



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

05/01/2012

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 002-12

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, May 16, 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
Gordon Howard, DLCD Urban Planning Specialist
Grant Young, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<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



Jurisdiction: City of Hermiston
Date of Adoption: April 23, 2012

Local file number: FO Location
Date Mailed: April 25, 2012

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

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

The adoption of this amendment gives the City of Hermiston the ability to apply the Fairgrounds Overlay zone to a specific development site, namely, the area just south of the Hermiston Airport, without affecting other employment lands. The Fairgrounds Overlay zone is designed to accommodate public recreational uses and establish a set of minimum development standards for such uses. The Light Industrial (M-1) portion of the site did not allow for public and recreational uses; therefore, it was necessary to rezone the site to accommodate these uses.

Does the Adoption differ from proposal? No.

Plan Map Changed from: Industrial and Open Space to: Fairgrounds

Zone Map Changed from: Light Industrial (M-1) and Open Space (OS) to: Fairgrounds Overlay (FO)

Location: west of SE Ott Road, south of the Hermiston Airport

Acres involved: 75 acres

Specify Density:

Previous: N/A

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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: Umatilla Co., Hermiston Irrigation District, and ODOT

Local Contact: Clint Spencer
Address: 180 NE 2nd Street
City: Hermiston

Zip: 97838

Phone: (541) 567-5521

Extension: 5011

Fax Number: 541-567-5530

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

DLCD file No. 002-12 (19176) [17019]

ORDINANCE NO. 2189

AN ORDINANCE AMENDING THE CITY OF HERMISTON'S 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's comprehensive plan map from "Industrial" and "Open Space" to "Fairgrounds" and on the City's zoning map from Light Industrial (M-1) and Open Space (OS) to Fairgrounds Overlay (FO), to-wit:

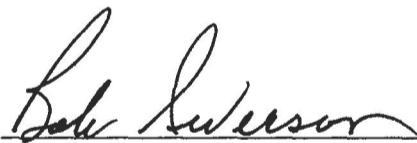
North Half of Southeast Quarter of Section 13, Township 4 North, Range 28, East, Willamette Meridian, Umatilla County, Oregon.

EXCEPTING THEREFROM that portion conveyed to State of Oregon, by and through its Board of Aeronautics, by deed recorded in Book 306, page 489, Deed Records, Umatilla County, Oregon.

SECTION 2. The Findings of Fact as adopted by the City Council on April 23, 2012 are incorporated herein by reference.

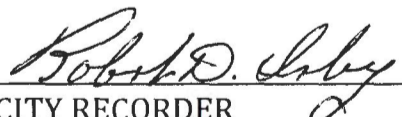
SECTION 3. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the Common Council this 23rd day of April 2012.
SIGNED by the Mayor this 23rd day of April 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: Implementation of Fairgrounds Overlay Zone
Date: April 16, 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.

In March of 2012 the planning commission and city council adopted a new overlay zone designed to create a district for siting the Eastern Oregon Trade and Event Center and Umatilla County Fairgrounds. The overlay zone is intended to be applied to lands south of the Hermiston Airport. The site identified for the EOTEC site is presently zoned Light Industrial and Open Space. Since the Light Industrial zone does not allow for public recreational uses, it is necessary to rezone the site to accommodate these uses. The fairgrounds overlay zone is designed to accommodate public recreational uses and establish a set of minimum development standards for such uses.

The proposed Fairgrounds Overlay zone allows for several uses outright. These uses include agricultural display buildings, amusement enterprises, community buildings, parking lots, auditoriums and exhibition halls. All of these uses are part of the overall development plan for the trade center and fairgrounds. Parking in the overlay is intended to provide adequate parking for most uses, requiring permanent paved parking for both the exhibition hall and indoor arena. It is assumed that most uses of the facility will involve either the indoor arena or exhibition hall. Sometimes both buildings may be used at the same time, therefore paved parking is needed to meeting these building's needs. With the exception of the week during fair, it is very unlikely that all buildings will be in use. Therefore, overflow parking is allowed to accommodate fair or unusually heavy uses.

The question before the planning commission is whether the Fairgrounds Overlay zone is appropriate for application to the site and if the zone is compatible with surrounding uses. The specific criteria relating to amendment of the zoning map are contained in 157.226(E) of the Hermiston Code of Ordinances and are listed as follows:

1. The change is in conformance with the comprehensive plan and also the goals and policies of the plan.
2. 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.
3. The public need is best served by changing the classification of the subject site in question as compared with other available property.
4. The potential impact on the area resulting from the change has been considered.

The overall impacts on the surrounding area have been considered in many ways. The city commissioned Group Mackenzie to prepare a transportation impact analysis which considered public access to the site. Given the existing gravel state of Ott Road and the condition and alignment of the intersection served by Ott at the intersection of Loop and Highland Roads, it was determined that Ott would not be the best access to the site. Public access would best be served either through the improvement of the existing right-of-way at Able Drive to connect the site to Highway 395 or through the construction of a new road to the south of the site, connecting to Airport Road and thence west to Highway 395. For the purposes of this rezone, access to the site will be through the construction of a new road either at Able Drive or to connect to Airport Road and access to Ott Road will be precluded. Should a later site development plan propose access to Ott Road, the city will need to revisit the findings of the TIA and determine what, if any, improvements to Ott Road are necessary. However, since Ott Road does directly abut the site for 1,300 feet, there will be a reservation for emergency vehicle access to Ott Road. Emergency vehicles are a rare occurrence and do not have a meaningful impact on the overall transportation system.

The TIA prepared by Group Mackenzie looks at the functionality of both the Able Drive and Airport Road access options for the site. The conclusion of the report is that access to Airport Road is preferential to Able Drive access. The Airport Road access is better suited for the future installation of a traffic signal and in fact the Hermiston TSP calls for a future signal at this location. Able Drive is not able to have a signal installed which will meet ODOT's signal requirements. Events which will generate extremely high attendance numbers, such as the fair week when the Farm City Pro Rodeo and a concert may exit at the same time will also require a separate event management plan to handle excessively large traffic volumes in a very short time span.

The site itself is bounded by agricultural EFU lands to the east directly across Ott Road. The Hermiston Airport bounds the site to the north and west. The airport itself is zoned A which is the city's airport zone. Uses allowed in the A zone include all uses allowed outright in the C-2 and M-1 zones. Therefore, almost all commercial and light industrial uses are allowed within

the boundaries of the airport. Lands adjacent to the south have a county F-1 designation which is a historic exclusive farm use designation applied within the UGB. The proposed site is presently zoned M-1 light industrial and Open Space. The M-1 zoning allows for a wide array of manufacturing, warehousing and other industrial uses. The OS zoning allows for public recreational facilities. Application of the overlay zone will continue to allow the uses in the underlying M-1 and OS zones but also allow for the exhibition center and fairground facilities. In comparison with the noise, visual disturbances, and dust potential currently allowed under the M-1 zoning on the property, there is little chance that a fairgrounds and exhibition center will create noise or other nuisances in excess of those allowed under the current zone. Additionally, since the site is bounded by industrial or agricultural lands, there are very few parcels which will be impacted. The overall 75 acre site is large enough to allow for adequate buffering between fair activities and the agricultural homesteads to the south.

The issue of whether the site is best suited in comparison with other available sites is objectively solvable. The fair currently resides on a 25 acre site in the downtown core. This site has an exceptionally small off-street parking capability and aging facilities and infrastructure which are outdated and in need of complete reconstruction. The existing fairgrounds has an on-site RV park which is non-conforming in both its improvements and the underlying zoning. The proposed site will provide 12 acres in just paved parking area and another 60 acres for public buildings, recreational facilities, landscaping and display buildings. The site is also exceptionally flat and is well suited to development of an event center and fairgrounds. In looking at properties within the UGB, both inside and outside the city, there are very few sites or conglomerations or properties which have an equivalent size and topography. The two sites which are closest in size and topography are the Desert Falls tract on Feedville Road and the Cook tract, also on Feedville Road. Neither of these tracts is in public ownership and acquisition of these properties would significantly increase development cost over the proposed site. Additionally the Desert Falls tract is much more sloped than the proposed site and is located a significantly greater distance from utilities. The Cook tract is similar in topography but is identified by the state of Oregon as one of the state's "Certified Industrial Sites" and is a significant future source of employment for the city. Industrial development has already began on the site and locating the event center on the property would seriously endanger the city's ability to provide industrial jobs in the future.

The Fairgrounds Overlay zone itself contains development standards which help to insure compatibility. The entire site will be required to be fenced with a six foot fence for both security and property control. Parking for the permanent public buildings will be required to be paved and overflow parking will be required to provide dust control.

Draft Findings

- 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-acknowledgment amendments to its land use regulations. Second, the Planning Commission will follow the procedure in its acknowledged land use regulations and provide an evidentiary hearing on the proposed zoning map amendment, as will the 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 quasi-judicial map amendment. Further, the City has coordinated with affected governmental units by providing them with a reasonable opportunity to comment on the zoning map amendment and will consider their comments in the decision as much as possible. Third, the substantial record before the Planning Commission demonstrates that there is an adequate factual base for finding that the zoning map amendment should be approved.

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 development of the Umatilla County Fairgrounds (the "Fairgrounds") and the 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 opportunities.

The City can find that this Goal is satisfied.

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

RESPONSE:

The City can find that Goal 12 is satisfied because the amendment to its acknowledged zoning map will not create additional vehicle trips that will have a "significant affect" on the City's safe, convenient and economic transportation system, as explained under the Transportation Planning Rule.

The City can find that this Goal is satisfied.

E. Other Goals.

RESPONSE:

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 the acknowledged comprehensive plan map designation but is further implementing the acknowledged comprehensive plan through the implementation of the Fairgrounds Overlay zoning district. Therefore, this administrative rule does not apply to this post-acknowledgment amendment.

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

RESPONSE:

OAR 660-012-0060(1)-(3) applies to an amendment to the City's acknowledged land use regulations, including its acknowledged zoning map. The first step of a two-step process is to determine whether this quasi-judicial amendment would "significantly affect" an existing or planned transportation facility. "Significant affect" is defined in OAR 660-012-0060(1)(a)-(e). The City can find based on the transportation impact analysis provided by Group Mackenzie that there is a significant affect on several intersections. Therefore, the second stage of the analysis is a mitigation of those significant affects. The City proposes conditions of approval to be adopted with the zoning map amendment pursuant to the Transportation Planning Rule as follows:

- "1. Access to the Fairgrounds Overlay zoning district area shall be via either Able Drive or Airport Road. If Able Drive access is provided, access via Airport Road shall not be allowed. If Airport Road access is provided,

access via Able Drive shall not be allowed. The City expressly adopts the recommendations for the road improvements for either access (for Able Drive as described in the transportation impact analysis "Access Scenario No. 1" and for Airport Road, the requirements described in "Access Scenario No. 2" in the transportation impact analysis.)

Requirement 5, in both access scenarios, may be amended through a similar quasi-judicial process addressing the relevant requirements of the Transportation Planning Rule.

Additionally, the City will condition the overlay zoning map amendment to prohibit access except for emergency responder access to Ott Road unless and until at a future time the City amends this condition through a similar quasi-judicial process addressing the requirements of the Transportation Planning Rule.

Finally, for both access scenarios, in order to implement the "formal engineering study" recommended in the transportation impact analysis, the City shall provide a similar quasi-judicial process in order to assure that the relevant requirements of the Transportation Planning Rule are satisfied."

C. Other Administrative Rules.

RESPONSE:

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.

A. Section 157.072(B), "Other Requirements and Conditions: All uses in an A zone shall conform to conditions imposed in Chapter 151 of this code adopted as part of the Hermiston Airport Master Plan, which governs development around the Hermiston Airport, so as to minimize interference with the operations of the airport and reduce hazards to the public health, welfare and safety."

RESPONSE:

The City will assure that all uses proposed in the Fairgrounds Overlay zoning district shall conform to the Hermiston Airport Master Plan at the time of Site Development Review application.

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

RESPONSE:

The City Council initiated the Hermiston Overlay zoning district and adopted the zoning district by an emergency ordinance. Therefore, the City may now apply the Overlay zone to this property.

C. Section 157.226.D(1) and (2), "Quasi-Judicial Proceedings."

RESPONSE:

This application is a quasi-judicial change because the proposed amendment involves a zoning map amendment without a wide spread and significant impact beyond the immediate area of the proposed amendment. The City is the property owner and has the authority to initiate this amendment.

The City can find that this criterion is satisfied.

D. Section 157.226(E), "Approval Criteria."

"(1) The following criteria must be followed in deciding upon a quasi-judicial proceeding:

(a) The burden in all land use proceedings is on the applicant, whether a zone change, conditional use or variance is the subject of the hearing;"

RESPONSE:

The City can find that the applicant has met its burden of proof to demonstrate that the zone change meets the applicable approval criteria.

"(b) The requested zone change or conditional use must be justified by proof:

1. The changes in conformance with the Comprehensive Plan and also the goals and policies of the Plan;"

RESPONSE:

The City can find based upon the substantial evidence before it that the proposed zoning map amendment is consistent with the City's relevant Comprehensive Plan goals and policies.

"(b):

2. 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;

RESPONSE:

The City can find that the public need for the zoning map amendment is the need to establish a new Regional Events Center and Fairgrounds. The public need is best served by adding the Fairgrounds Overlay zoning district to this publicly owned property so that the Regional Events Center and Fairgrounds can be provided on this property.

"(b):

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

RESPONSE:

The City can find that the public need is best served by this property for two (2) reasons. First, the City owns this property, so additional public acquisition is unnecessary. Second, the location best meets the public need for two (2) reasons. First, there is adequate and appropriate access to the property. Second, there are few adjacent uses which will be impacted by external impacts from this use.

"(b):

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

and

(c). 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."

RESPONSE:

The potential impacts upon the area resulting from the adoption of the overlay zoning district for this area include additional noise, traffic and other external impacts from the Regional Events Center and Fairgrounds. The City can find that noise and other external impacts from the use can be adequately addressed through the Site Development Review process, which will follow the zoning map application. As to traffic, the City can find that Goal 12 and the Transportation Planning Rule have been satisfied and that there is adequate and safe road access to this property.

"(d). Procedural process for a quasi-judicial hearing.

1. Parties at a public hearing must have an opportunity to be heard to present and rebut evidence.

2. There must be a record which will support the findings made by the City Council or Planning Commission."

RESPONSE:

The City can find that the public hearings will be conducted in a way which satisfies these requirements for procedural process.

E. Conclusion.

RESPONSE:

For the reasons contained above, the City 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 can find 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 this Plan Policy is satisfied because this zoning map amendment responds to changing needs.

D. Plan Policy 12, "Noise: The City of Hermiston will comply with State noise standards to minimize noise impacts on residential and other sensitive uses."

RESPONSE:

The City can find that this plan policy is satisfied because it will assure that state noise standards, to the extent they are applicable, will be satisfied.

E. Plan Policy 16, "Parks, Recreation and Open Space: The City of Hermiston will acquire and develop additional parks and recreational facilities throughout the community and preserve as open space city-owned land which possesses recreational, scenic and other environmental qualities or is subject to natural hazards."

RESPONSE:

The City can find that this policy is satisfied because development of the Open Space zoned portion of the site does not interfere with recreational, scenic or other environmental qualities nor is the site subject to natural hazards.

F. Plan Policy 18, "General Industrial Development: The City of Hermiston will facilitate industrial development as a means of creating new jobs and fostering the economic well being of the community."

RESPONSE:

The City can find that this map amendment will generate additional jobs in the Industrial zoned portion of the site.

G. Plan Policy 20, "General Economic Development: The City of Hermiston supports economic development and job growth which will diversify and strengthen the mix of economic activity in the local marketplace and provide employment opportunities for local residents."

RESPONSE:

The City can find that this policy is satisfied because development of a Regional Events Center and new Fairgrounds will diversify and strength the mix of economic activity in the City and provide new and additional employment opportunities for local residents.

H. Plan Policy 22, "Neighborhood Quality: The City of Hermiston will protect and enhance the quality of life in residential neighborhoods."

RESPONSE:

The City can find that this mapping amendment will not fail to protect and enhance the quality of life in residential neighborhoods for several reasons. First, the impacts on surrounding residences will be addressed through the Development Review application. Second, the distance from the surrounding residences to the area to be rezoned is sufficient to allow appropriate buffering opportunities.

I. Plan Policy 32, "Rail/Air Transportation: The City of Hermiston will protect the operation of the Hermiston Airport from conflicting land uses and encourage expansion of air and rail transportation to facilitate economic development."

RESPONSE:

Chapter 151 of the Hermiston Code of Ordinances establishes approach zones, clear zones and transitional zones to protect the runway of the Hermiston airport. This property lies within the transitional zone and is subject to the height limitation of said zone as described in Section 151.18 of the Hermiston Code of Ordinances. All development on the site will comply with this restriction.

Additionally, the Hermiston Airport Master Plan dated March 2001 establishes future development alternatives for the airport. Future taxiway construction, runway extension and hangar construction are all indicated to lie outside the property boundary. There is no future runway configuration in the airport master plan which will interfere with this site.

The City can find that this application will not adversely affect operation of the Hermiston airport.

J. Plan Policy 34, "Transportation System Plan: 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."

RESPONSE:

The city prepared a transportation impact analysis (TIA) which looked at potential access to the site on the existing Able Drive right-of-way as well as using a future new connection to Airport Road. The findings of the TIA indicate that either alternative can provide sufficient access to the site. Both potential access alternatives can satisfy the requirements of the statewide transportation planning rule with intersection improvements to their respective Highway 395 interchanges.

The City can find that the Transportation Planning Rule has been satisfied.

K. Conclusion.

RESPONSE:

The City can find that the relevant comprehensive plan policies have been satisfied.

Planning Commission Action

On March 11, 2012, the planning commission held a public hearing on the proposed application of the overlay zone. Following the conclusion of the hearing, the planning commission unanimously recommended that the city council adopt the rezone.

Recommended City Council Action

Staff recommends that the city council review the proposed map amendment. Subject to the testimony received at the public hearing, the city council may wish to modify the documents and/or direct staff to write additional findings. If the proposed amendment is appropriate as submitted, staff recommends that the city council adopt the rezoning amendment subject to the following conditions as prepared by staff:

1. Access to the Fairgrounds Overlay zoning district area shall be via either Able Drive or Airport Road. If Able Drive access is provided, access via Airport Road shall not be allowed. If Airport Road access is provided, access via Able Drive shall not be allowed. The City expressly adopts the recommendations for the road improvements for either access (for Able Drive as described in the transportation impact analysis "Access Scenario No. 1" and for Airport Road, the requirements described in "Access Scenario No. 2" in the transportation impact analysis.)

Requirement 5, in both access scenarios, may be amended through a similar quasi-judicial process addressing the relevant requirements of the Transportation Planning Rule.

Additionally, the City will condition the overlay zoning map amendment to prohibit access except for emergency responder access to Ott Road unless and until at a future time the City amends this condition through a similar quasi-judicial process addressing the requirements of the Transportation Planning Rule.

Finally, for both access scenarios, in order to implement the "formal engineering study" recommended in the transportation impact analysis, the City shall provide a similar quasi-judicial process in order to assure that the relevant requirements of the Transportation Planning Rule are satisfied.

Access Scenario #1 (Connection to US 395 via Able Drive)

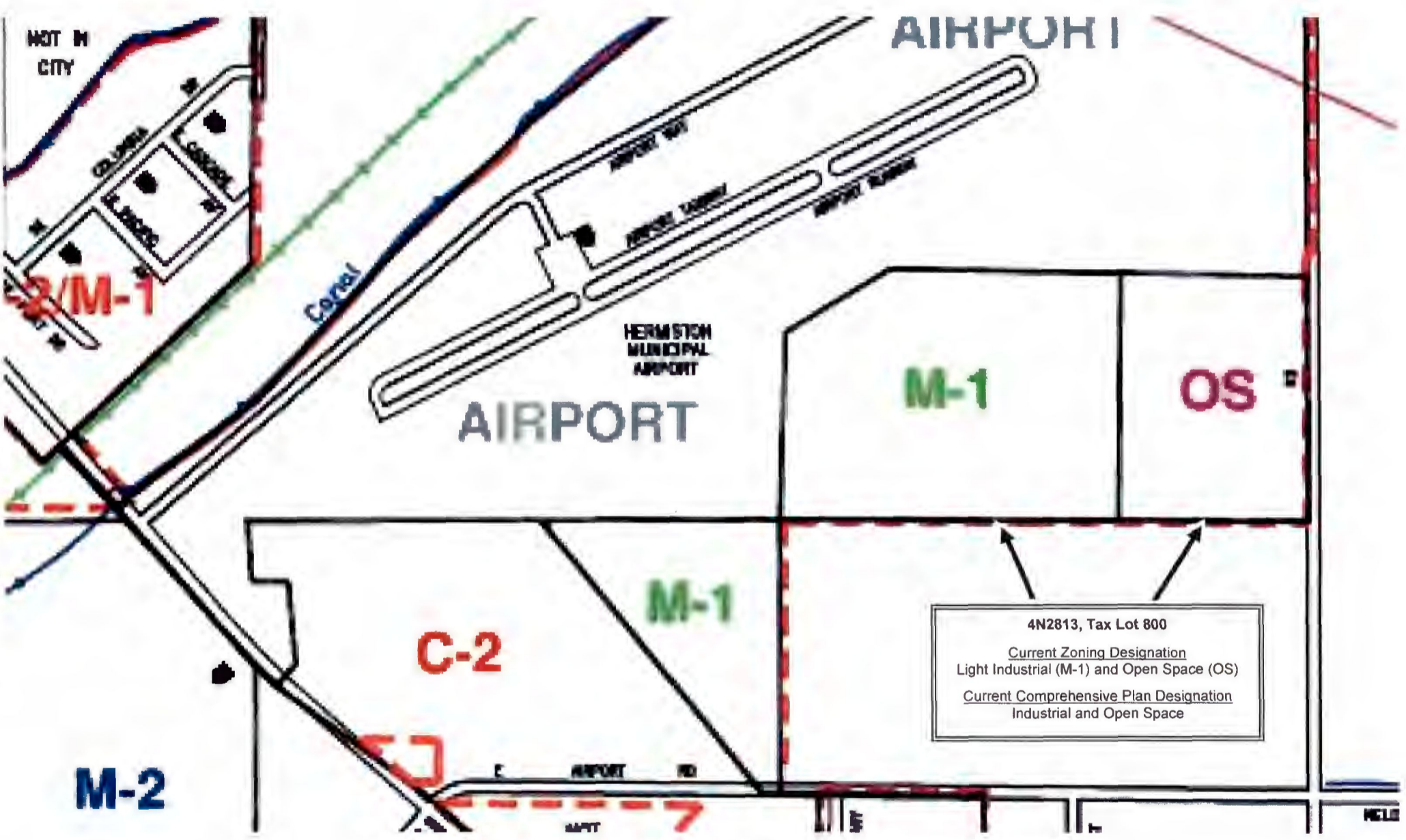
1. Construct a new street connection between the fairgrounds site and US 395 along the reserved right-of-way alignment for Able Drive. The roadway design shall be consistent with the City's design standards for an Urban Minor Collector.
2. Establish a modern public street intersection at US 395 and Able Drive, with a stop sign control on Able Drive approach and separate left- and right-turn egress lanes. No movements will be restricted at this intersection.
3. To maintain adequate operations and safety under normal operation at the US 395/Able Drive intersection, activities at the EOTEC site must be restricted so that they generate no more than 710 peak hour vehicle trips on a weekday afternoon (3-6 PM).
4. Activities expected to generate above 710 peak hour vehicle trips will require an event management plan for Able Drive and the US 395/Able Drive intersection. The event

management plan should be developed through a formal engineering study and submitted to the City, Umatilla County, and ODOT for approval as part of a site development application.

5. Establish gated access to Ott Road for emergency use only. Public access to Ott Road will be restricted, unless a formal traffic engineering study is prepared and submitted to the City, Umatilla County, and ODOT for approval as part of a site development application. The study should be reviewed for consistency with applicable operational and safety standards.

Access Scenario #2 (Connection to US 395 via Airport Road)

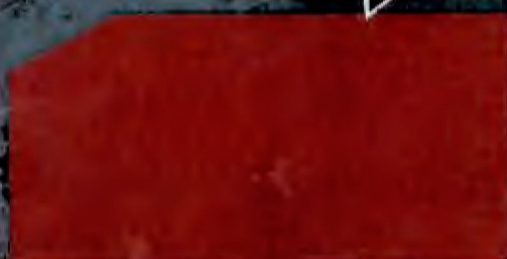
1. Construct a new street connection between the EOTEC site and Airport Road. The roadway design shall be consistent with the City's design standards for an Urban Major Collector.
2. Upgrade the US 395/Airport Road intersection with a traffic signal with separate left-through and right-turn lanes on the westbound approach of Airport Road.
3. To maintain adequate operations and safety under normal operation at the US 395/Airport Road intersection, activities at the EOTEC site must be restricted so that they generate no more than 1,000 peak hour vehicle trips on a weekday afternoon (3-6 PM).
4. Activities expected to generate above 1,000 peak hour vehicle trips will require an event management plan for Airport Road and the US 395/Airport Road intersection. The event management plan should be developed through a formal engineering study and submitted to the City, Umatilla County, and ODOT for approval as part of a site development application.
5. Establish gated access to Ott Road for emergency use only. Public access to Ott Road will be restricted, unless a formal traffic engineering study is prepared and submitted to the City, Umatilla County, and ODOT for approval as part of a site development application. The study should be reviewed for consistency with applicable operational and safety standards.



4N2813, Tax Lot 800
 Current Zoning Designation
 Light Industrial (M-1) and Open Space (OS)
 Current Comprehensive Plan Designation
 Industrial and Open Space



Area of Proposed New Land Use Regulation
4N2813, Tax Lot 800
Proposed New Zoning Designation
Fairgrounds Overlay (FO)
Proposed Comprehensive Plan Designation
Fairgrounds



Imagery Date: 6/28/2005 1994

45° 49' 35.64" N, 119° 15' 34.28" W elev: 839 ft

Google earth

Eye alt 9925 ft

for Assessment & Taxation
NOT prepared nor is it suitable
surveying purposes.



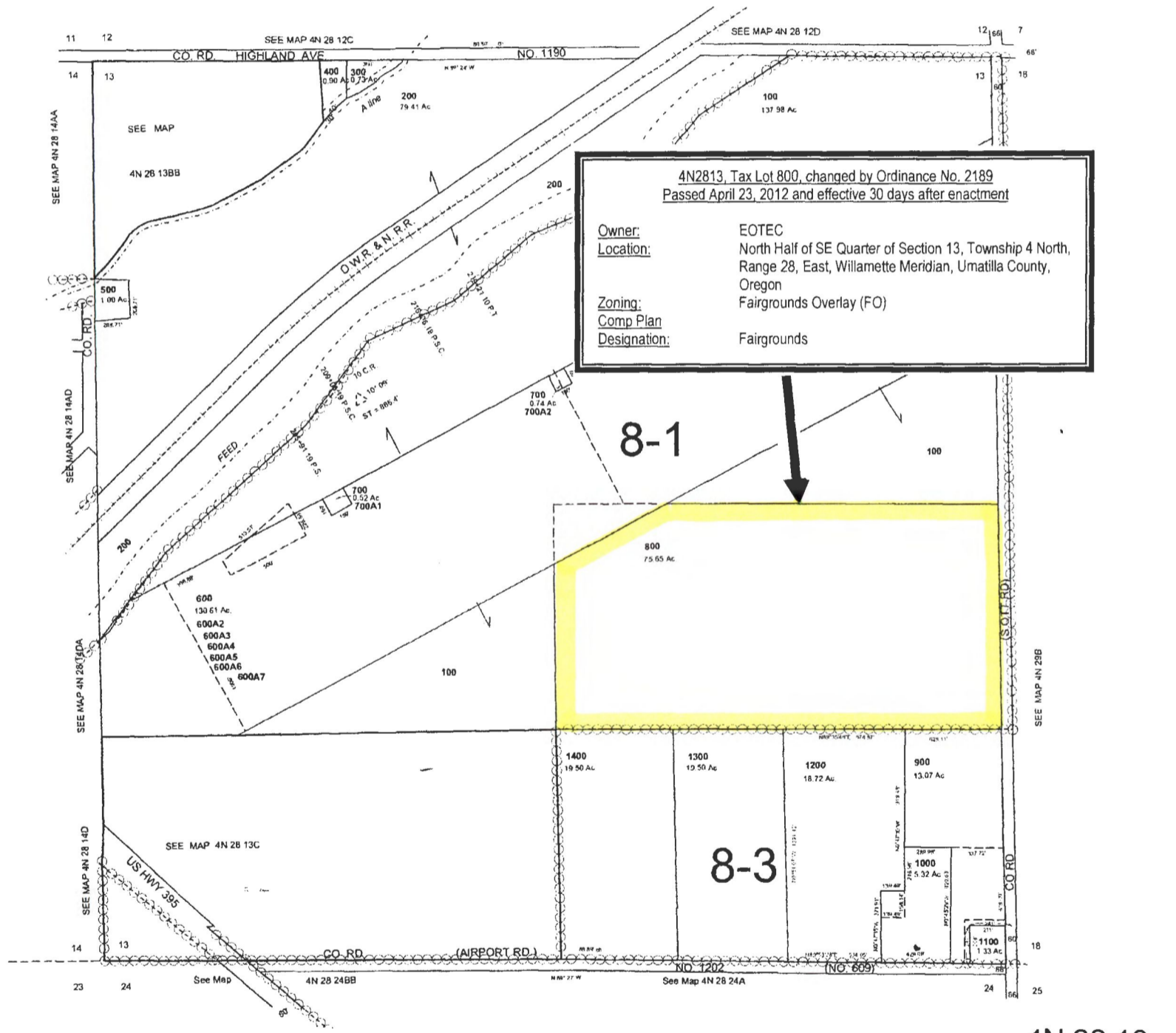
SEC 13 T4N R28E WM
UMATILLA COUNTY, OR

Revised: 12/23/08

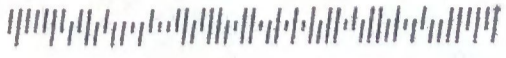
4N 28 13

SCALE: 1" = 400'

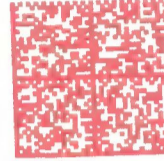
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LAND CONSERVATION
AND DEVELOPMENT

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