



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 30, 2015
Jurisdiction: City of Hermiston
Local file no.: 157.002 Multi-Family
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/29/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	003-15 {24080}
Received:	12/29/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Hermiston

Local file no.: **157.002 Multi-Family Definition**

Date of adoption: 12/28/15 Date sent: 12/29/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/13/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Minor wordsmithing changes from original submittal and clusters of three or more single family dwellings no longer included in multi-family definition.

Local contact (name and title): Clint Spencer, City Planner

Phone: 541 567-5521

E-mail: cspencer@hermiston.or.us

Street address: 180 NE 2nd Street

City: Hermiston

Zip: 97838-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-----------------|--------|------------|--|
| Change from N/A | to N/A | N/A acres. | A goal exception was required for this change. |
| Change from N/A | to N/A | N/A acres. | A goal exception was required for this change. |
| Change from N/A | to N/A | N/A acres. | A goal exception was required for this change. |
| Change from N/A | to N/A | N/A acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): N/A

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: N/A

Non-resource – Acres: N/A

Forest – Acres: N/A

Marginal Lands – Acres: N/A

Rural Residential – Acres: N/A

Natural Resource/Coastal/Open Space – Acres: N/A

Rural Commercial or Industrial – Acres: N/A

Other: N/A – Acres: N/A

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Amendment to 157.002 (Definitions) of the Hermiston Zoning Ordinance to broaden the definition of multi-family housing to include two or more duplexes on one lot.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Change from N/A to N/A Acres: N/A

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: N/A Acres added: N/A Acres removed: N/A

Location of affected property (T, R, Sec., TL and address): N/A

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The submission includes the adopting ordinance, staff report, and findings of fact adopted by the city council.

ORDINANCE NO. 2235

AN ORDINANCE AMENDING THE DEFINITION OF "DWELLING, MULTI-FAMILY" IN SECTION 157.002 DEFINITIONS OF TITLE XV, CHAPTER 157: ZONING OF THE HERMISTON CODE OF ORDINANCES

WHEREAS, the Hermiston City Council voted on October 12, 2015 to initiate the process to amend the city's definition for multi-family dwellings in the zoning ordinance; and

WHEREAS, the Hermiston Planning Commission held a public hearing on November 18 and December 9, 2015 to receive public testimony and consider the amendment of the definition of "Dwelling, Multi-Family" in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, the Hermiston City Council held a public hearing on December 28, 2015 to receive public testimony and consider the amendment of the definition of "Dwelling, Multi-Family" in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, notice of the planning commission and city council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments; and

WHEREAS, a staff report on the proposed amendment was available seven days prior to the November 18 and December 28 public hearings and included findings in support of the amendment to the code of ordinances; NOW THEREFORE

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

SECTION 1. The definition of "Dwelling, Multi-Family" in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances is hereby amended to read as follows:

~~DWELLING, MULTI-FAMILY. A building containing three or more dwelling units.~~

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.

SECTION 2. The findings of fact as adopted by the city council on December 28, 2015 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be thirty days after certification of the election results by the city council of the City of Hermiston.

PASSED by the Common Council this 28th day of December, 2015.

SIGNED by the Mayor this 28th day of December, 2015.



MAYOR

ATTEST:



CITY RECORDER

Staff Report

For the Meeting of December 28, 2015
MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2015 –

**SUBJECT: Public Hearing for
Ordinance 2235**

Subject

The City Council is holding a hearing to consider an amendment to the zoning ordinance broadening the definition of multi-family housing.

Summary and Background

Staff has encountered several zoning conflicts with the definitions for two-family and multi-family dwellings in the zoning ordinance over the years. A duplex or two-family dwelling is defined as a “building containing two dwelling units on a single lot.” A multi-family dwelling is defined as a “building containing three or more dwelling units.” There is a conflict which is small but important which has never been adequately addressed. Using the definition of a duplex as being on a single lot and considering that a multi-family dwelling must have three or more units in a building, it is technically impossible to build a multi-family development containing a series of apartments with two dwelling units each on a single lot. Although uncommon, this is a housing option that is requested.

The planning commission discussed this issue at their November and December meetings. The planning commission considered the potential long term impacts of opening up multi-family housing to include multiple single-family dwellings. The planning commission determined that it would not be appropriate nor in the spirit of multi-family dwellings to include single-family dwellings in the definition. After much deliberation, the planning commission recommended that the city council adopt an amended version of the multi-family dwelling definition. The recommended definition is as follows:

“A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.”

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning ordinance. The proposed amendment has been deemed a legislative change in that it involves the text of the ordinance.

A copy of the findings of fact adopted by the planning commission is attached to this report and is intended to be an exhibit to the ordinance.

Fiscal Information

There is no estimated financial impact from this amendment. However, a more flexible ability to create multi-family dwellings will encourage infill development in existing small lot multi-family zoned parcels, increasing tax revenue over the long term.

Alternatives and Recommendation

The city council may choose to:

- Adopt Ordinance 2235 as written
- Modify the text of Ordinance 2235 and adopt at the next available council meeting
- Reject Ordinance 2235

Requested Action/Motion

Staff requests that the city council make a motion to adopt the findings of fact following the closure of the public hearing.

Staff requests that the city council adopt Ordinance 2235 as written.

Reviewed by:

Department Head – Clinton Spencer, City Planner

City Manager Approval

FINDINGS OF FACT
ORDINANCE NO 2235
DECEMBER 28, 2015

Statewide Planning Goals and Comprehensive Plan Policies.

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

1. Notice of public hearings were published in the Hermiston Herald at least 20 days prior to the planning commission hearing on October 28, 2015 and 20 days prior to the city council hearing on November 4th, 2015 in accordance with §157.226 of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on November 18 and December 9, 2015 in accordance with §157.226(F).
3. The City Council held a public hearing on December 28, 2015 in accordance with §157.226(F)

Goal 1 and Policy 2. Planning Process. The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

4. Policy 2 requires the City to annually review development activity and its impacts.
5. The planning commission reviewed the multi-family dwelling definition and determined it was inadequate to address all desired multi-family housing types.
6. The city council directed staff to prepare a code amendment to amend the definition for multi-family dwelling.

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.

7. The notice of proposed amendment was sent to the Department of Land Conservation and Development on October 13, 2015, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

8. Housing, especially multi-family housing, must be located within one of the city's five residential zones. Multi-family housing is not permitted on agricultural land. Farming practices and available arable land will not be impacted by amending the definition for multi-family dwelling.

Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.

9. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.

10. The City's acknowledged comprehensive plan has policies established for compliance with Goals 5, 6, 7, 8, 9, 11, 13, and 14. No new uses are being permitted through the amendments. No additional findings must be made demonstrating compliance with these Goals.

Goal 9 Housing

11. Goal 9 requires the city to accommodate all forms of needed housing units. Broadening the definition of multi-family housing will allow additional forms of multi-family housing to be built.

Goal 12 Transportation and OAR 660, Division 012

12. The proposed amendment does not permit any new uses. Therefore no new trips will be created and no transportation facility will be significantly affected as a result of the amendment.

Hermiston Zoning Ordinance §157.226

13. The City Council initiated the proposed amendment to the zoning ordinance by motion on October 12, 2015 in compliance with §157.226(A).
14. The proposed amendment amends the text of the zoning ordinance, has a widespread impact on the city as a whole, and does not involve an amendment to the zoning map. Therefore, the proposed amendment is a legislative amendment as defined by §157.226(B)(1) and §157.226(C)(1) and (2).

15. Based upon Finding #14, the proposed amendment is not a quasi-judicial action and the approval criteria in §157.226(E)(1) are not applicable.
16. Notice of the proposed amendment was provided to the Oregon Department of Land Conservation and Development on October 13, 2015, more than 35 days in advance of the first evidentiary hearing as required by §157.226(F) and modified by ORS 197.610.
17. A notice of public hearing for the planning commission hearing was published on October 28, 2015 and the city council notice was published on November 4, 2015. Each notice was published in the Hermiston Herald at least 20 days in advance of the hearing as required by §157.229(D).
18. Based upon Finding #14, the proposed amendment is legislative and mailed notice to property owners is not required per §157.229(D).