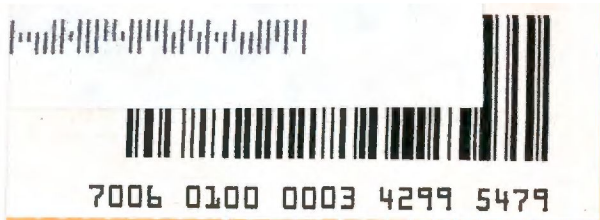
Planning Commission Action

On March 14, 2012, the planning commission held a public hearing on the proposed text amendment. The planning commission received testimony from several parties in support of the amendment. No testimony in opposition was received. Following the conclusion of the public hearing, the commission made a unanimous recommendation that the city council adopt the amendment.

Staff Recommendation

Staff recommends that the city council consider the proposed amendment and all testimony received at the hearing. If the city council agree that the amendment of the code of ordinances to include a zoning overlay specific to the creation of the Eastern Oregon

Trade and Event Center is appropriate, then staff recommends the adoption of Ordinance 2185 incorporating the overlay into the zoning code.



RETURN RECEIPT
REQUESTED

DEPT OF

MAR 29 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTN: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540