



PLANNING COMMISSION

Hermiston City Hall 180 NE 2nd St

Where Life is Sweet

January 11, 2023 at 7:00 PM

AGENDA

*Other ways of viewing or participating in live meetings are available through:
Zoom with Meeting ID: 839 4193 1958 Passcode: 616958 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.or.us*

1. CALL TO ORDER - 7:00 PM

2. MINUTES

A. Minutes of the December 14, 2022 regular Planning Commission meeting

3. HEARINGS

A. EOTEC Variance Review- 4N2813 Tax Lots 800 & 1400 - 1705 E Airport Rd

B. Alteration of Non-Conforming Use- Schnell 4N2811CB Tax Lot 2200 - 291 E Gladys Ave

C. Comprehensive Plan Map Amendment - Simon and Simon 4N 28 13C Tax Lots 900 & 906 - 1457,1555,1575 & 1595 E Airport Rd

4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

5. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE ****

Please contact Hermiston City Hall, 180 NE 2nd St, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



PLANNING COMMISSION

Regular Meeting Minutes
December 14, 2022

Chairman Saylor called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Sargent, Collins, Kirkpatrick, Fialka, and Caplinger. Commissioner Burns was excused. Commissioner Hamm was absent. Staff in attendance included Planning Director Clint Spencer, City Attorney Richard Tovey, and Heather La Beau. Youth Advisory Members Elizabeth Doherty and Jeannine Heredia were absent.

Minutes

Commissioner Kirkpatrick moved and Commissioner Fialka seconded to approve the minutes of the November 9, 2022, regular meeting. Motion passed unanimously.

Hearings- Major Variance Amazon Data Center 4N2824 Tax Lot 600- 994 E Penney Ave

The planning commission is holding hearing to consider a request for a variance. The request must be approved by the planning commission subject to the criteria established in §157.225 of the Hermiston Code of Ordinances. The applicant wishes to obtain a variance from §157.176 of the Hermiston Code of Ordinances which establishes the required number of parking spaces for warehouse use. The applicant, Leif Van Acker, requests the number of required spaces be reduced from 861 to 213. The property is described as 4N 28 24 Tax Lot 600 and is located at 994 E Penney Ave.

As there were no conflicts of interest, Chairman Saylor opened the hearing at 7:01PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. Hermiston’s parking standards are conservative compared to other cities. This variance is similar to the one granted to Meyer Distributing last year. At that time, the Planning Commission had requested staff to consider revising the parking standards, however the project was cut from this year’s budget.

Commissioners discussed occupancy changes and how that would trigger different parking ratios, employee counts and visitor parking.

Testimony

Leif Van Acker 920 SW 6th Ave Portland- Mr. Acker is representing Amazon Data Services. The 213 spaces accommodate 50 spaces per warehouse building and an additional 13 spaces for visitors outside of the security perimeter. The project covers approximately 80% of the lot. The additional 600 required spaces may fit on the site, but they do not feel that is the best option. Shift change overlap is accounted for in the proposed number of spaces. Mr. Van Acker clarified that the 30 employee per building is the maximum. The site is securely enclosed and there is not a chance of excess vehicles from non-employees to enter and use the parking.

Chairman Saylor closed the hearing at 7:20PM.

Findings of Fact



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Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

1. The proposed development has four proposed buildings totaling 861,200 square feet at buildout. Each building is 214,850 square feet.
2. Required parking for the development is 861 spaces per Section 157.176 of the Hermiston Code of Ordinances which requires one space per 1,000 square feet of building area for industrial use.
3. The total employee count for each building is projected at 30 employees maximum per shift. The site is secure and not open to the public.
4. The only users of the facility will be data center employees and a limited number of authorized visitors.
5. The required parking is higher than needed to service the employee and visitor count and higher than the number of parking spaces provided for data centers in the region, as well as higher parking counts than required for industrial uses in general.
6. Strict application of the parking standard for the proposed distribution center will result in an unused impervious surface of approximately 3.5 acres, requiring additional storm water facilities and creating an unnecessary environmental impact.

The variance is necessary for the preservation of a property right of the applicant that is substantially the same as is possessed by owners of other property in the same zone or vicinity.

7. Approval of the variance allows for economic and smart development of the parcel as a datacenter with an appropriate parking standard necessary to accommodate the projected employment of 120 employees maximum per shift.
8. Approval of the variance allows the development of the property as a data center in a heavy industrial zone as a use permitted in this zone.
9. Other data centers in the region have developed with a parking ratio of less than one space per 1,000 square feet. Typically, the overall parking ratio is calculated based on employee count.
10. Requiring review of each variance request through a public hearing and public notice process ensures the right of adjoining property owners to participate in the deliberation process, protecting the rights of neighboring property owners.

The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any development pattern or policy.

11. The development will provide parking adequate to accommodate the employees on-site each shift, plus visitors.



PLANNING COMMISSION

Regular Meeting Minutes
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- 12. Maintaining land in a vegetated state rather than improving for unneeded parking minimizes urban heat island effects and minimizes potential storm water contamination.

It is impossible to maintain the zoning ordinance requirements and at the same time build, erect or use the structure.

- 13. The current parking requirement is appropriate for traditional industrial uses which have a high employee count and a smaller floor area.
- 14. Data centers have a very large building footprint but low employee count and thus, a low parking demand.
- 15. Requiring excess parking above what is necessary to accommodate the estimated 120 employees creates an undue economic hardship on the development.
- 16. The 213 proposed spaces are adequate to handle employee demand, overlap during shift changes, and visitors and deliveries.

The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

- 17. The proposed 213 spaces are similar to that provided at other data centers for the owner.
- 18. Since employee counts per shift and expected visitor counts are known, the requested variance is the minimum that will alleviate the hardship, accommodate necessary parking, and limit unnecessary impervious area.

Commissioner Fialka moved, and Commissioner Sargent seconded to make the project file part of the record. Motion passed unanimously. Commissioner Fialka moved to adopt the Findings of Fact. The motion had not received a second and Commissioner Fialka retracted his motion. After some discussion, Commissioner Sargent moved, and Commissioner Doherty seconded to approve the Findings of Fact as amended (#3 & #7). Motion passed unanimously. Commissioner Sargent moved, and Commissioner Fialka seconded to approve the variance. Motion passed unanimously.

Final Plat Gettman Hill Estates Phase 1 4N2815 Tax Lot 200- 1307 SW 3rd St

Planning Director Spencer presented the staff report. The public improvements have been installed and inspections are being conducted. The City will not release the plat until the improvements have been accepted by the City.

Testimony

Jeff Newman 29411 Feedville Rd – Mr. Newman stated the inspections are being performed and they are trying to follow all the new regulations and the goal posts seem to be changing. The contractor was unaware of some items regarding the concrete around the sewer drains. This has been cut in and poured, they are hoping for the final blessing so they can continue.

Commissioner Fialka moved, and Commissioner Caplinger seconded to approve the final plat subject to the conditions of approval. Motion passed unanimously.



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Planner Comments and Unscheduled Communication

Three hearings are scheduled for the January meeting.

Season's Greetings were expressed to all.

Adjournment

Chairman Saylor adjourned the meeting at 7:32PM.

DRAFT



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of January 11, 2023

Title/Subject

EOTEC Variance Review- 4N2813 Tax Lots 800 & 1400 - 1705 E Airport Rd

Summary and Background

Pursuant to the planning commission’s 2016 approval of a parking variance for the EOTEC facility, an annual review of operations is scheduled. This is the fifth and final review.

The planning commission is holding a public hearing to review the operations of EOTEC during 2022. In 2016 the planning commission granted a variance from the minimum parking standards in 157.176 of the Hermiston Code of Ordinances. As part of the variance approval the planning commission conditioned that the operations be reviewed annually for five years. At the first review in 2018, the planning commission determined that there was not sufficient evidence from 2017 operations to determine the impacts of EOTEC operations and extended the review period for one year. COVID-19 closures in 2020 meant that there were no events at EOTEC that year and another year of review was added. The 2023 review of 2022 is the fifth and final review.

Operational oversight for EOTEC transferred from Venuworks to the City of Hermiston in 2022. Venuworks operated EOTEC under contract with the city from 2016 to 2022 at which time the city terminated the contract and began operating EOTEC as a city department with city employees.

The 2022 county fair was the second fair to be held following completion of the Airport Road and Ott Road improvements. The paving fulfilled one condition of site plan approval, and Ott Road may now fully be used for site access as well as Airport Road. This allows better circulation of patrons and shuttles. Shuttle service continued to be well utilized by patrons.

In 2022 the overflow parking plan was completed and submitted for approval to the planning commission. The commission approved the plan during the 2022 annual review, fulfilling another approval condition.

At this time, all approval conditions from site plan, rezoning, and variance approvals have been fulfilled. Staff does not recommend any additional conditions be placed upon EOTEC for parking and circulation.

Tie-In to Council Goals

N/A

Fiscal Information

There is no financial impact as a result of the hearing. EOTEC is a city owned facility. Maintenance and operation of EOTEC and any capital improvements or adjustments in staffing are paid from the city budget and will have a financial impact.

Alternatives and Recommendation

Alternatives

The planning commission should consider all of the evidence presented at the hearing and determine if additional conditions are warranted.

The planning commission may choose to:

- Continue EOTEC operations with the existing conditions placed on the facility to mitigate parking issues
- Draft additional conditions as deemed necessary by the planning commission to mitigate parking issues

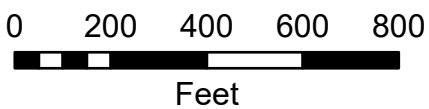
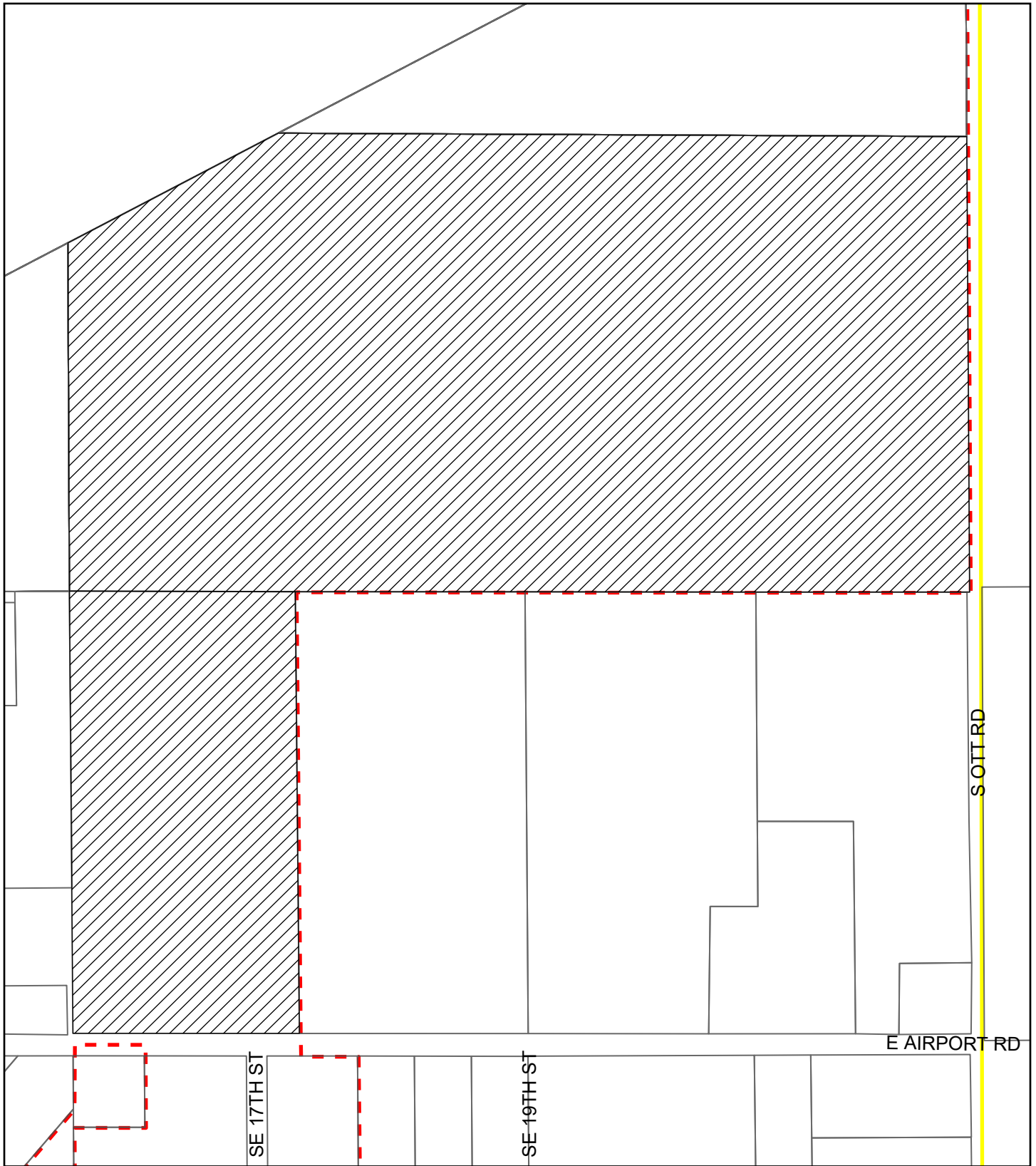
Recommended Action/Motion

Staff recommends that the planning commission make a motion to continue EOTEC operations with the existing conditions.

Submitted By:

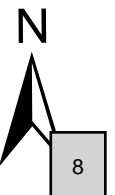
Clinton Spencer

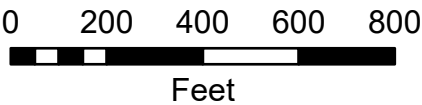
Notice of Variance Review



Legend

- Property Line
- City Limits
- Urban Growth Boundary
- EOTEC Site





Legend

- Property Line
- City Limits
- Urban Growth Boundary
- EOTEC Site



Summary of All EOTEC Approval Conditions

Conditions of Zoning Approval – 2012

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.

Conditions of Site Plan Approval – 2014

1. In approving the Fairgrounds Overlay zoning for the property in 2013, the city conditioned that the Ott Road access would be used for fire and emergency access only. The site plan submitted proposes to use this access for contestant access as well as emergency access. The event management plan prepared by Lancaster Engineering and paving plan for Ott Road justify amending this access to allow for contestant use. However, this access may be used contestants only when the paving improvements to Ott Road are installed adjacent to the site and extending southward to E Airport Road.
2. Driveway access to E Airport Road and Ott Road shall require access permits from the Umatilla County road department prior to construction. Driveways shall be constructed in accordance with county approach standards.
3. Testimony submitted on the proposed site plan requested that the intersection of E Airport Road and Ott Road be changed to a 4-way stop and a speed study be done. Following improvement of Ott Road, the city and EOTEC will contact Umatilla County to

review the functionality of the intersection and determine if a stop sign will improve the intersection.

4. In accordance with 157.057(D) of the Hermiston Code of Ordinances, the perimeter of the site will be fenced with a six-foot chain link fence.
5. There are 2,000 seats proposed for the rodeo arena, requiring 500 parking spaces and 34,650 square feet of event center floor area, requiring 346 parking spaces. Six hundred ninety six spaces are provided. Per 157.057 of the Hermiston Code of Ordinances, parking must be sufficient for all public buildings. The required parking is 846 spaces or 150 spaces more than are provided. Therefore, as a condition of approval the city will require the event center and rodeo arena not be used simultaneously for events. For example, a typical weekend could not see a rock and gem show in the event center and simultaneously hold a rodeo. However, if the event hours do not overlap, then events could be held on the same day. In order to accommodate exceptionally large events like the county fair or open air festivals, overflow parking may be utilized in accordance with the standards of 157.057 of the Hermiston code of ordinances.
6. The event management plan prepared by Lancaster Engineering shall be used for events generating more than 1,000 trips per hour. A copy of the event management plan is attached to this letter for reference.
7. The Hermiston Irrigation District must approve the site plan prior to issuance of a building permit.
8. Parking shall be installed and paved in conformance with the site plan.
9. The access driveway to airport road shall be paved.
10. Site grading will require a 1200C permit from the building department.

Conditions of Variance Approval – 2016

1. Approval of the variance is effective only for the site plan attached to this report as Exhibit C. The site plan consists of 675 paved parking spaces, the event center as constructed and occupied in May of 2016, three proposed animal barns, two restroom buildings, and one rodeo arena. Any additional public buildings, except for additional free-standing restrooms or similar non-display or event space, shall require a new variance application.
2. The planning commission will review the operations of EOTEC at the regular meeting each January for the first five years of operations beginning in January of 2018. The public will be invited to provide testimony. The planning commission will reserve the right to extend the five-year review period as deemed appropriate by the planning commission. At the

annual review session, the planning commission shall review an annual report to be prepared by EOTEC which shall contain the following information:

- a. A comprehensive list of all events at EOTEC during the previous calendar year.
 - b. A supplemental report of each event with an attendance of 2,000 or more. Reporting of events with an attendance of 2,000 or more shall be made on the report form attached to this report as Exhibit D.
3. All events which have an anticipated attendance of 2,000 or more shall submit a permit application on the form attached as Exhibit E and event management plan to be reviewed by the city. The permit application must be submitted at least three weeks in advance of the proposed event. Each application shall include:
- a. A parking plan approved by the fire marshal detailing the overflow parking layout, location of fire lanes, and other items required by the fire district for fire and life safety access.
 - b. A traffic control plan in accordance with the event management plan developed by Lancaster Engineering and reviewed by the police department.
 - c. A site plan for each event which shows location of temporary structures, temporary restrooms, and ADA facilities. The site plan shall be reviewed and approved by the building official.
 - d. Evidence of notice to neighboring property owners in advance of large events.
4. EOTEC shall provide off-site parking and shuttle service for the 2017 county fair. An estimate of ridership shall be submitted to the planning commission for review at the January 2018 review session. The planning commission and EOTEC shall collaboratively determine if it is necessary to provide an off-site shuttle for future events.
5. When events utilizing the overflow parking are anticipated to extend more than 30 minutes after dusk, temporary lighting shall be provided for the overflow lot. A lighting plan for the spacing of the mobile light towers shall be included as part of the large event permit and the use of mobile lighting shall be documented in the event report.
6. EOTEC shall submit a plan and timeline for a permanent overflow parking lot construction for review at the January 2018 Planning Commission meeting. The final design of the overflow parking lot shall include pedestrian circulation.

Conditions of Variance Approval – AMENDED January 9, 2019

6. EOTEC shall submit a plan and timeline for a permanent overflow parking lot construction for review no later than January of 2020. The final design of overflow parking shall include

pedestrian circulation. No additional development will occur until the Planning Commission approved parking plan is in place.

Conditions of Variance Approval – AMENDED January 8, 2020

- 4. A shuttle service shall be provided for future county fairs and the planning commission and EOTEC will collaboratively determine if it is necessary to provide an off-site shuttle for future large events.

- 6. EOTEC shall submit a plan and timeline for a permanent overflow parking lot construction for review no later than January of 2021. The final design of overflow parking shall include pedestrian circulation. No additional development will occur until the Planning Commission approved parking plan is in place.



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of January 11, 2023

Title/Subject

Alteration of Non-Conforming Use- Schnell 4N2811CB Tax Lot 2200 - 291 E Gladys Ave

Summary and Background

Beau Bankston has submitted an application on behalf of John and Diane Schnell for property located at 291 E Gladys Ave. The property is located at the northwest corner of E Gladys Ave and NE 3rd Street and is described as 4N 28 11CB Tax Lot 2200. The property is zoned Downtown Commercial Overlay (DCO), which is a special overlay for the Central Commercial zone. The applicant seeks to alter an existing non-conforming structure located on the NE 3rd Street frontage of the property.

The property contains a single-family dwelling and a detached storage building. The detached storage building pre-dates zoning regulations and is built with zero setback on NE 3rd Street. The applicant seeks to expand the existing detached storage building, adding a garage bay on the south side. The existing detached storage falls within two differing interpretations of the zoning code. C-1 and DCO zoning both establish that there is no setback requirement from a street (§157.042E). However, where there is an existing residential dwelling, the code requires it to be subject to R-3 residential standards (§157.042G2). The R-3 standard requires a minimum setback of 10 feet for corner lots (§157.027D2). Thus, the garage is a non-conforming structure, but legal because its construction predates the current setback requirement (§157.190A).

The proposal to add a bay to the existing garage is considered a major alteration of a non-conforming structure under the Hermiston zoning ordinance. The zoning ordinance establishes a process for both major and minor alterations to non-conforming uses and structures. A major alteration expands a non-conforming use or structure by more than ten percent and a minor alteration expands a non-conforming use or structure by less than ten percent (§157.192). In the matter before the planning commission, the proposal expands the 450 square foot storage building, adding an additional 640 square feet. The proposal expands the non-conforming structure by 140% and is therefore a major alteration and subject to approval by the planning commission following a public hearing process as used for a conditional use permit. Minor alterations of less than 10% are approved administratively by planning staff.

The criteria that are applicable to the decision to approve or deny an alteration to a non-conforming structure are contained in §157.195 of the Hermiston Code of Ordinances. In rendering a decision to approve or deny the alterations, the applicant must demonstrate compliance with all three

requirements. The burden of proof for altering a non-conforming use or structure are considered more stringent than those required for a conditional use permit or variance in the Hermiston code.

- (A) The nature and character of the proposed use are substantially the same;
- (B) There is no material difference in the quality, character or degree of use; and
- (C) The proposed use will not prove materially adverse to surrounding properties.

Staff supports the granting of the expansion. Findings of fact are attached to this report as Exhibit A. It is the staff's opinion that all three requirements for approval are met. Specifically, the nature of the proposed expansion is substantially the same as the current use. The existing structure is used for storage and the expansion will also be used for storage and similar activities. The building is also to be built of like materials per the site plan attached to the application. There is also no material difference in the quality, character, or degree of use. The primary use of the property remains a single-family dwelling with accessory buildings. The expansion provides additional storage space for vehicles and personal belongings. It does not increase the living space or increase the residential density of the property. The proposal is not materially adverse to surrounding properties. The proposal will provide additional on-site storage for vehicles and personal belongings, reducing the on-street parking demand on NE 3rd Street. Building code requirements will be met for zero lot line construction where the building abuts the NE 3rd Street property line, reducing the overall fire danger.

Public notice was provided for the proposal.

- Notice of public hearing published in Hermiston Herald on December 28, 2022
- Notice of proposed land use action posted on property on December 28, 2022
- Notice of public hearing provided by direct mail to all property owners within 300 feet on December 28, 2022

The findings of fact are attached to this report as Exhibit A. The conditions of approval are attached as Exhibit B.

Tie-In to Council Goals

N/A

Fiscal Information

The existing dwelling and outbuildings have an assessed value of \$87,800. Adding additional garage space will marginally increase the assessed value of the improvements on site.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Approve the proposed alteration of a non-conforming structure
- Approve the proposed alteration of a non-conforming structure with modified conditions
- Reject the proposed alteration of a non-conforming structure

Recommended Action/Motion

Staff recommends the planning commission make the following motions:

- Motion to make the project file a part of the record
- Motion to adopt findings of fact
- Motion to impose conditions of approval
- Motion to approve proposed alteration of a non-conforming structure

Submitted By:

Clint Spencer

EXHIBIT A

Findings of Fact Schnell Alteration of a Non-Conforming Structure

January 11, 2023

291 E Gladys Ave

The nature and character of the proposed use are substantially the same

1. The proposed residential nature of the property will remain the same.
2. Additional storage will be provided in a new accessory structure constructed on the site.
3. Under both DCO and R-3 zoning standards, a garage is a permitted accessory use to a single-family dwelling.

There is no material difference in the quality, character, or degree of use

4. The degree of use will not change following construction of the garage attachment. The use is currently a single-family dwelling with a fixed number of bedrooms and bathrooms. The overall intensity of use cannot be increased through this permitting process.
5. The new garage cannot be converted to an ADU in the DCO zone. Only residential zones which permit single-family dwellings as an outright use may add an ADU. Thus, there is no potential for conversion of the garage to residential space thereby increasing the degree of use.
6. The residential character of the property will be maintained. Conversion from residential to commercial use, while possible, will require a separate land use process.
7. The proposed garage will be constructed of like materials and in compliance with City of Hermiston building codes, thus preserving the quality of use.

The proposed use will not prove materially adverse to surrounding properties

8. The proposed addition will be built within a mixed-use neighborhood consisting of single-family residential and commercial uses.
9. An addition to the existing carriage house with additional vehicle parking is not an incompatible use with the surrounding neighborhood.
10. The addition will be built on the interior of the lot, not adjacent to any existing dwelling.
11. The addition will add additional enclosed off-street parking potential to the property, reducing on-street parking congestion.

EXHIBIT B

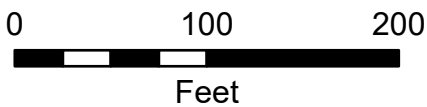
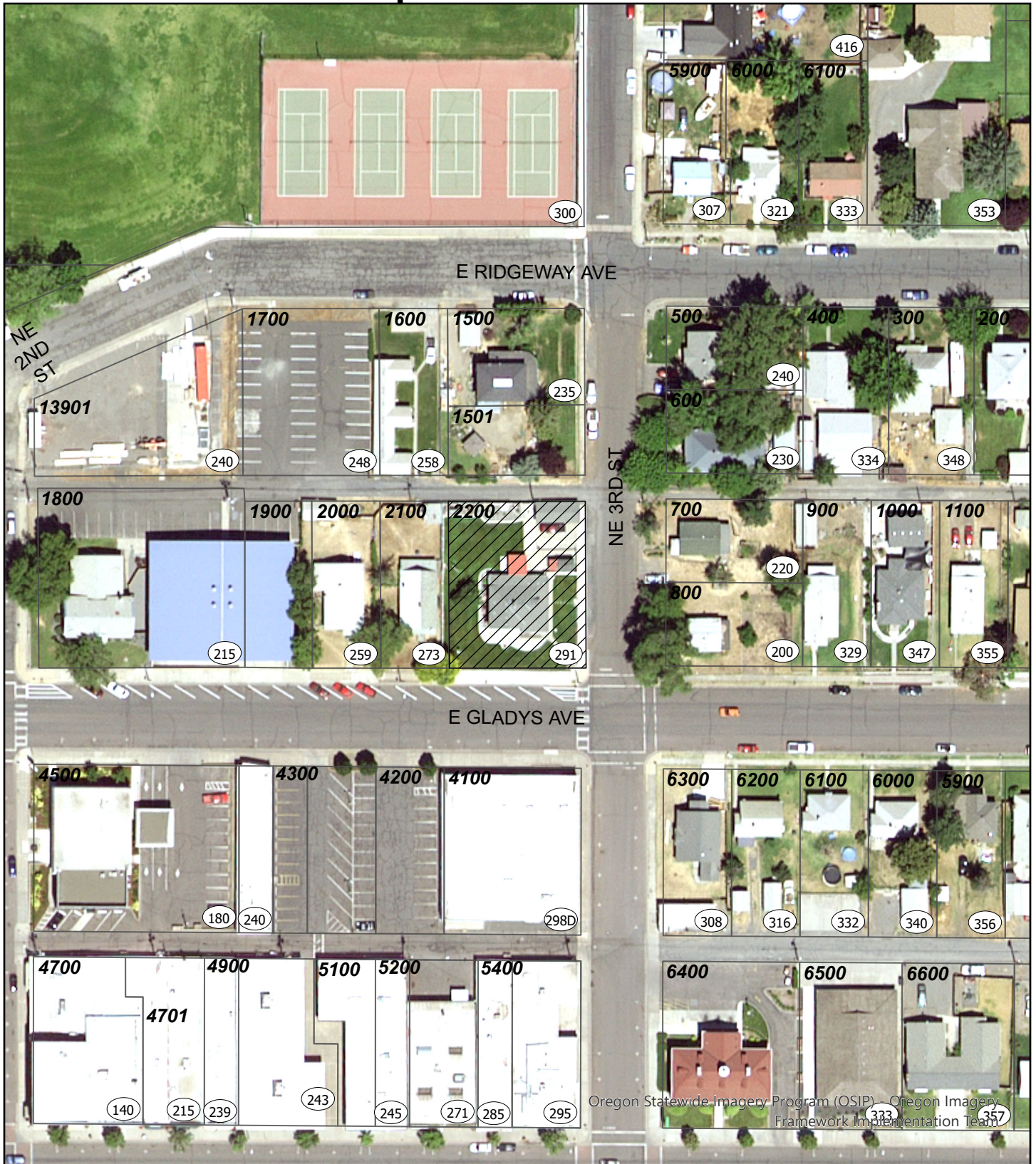
Conditions of Approval Schnell Alteration of a Non-Conforming Structure

January 11, 2023

291 E Gladys Ave

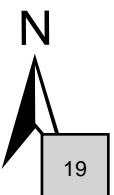
1. The property owner shall sign a street improvement agreement agreeing to participate in the future improvement of curb, gutter, paving, and drainage improvements to NE 3rd Street adjacent to the frontage of the property. If at such time that improvements are constructed, the city engineer determines that the existing sidewalk is not in conformance with city standards, sidewalk shall also be replaced.

Notice of Proposed Land Use Action



Legend

- Area of Proposed Variance
- City Limits
- Property Line
- Urban Growth Boundary



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

CITY OF HERMISTON

APPLICATION TO ALTER A NONCONFORMING USE OR STRUCTURE

Alterations to nonconforming uses or structures will be processed as minor variances for alterations of less than 10% of the gross building volume and as conditional uses for alterations of more than 10% of the gross building volume. Please refer to the conditional use and variance sections of the City of Hermiston Developer-s Handbook for additional information regarding the application process. Pursuant to ' 157.192 of the Hermiston Code of Ordinances, application is hereby made to make alterations to the following described nonconforming use and/or structure:

Applicant's Name: Beau Bankston Date: 12-20-22

Address: 31946 Sun Ridge Lane Hermiston Phone: 541-561-1606 (Daytime)

Property Owner(s) Name (If Different): John & Diane Schnell

Address: 291 E Gladys Ave Hermiston Phone: 541-571-0339 (Daytime)

Legal Description of Property: Assessor's Map No: 4N2811CB Tax Lot No: 02200

Comprehensive Plan Designation: Commercial Zoning Designation: DCO

Current Use of Property: single family residence

Request to Allow:

The construction of an approximately 580 square foot garage addition to the existing garage that is non-conforming due to not meeting setback requirements for an R-3 zone. The property is zoned Commercial, however is used as a residence and therefore must adhere to the R-3 zoning standards.

IMPORTANT!: Oregon's Land Use Planning Laws and §157.195 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to requests for conditional uses and alterations to nonconforming uses and structures. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. Please explain how the nature and character of the proposed use are substantially the same:

The owner would like to Build on the existing foundation that was Built 20⁺ years ago. It joined the stage coach shed and the garage foundation together.

2. Please explain how there is no material difference in the quality, character or degree of use:

The building will be built to city standards, codes. We will be using materials that are structurally sound.

3. Please explain how the proposed use will not prove materially adverse to surrounding properties:

The proposed building is going to be built in between the house and the stage coach shed on the existing foundation.

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

- 1) Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
- 2) Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my representative, at the meeting(s) where this request is scheduled for consideration, and may grant or deny this request based upon the testimony provided at the hearing.

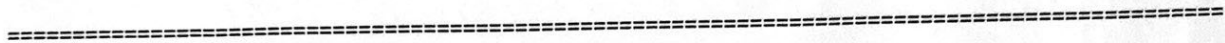
I am the ___ owner/ owner(s) authorized representative.

Applicant's Signature: Beau B

Date: 12-26-22

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

NOTE: The Hermiston Planning Commission meets the second Wednesday of the month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than four weeks prior to the public hearing date. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, OR 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

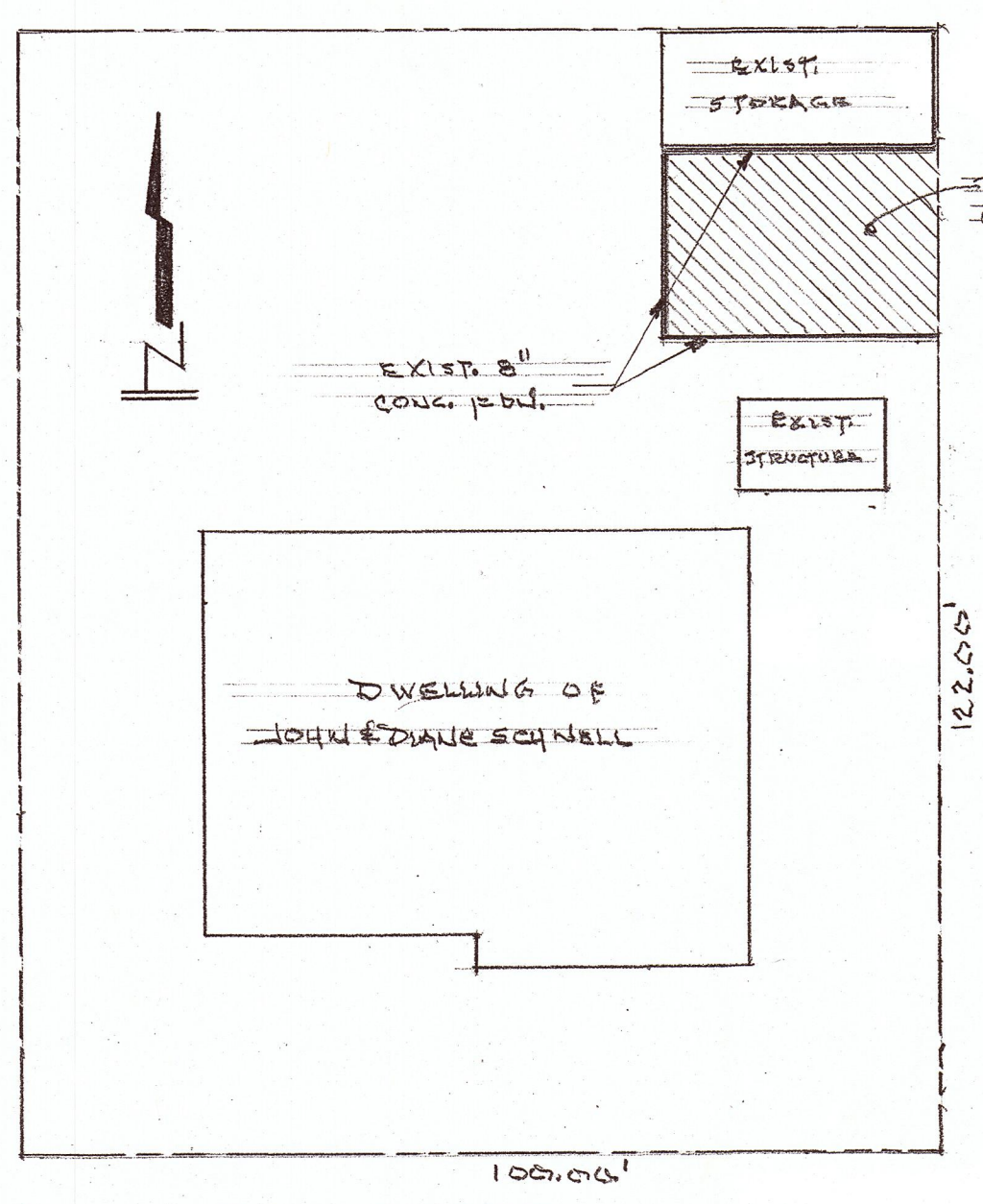


OFFICE USE ONLY

Date Filed: _____ Received By: _____ Meeting Date: 01-11-2023

Fee (Circle One): \$475.00 / \$225.00 Date Paid: 12/8/22 pd \$420 Receipt No: 133387836

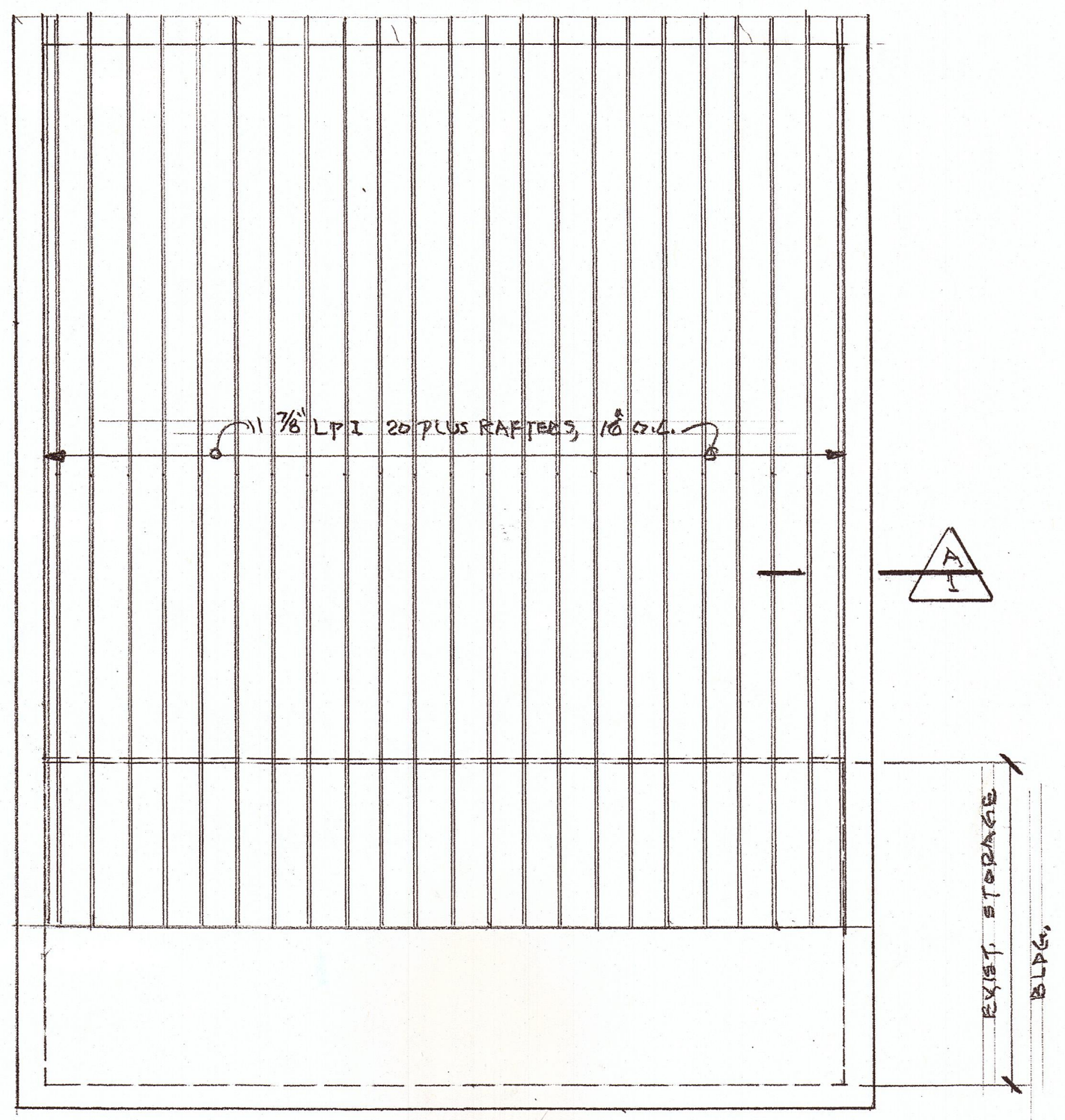
The proposed request is _____ less than/ X greater than 10% of the gross building volume.



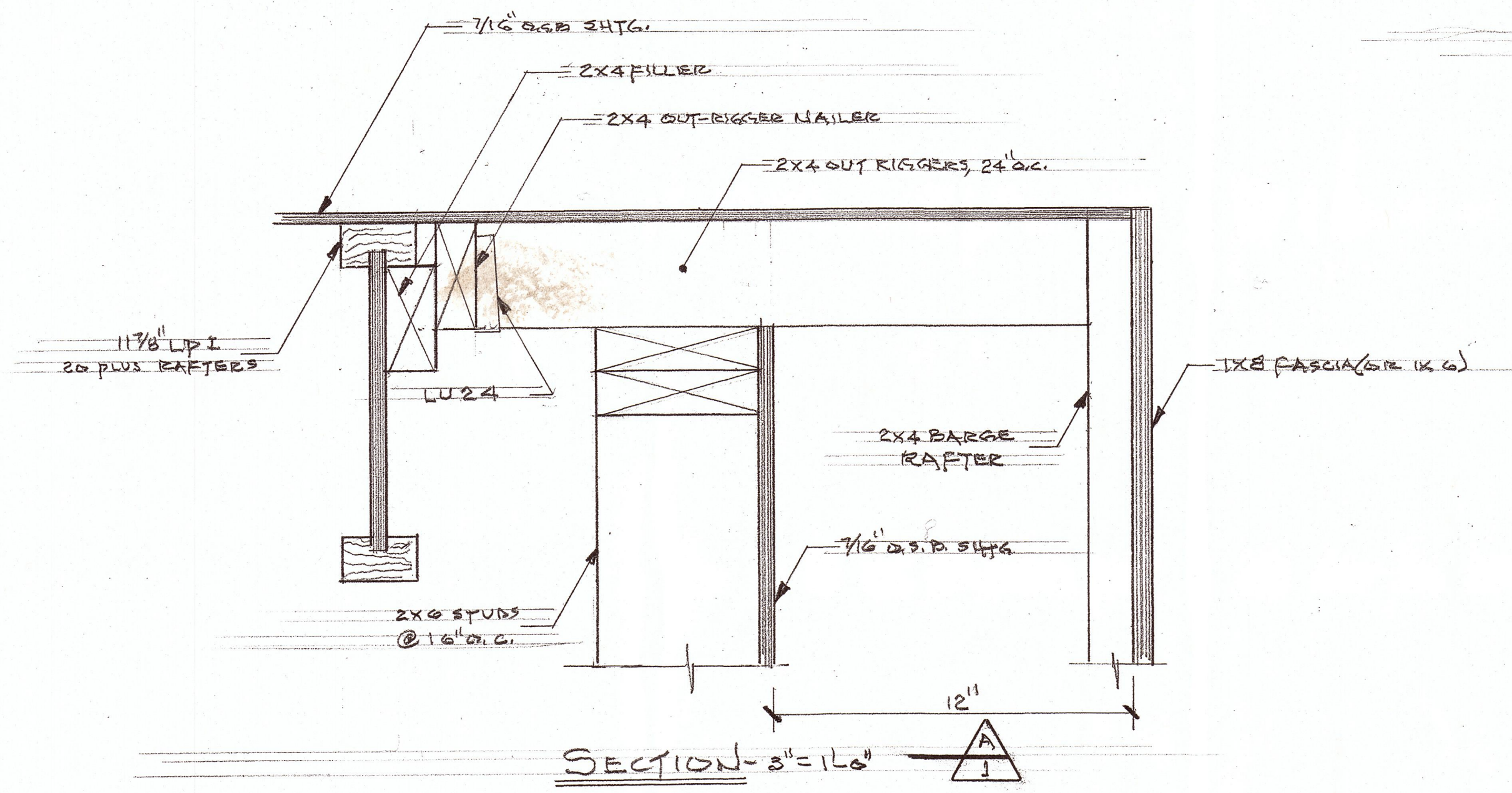
EAST GLADYS
PLOT PLAN - 1" = 20.00'

PLOT NOTES
 OWNERS - JOHN & DIANE SCHNELL
 291 EAST GLADYS
 HERMISTON, OREGON
 TAX LOT # 1200
 AN 2511C

EAST 3RD STREET



ROOF PLAN - 3/16" = 1'-0"

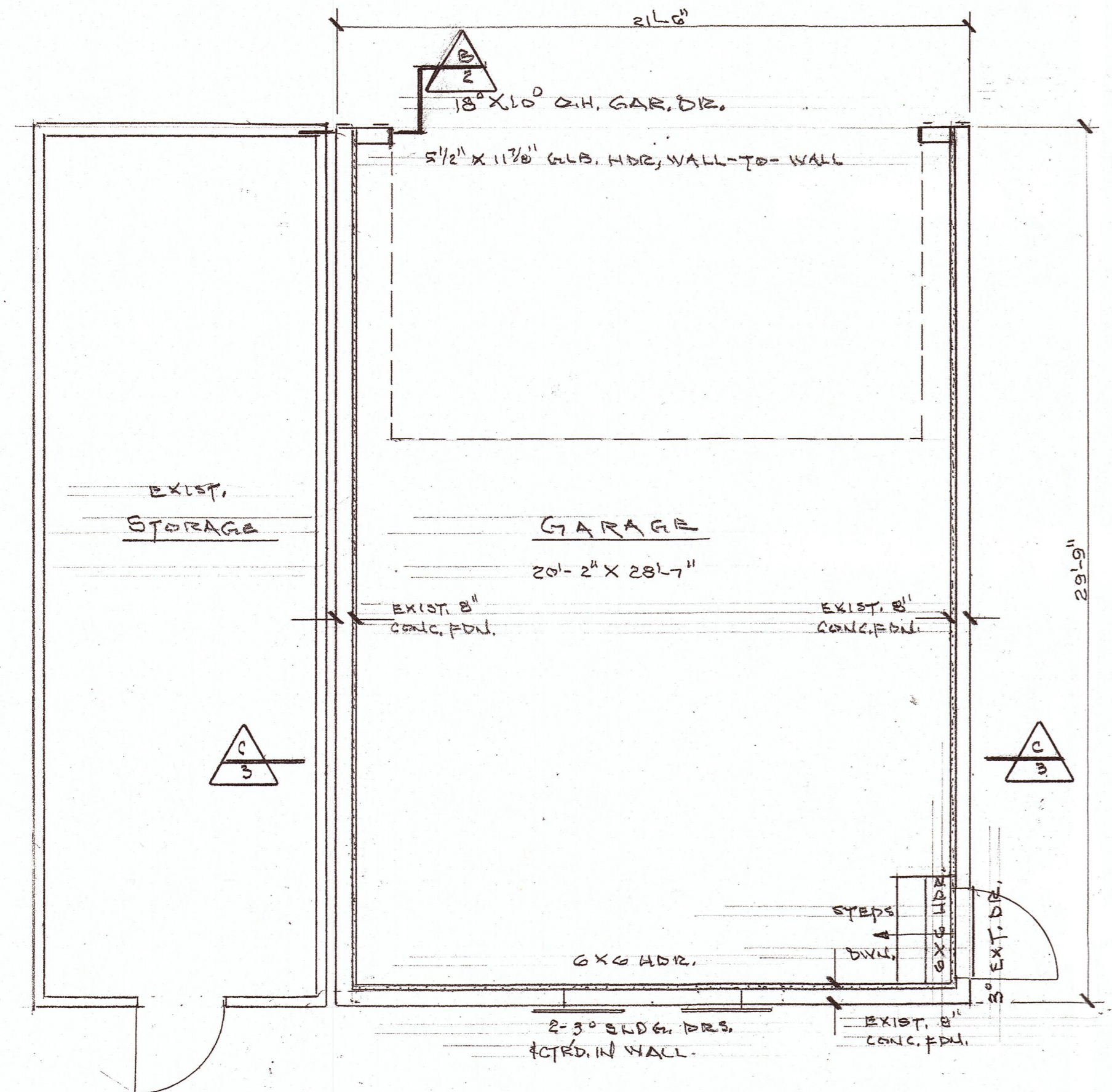


SECTION - 3" = 1'-0"

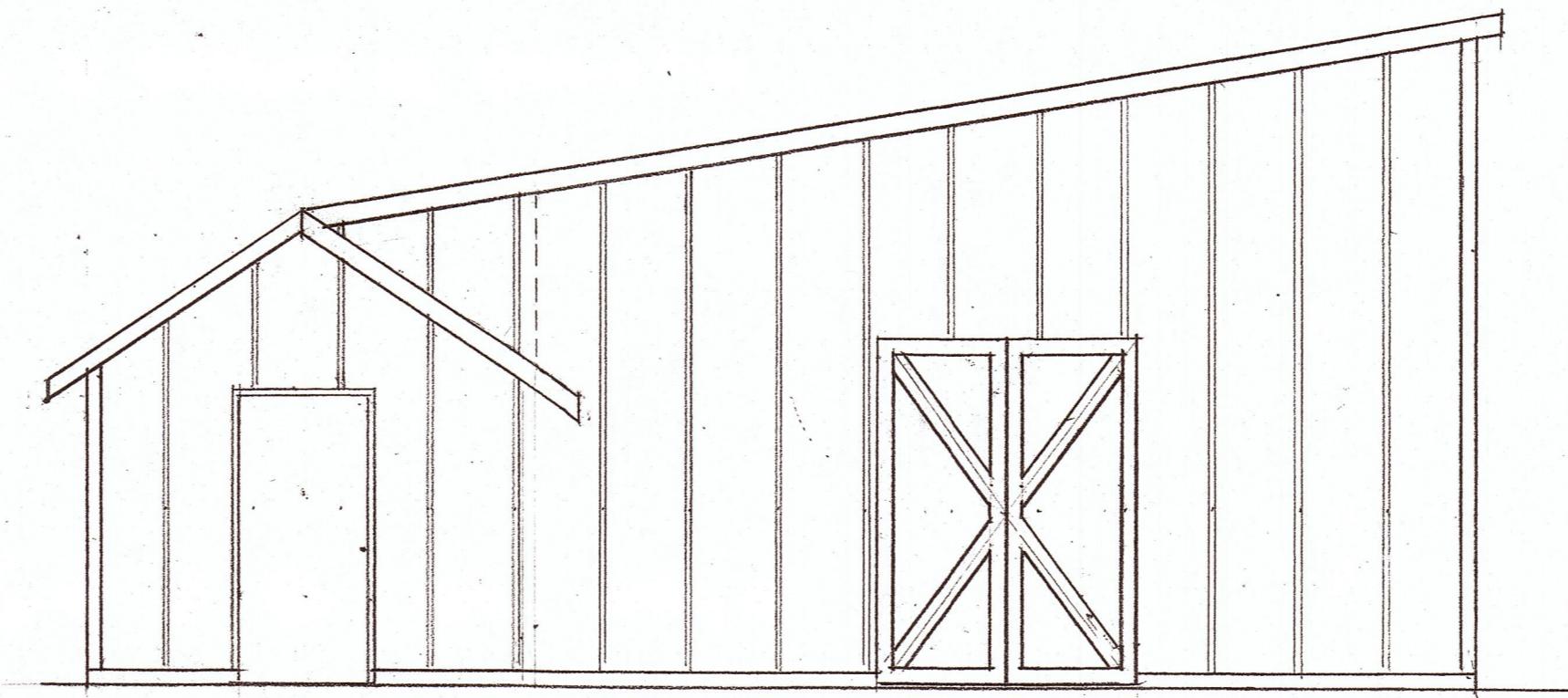
PLAN FOR JOHN & DIANE SCHNELL
 291 EAST GLADYS
 HERMISTON, OREGON

Date	NOV, 2022
Scale	AS GIVEN
Drawn	[Signature]
Job	PLAN 846
Sheet	1
Of 3	Sheets

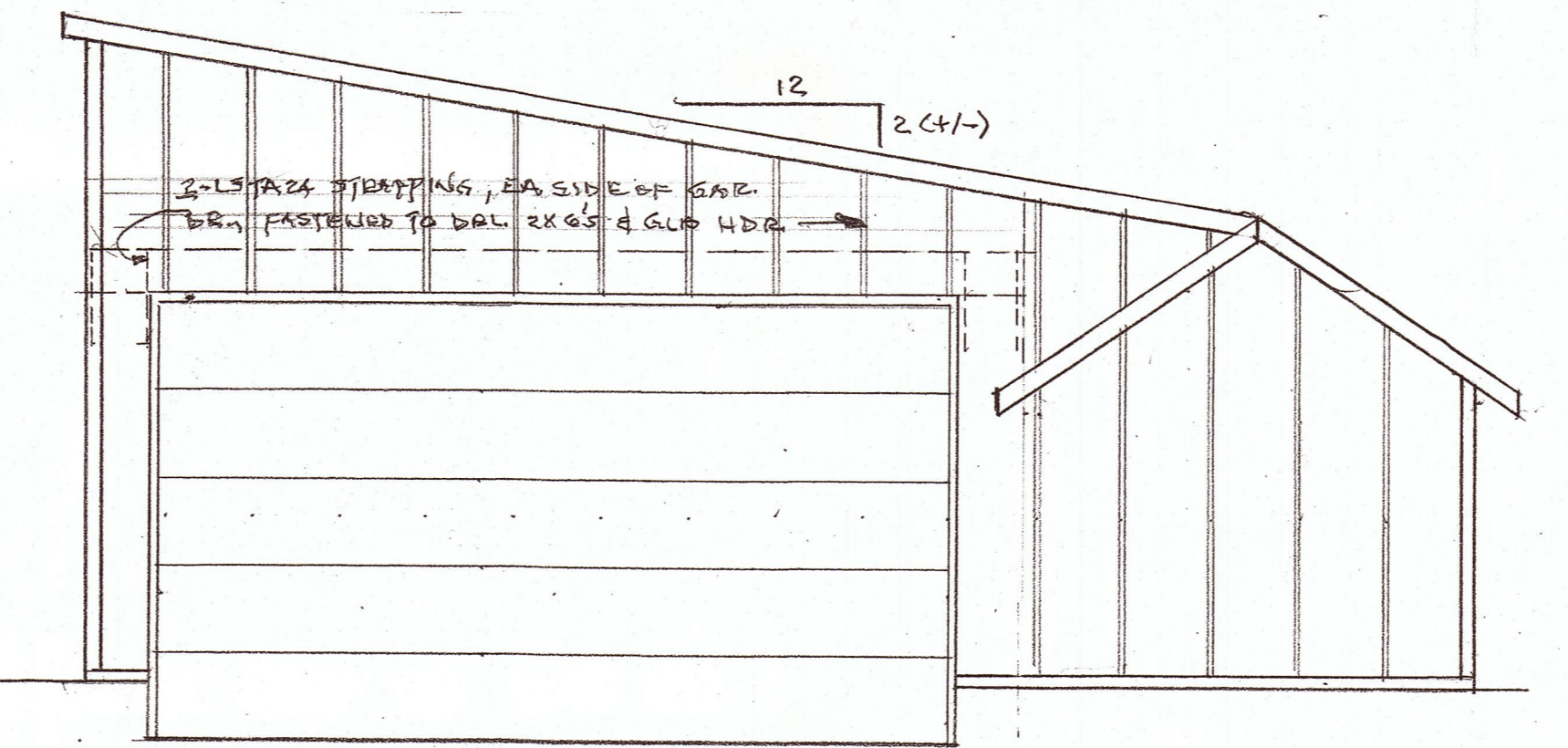
REVISIONS	BY



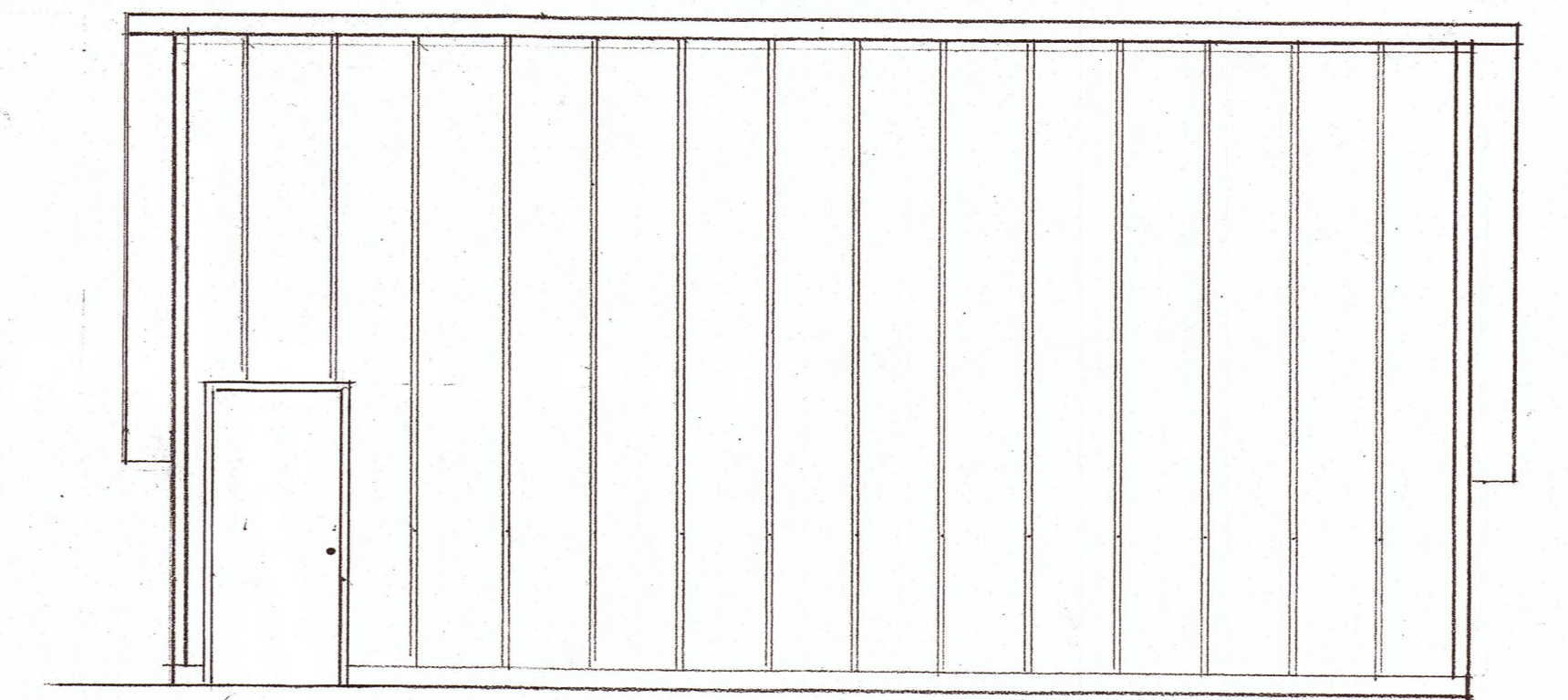
GARAGE PLAN - 1/4" = 1'-0"



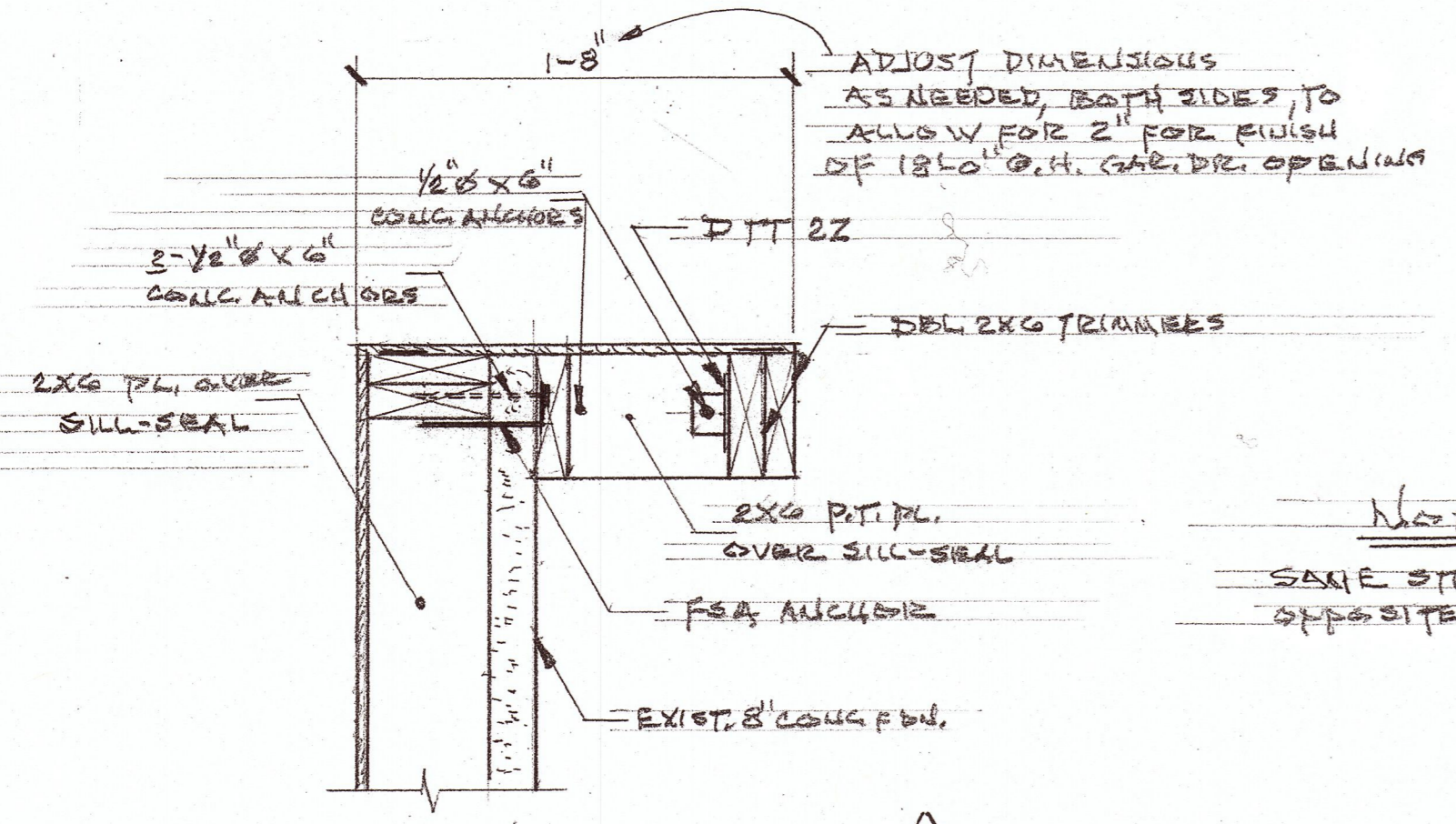
WEST ELEVATION - 1/4" = 1'-0"



EAST ELEVATION - 1/4" = 1'-0"



SOUTH ELEVATION - 1/4" = 1'-0"

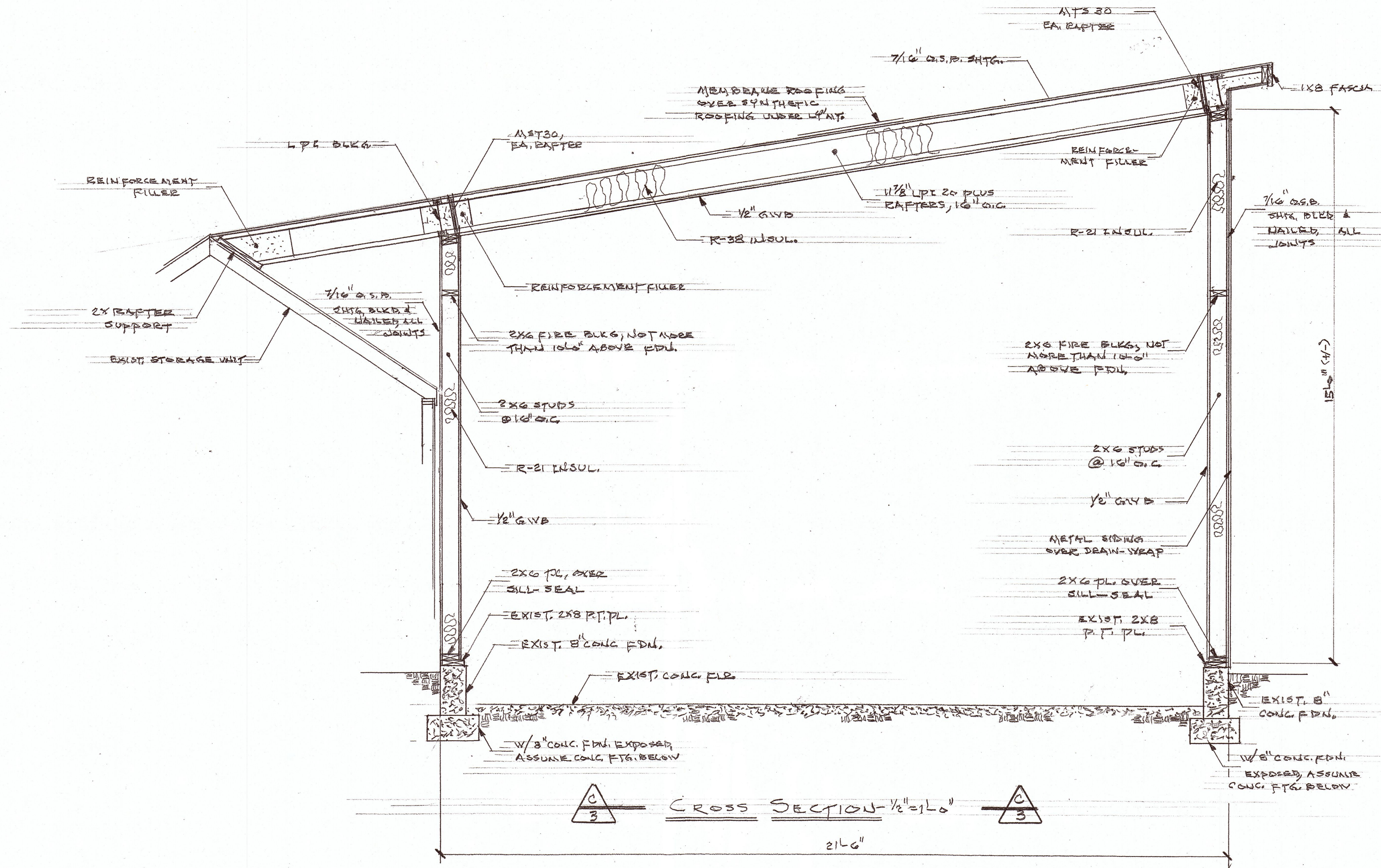


SECTION - 1/2" = 1'-0"

NOTE
 SAME STRUCTURE ON
 OPPOSITE SIDE

PLAN FOR: JOHN & DIANE SCHUBEL
 291 EAST GLADYS
 HERMISTO, OREGON

Date	10/17/2022
Scale	AS GIVEN
Drawn	[Signature]
Job	PLAN "GAR"
Sheet	2
Of 3	Sheets



CROSS SECTION - 1/2" = 1'-0" 21'-0"

PLAN FOR JOHN & DIANE SCHUELL
 291 EAST GLADYS
 HERMISTON, OREGON

Date	NOV, 25 22
Scale	AS GIVEN
Drawn	[Signature]
Job	PLAN "G40"
Sheet	3
Of	3 Sheets



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of January 11, 2023

Title/Subject

The planning commission is holding a hearing on amending the comprehensive plan map and zoning map designations for 8.2 acres of land on the north side of E Airport Road.

Summary and Background

The planning commission is holding a hearing to consider amending the comprehensive plan map and zoning map designations for two parcels totaling 8.2 acres of land located on the north side of E Airport Road. The land is current split zoned as Outlying Commercial and Light Industrial and the boundary line between the two zones splits the parcels on a roughly diagonal path. The application will relocate the zone boundary to follow lot lines, creating a more logical development path for each parcel. The existing zoning and comprehensive plan map designations are shown in Exhibit A to this report. An overall vicinity map and aerial photo is attached as Exhibit B.

The property is described as 4N 28 13C Tax Lots 900 and 906. Each parcel is owned by Simon and Simon Land Co LLC. Tax Lot 900 is 44,867 square feet and Tax Lot 906 is 312,989 square feet. The area currently designated as industrial is approximately 108,256 square feet. The area currently designated as commercial is approximately 232,145 square feet. The proposed amendment adjusts the existing diagonal zoning boundary to follow lot lines and adjusts the overall balance between commercial and industrial zoning. Following amendment, Tax Lot 900 is proposed to be commercial, reducing the commercial area from 108,256 to 44,867 square feet. Tax Lot 906 is proposed to be industrial, increasing the industrial area from 108,256 to 312,989 square feet. No change in the uses permitted on the property will change from the current zoning, but the overall balance dedicated for each use will change.

Tax Lot 906 is vacant. Tax Lot 900 has three existing manufactured dwellings. Although no development is proposed at this time for either lot, the reconfiguring of the zoning designations makes for a clearer, cleaner development process moving forward. Additionally, the existing dwellings gain a measure of certainty with commercial zoning. Pre-existing dwellings have no rebuild rights in the city's industrial zones, but are allowed to be remodeled and rebuilt in accordance with R-3 standards in the commercial zones.

The area proposed for amendment lies in a mixed-use environment, but is entirely zoned for commercial and industrial development. To the east, E Airport Road is developed with rural residential housing. The site is near to the Eastern Oregon Trade and Event Center on the

east property line. The Hermiston Airport and vacant commercial and industrial land north. To the south and west lie a variety of commercial and industrial uses. No changes in the permitted land uses are proposed. Only the location of the zoning lines will change.

Public notice was provided for the proposed comprehensive plan amendment.

- Notice of public hearing published in Hermiston Herald on December 21, 2022
- Notice of proposed land use action posted on property on December 21, 2022
- Notice of public hearing provided by direct mail to all property owners within 300 feet on December 21, 2022

As a result of the noticing, the city received comments from David Boyd with the Oregon Department of Transportation. Mr. Boyd indicated that ODOT did not have an objection to the proposal and the proposal will not conflict with the statewide transportation planning rule.

Tie-In to Council Goals

The proposal facilitates ease of economic development along the E Airport Road frontage.

Fiscal Information

No fiscal impact is anticipated from the zoning amendments.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Recommend approval of the map amendments as proposed
- Recommend denial of the map amendments
- Recommend the map amendments be approved but modified (either through varying the acreages or proposed areas for commercial and industrial use)

Recommended Action/Motion

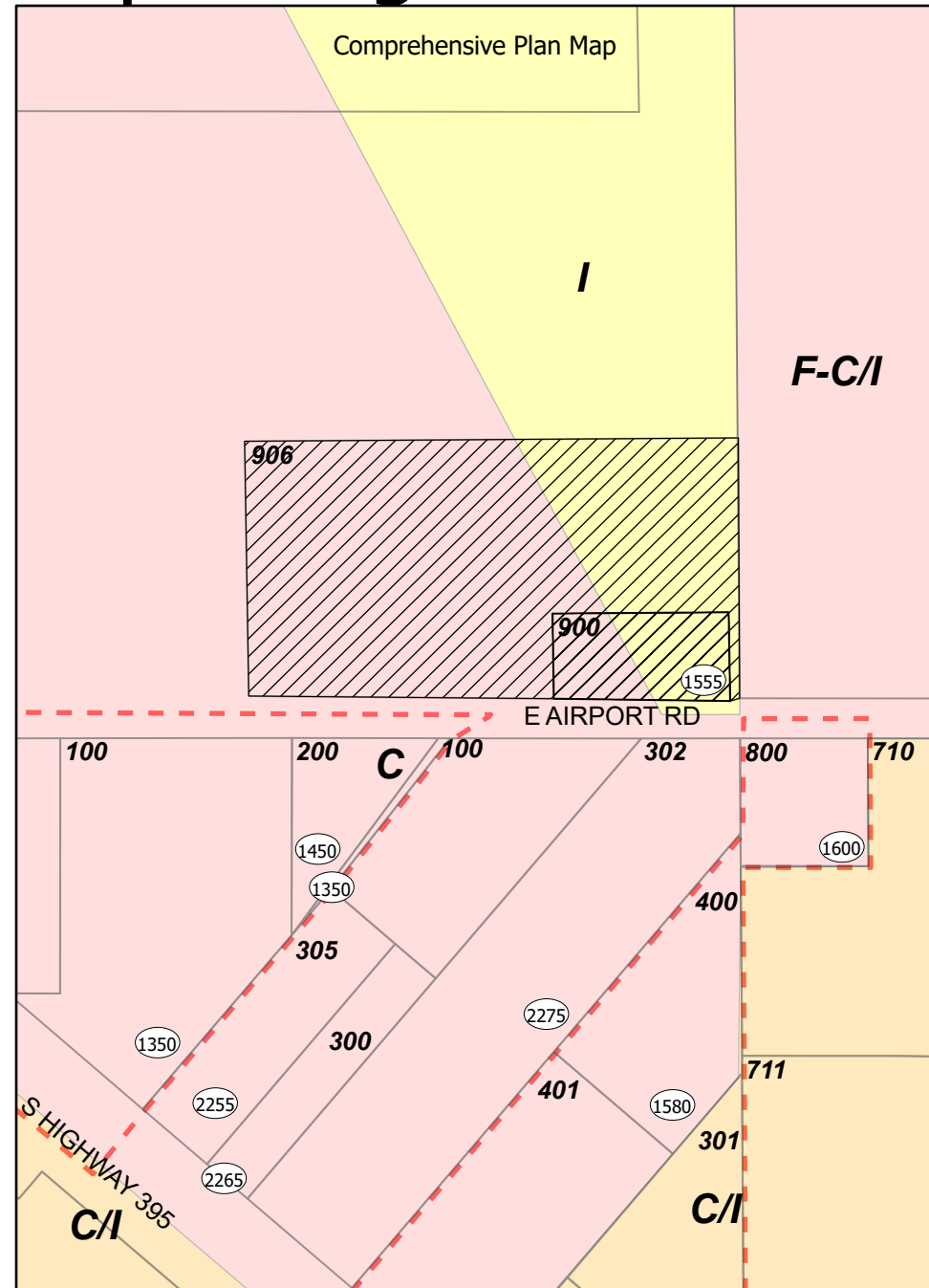
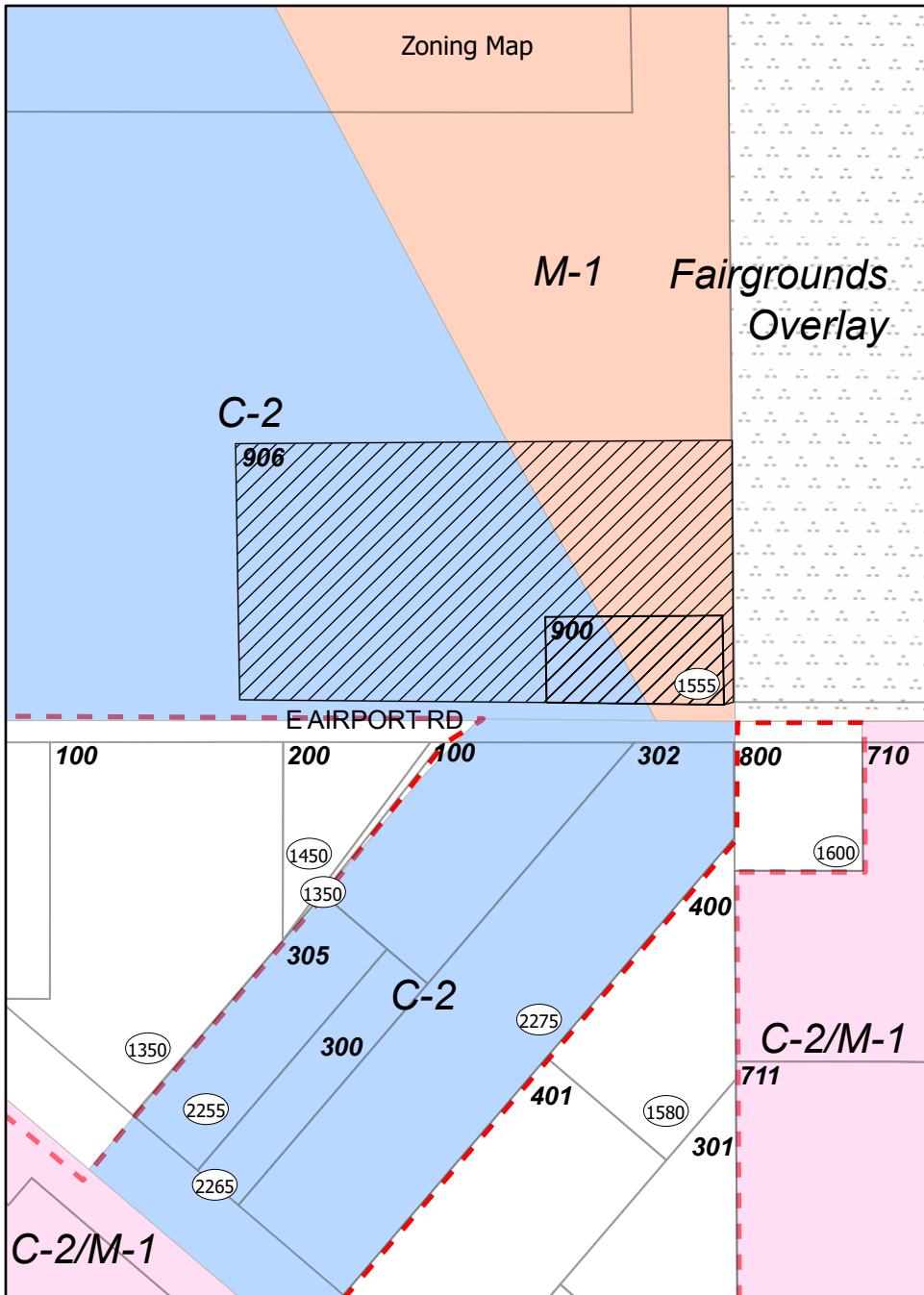
- Motion to make the project file a part of the record
- Motion to approve findings of fact, as may be amended
- Motion to make a recommendation on map amendments


Submitted By:

Clinton Spencer

Exhibit A Existing Map Designation

Section 3, Item C.







 Subject Property
  City Limits
  Tax Lots



Notice of Proposed Land Use Action



Legend

-  Area of Proposed Comprehensive Plan Map Amendment
-  Property Line
-  City Limits
-  Urban Growth Boundary

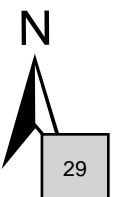
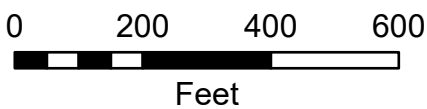


EXHIBIT C
Findings of Fact
Comprehensive Plan Map Amendment, and Rezone
1457,1555, 1575, and 1595 E Airport Rd

Application to Amend the City of Hermiston Comprehensive Plan Map and associated Zoning Map, effecting a change to the zoning of the subject property.

Applicant/Owner: Simon and Simon Land Company, LLC
Mike and Deannie Simon, Members
P. O. Box 921
Hermiston, Oregon 97838
541-289-8940
westfallinstall@gmail.com

Consultant: Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, OR 97882
541-314-3139
mclane@eoni.com

Purpose of This Application:

Mike and Deannie Simon, members of Simon and Simon Land Company, LLC, seek to amend the zoning designations of the subject property identified as Tax lots 900 and 906 of Assessor’s Map 4N 28 13C in the City of Hermiston. Current zoning is C-2 Outlying Commercial and M-1 Light Industrial with the zoning boundary running at a northwest to southeast angle across the subject properties. It is the desire of the Simon’s to have the zoning boundary be reconfigured with the result being that Tax lot 900 would be zoned C-2 Outlying Commercial and Tax lot 906 would be zoned M-1 Light Industrial. A third Tax lot in their ownership at this location, Tax lot 903, is not proposed for change.

Documents to be Modified:

- City of Hermiston Comprehensive Plan Map.
- City of Hermiston Zoning Map.

Current Use of the Property:

Most of the subject property is bare with improvements on Tax lot 900 consisting of three manufactured homes. No development has occurred on either Tax lot 903 or 906.

Surrounding Uses: This area south of Hermiston is a mix of commercial, light industrial, and residential uses of a rural nature. The development on the subject property is less than a half mile from Highway 395 which intersects near a veterinarian clinic. The Hermiston Airport is to the north, the Eastern Oregon Trade and Event Center (EOTEC) to the northeast, and a Denny’s, a hotel, Ranch and Home, and the Walmart Distribution

Center all to the south along Highway 395. Zoning of the area is also a mix including Light Industrial, Heavy Industrial, and Outlying Commercial with overlays applied to both the Hermiston Airport and the EOTEC (which also serves as the Umatilla County Fairgrounds). The Comprehensive Plan designations of the subject property are Commercial and Industrial, like properties in the vicinity.

Required Review:

The City of Hermiston Zoning provisions, found as part of Title XV Land Usage, in Chapter 157 Zoning part 157.226 Amendments provides the requirements for amendment to the Zoning Map and at (E) provide the Approval Criteria. The City of Hermiston also provides application forms with procedures for both a Comprehensive Plan Map Amendment and a Zone Change. Both applications have several questions that reflect the Zoning ordinance provisions that will also be included here. As this is also a request to amend the Comprehensive Plan Map the 14 Statewide Planning Goals are also considered.

City of Hermiston Zoning 157.226 Amendments (E) Approval Criteria: The review criteria are listed in **bold** with responses in regular text.

(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 upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing;

Response: The applicant is submitting this application with supporting material to provide evidence for the decision-making body to consider.

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

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the plan;

Response: The City of Hermiston Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission addressing the applicable 14 Statewide Land Use Planning Goals. For this request Goals 1 Citizen Involvement, 2 Planning Process, 9 Local Economy, and 12 Transportation would be deemed applicable. Goal 10 Housing, Goal 11 Public Services and Facilities, and Goal 14 Urbanization could be deemed applicable.

The following City of Hermiston Comprehensive Plan Policies are considered:

- Policy 1: The City of Hermiston will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

Response: As this request will be heard by both the Planning Commission and City Council, with notice to adjoining landowners and affected agencies Goal 1 and Policy 1 are being met.

- Policy 2: The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

Response: This request provides an opportunity for the City of Hermiston to evaluate this area of the community and authorize a change responding to a request for change that will support maintaining limited housing on a portion of the subject property proposed to be zoned C-2 along with clarification of the type of uses that can be allowed on the adjoining property proposed to be zoned M-1.

- Policy 4: The City of Hermiston will promote compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services.

Response: This proposal maintains current development pattern in this area of Hermiston and will more clearly identify the types of uses on the two tax lots that are the focus of this request.

- Policy 18: 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 M-1 zoning on tax lot 906 will provide clarity on the types of uses that can be allowed leading to a more focused development pattern.

- Policy 19: The City of Hermiston will assure the availability of a sufficient supply of commercial land to accommodate 20-year projected need and strive to achieve the balanced distribution of commercial activities in neighborhoods, downtown, and along outlying highways.

Response: Maintaining the smallest tax lot with C-2 zoning maintains the supply of commercial land and clarifies the types of uses that can be allowed on tax lot 900. It is the only portion of the subject property that has been developed with three manufactured homes, which is a use if established can be maintained, which the applicant intends to do for the foreseeable future.

- Policy 20: 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 applicant intends to further develop tax lot 906 proposed to be zoned M-1 through a partition or subdivision, creating as many as five or six lots for industrial use. This request to clarify the zoning on the subject property makes that future development easier to accomplish.

- Policy 21: 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 needs of its residents.

Response: This request seeks to retain three homes on a portion of the subject property. While those homes could be removed at a future date and replaced with a commercial use at a point in the future it is not anticipated to occur in the foreseeable planning future.

- Policy 22: The City of Hermiston will protect and enhance the quality of life in residential neighborhoods.

Response: While there are homes on a portion of the subject property the area is not zoned for residential use and the applicant is not seeking residential protections. They are seeking to continue the residential use as allowed in the C-2 zone.

- Policy 23: 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. Timely means a point within the 20-year timeframe when the city deems development appropriate for a given property based on factors including but not limited to the need for additional urban development within the urban growth boundary and the extent of undeveloped or undeveloped land between the existing development and the subject property.

Response: Public services are available within the Hermiston Airport and EOTEC facility and can support development of the subject property, both the current residential development and future proposed industrial development following extension at the applicant's expense.

- Policy 31: 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.

Response: The relocation of the Umatilla County fairgrounds with the development of the EOTEC has allowed for improvements of Airport Road and the local transportation network. As development continues in this area additional improvements may be needed which can be done by developers in cooperation with the City.

- Policy 32: 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: The proposed realignment of the current zoning will not change the types of uses that are allowed on the subject property. Current zoning should have been accomplished in such a way that would protect the airport. Future development requests on the subject property should be accomplished with an understanding that both the Hermiston Airport and the EOTEC are in the vicinity to the north and northeast. The Hermiston Airport creates special height restrictions for this property and future buildings will be constructed in conformance with the airport conical approach surface within the airport master plan.

- Policy 34: 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 of Hermiston has an acknowledged Comprehensive Plan and Transportation System Plan that implements the Transportation Planning Rule. This realignment of zoning on the subject property does not impact the potential traffic impacts along Airport Road or to the intersection of Airport Road with Highway 395. Specific traffic

impacts based on development can and should be considered at the time of development proposal.

The request before the City of Hermiston is not to change the zoning of the subject property but to consider a reconfiguration of how the zoning is applied. Currently the zoning runs at a northwest to southeast angle across the two Tax lots that are subject to this request. The applicant is asking for each Tax lot under consideration to have discrete zoning applied as shown on the included map. This request can be found to be consistent with the Goals and Policies identified in the list above. Also reviewed are the 14 Statewide Land Use Planning Goals later in this narrative.

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: This request seeks to have both the Comprehensive Plan and Zoning designation applied separately to each of the subject Tax lots to eliminate confusion about what types of activities can occur as the list of allowable uses is different when the Light Industrial use zone is compared to the Outlying Commercial use zone. The public need is met when that confusion is eliminated, and the public can observe consistent application of the City of Hermiston Zoning provisions to this and other properties in the vicinity.

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

Response: There are no other properties under consideration. This is not about adding new land to a zoning classification, but more about eliminating confusion on the subject property.

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

Response: No impact upon the area has been identified as neither of the current zoning designations are being removed; they are being reconfigured to eliminate confusion related to the uses allowed on the subject property. The same list of potential commercial or light industrial uses can still occur on the subject properties.

(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: No change in intensity of land uses will occur. The result of this action will be to have clear requirements for the subject property as to whether Light Industrial or Outlying Commercial is applicable.

(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: This application narrative, along with the required application forms and maps, will provide the initial evidence for the Planning Commission and City Council to consider. The anticipated public hearings will provide additional opportunities for both the applicant and neighbors to provide evidence and testimony to the record.

Comprehensive Plan Map Amendment Application Questions:

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

Response: See E(1)(b)(1) response above

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

Response: See E(1)(b)(2) response above.

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

Response: See E(1)(b)(3) response above.

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

Response: See E(1)(b)(4) response above.

Application to Amend Zoning Ordinance (Text or Map) Application Questions:

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

Response: See E(1)(b)(1) response above.

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

Response: See E(1)(b)(2) response above.

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

Response: See E(1)(b)(3) response above.

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

Response: See E(1)(b)(4) response above.

The 14 applicable Statewide Planning Goals are also considered.

Goal 1 Citizen Involvement: 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 of Hermiston Comprehensive Plan and Zoning Ordinance outlines the City’s citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process.

The applicant asserts that this application is consistent with Goal 1.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This requested change of Comprehensive Plan and Zoning designation is also guided by Goal 2 requirements. This application meets those requirements for this request.

The applicant asserts that this application is consistent with Goal 2.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Response: The Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use. This application is to consider modifications to the application of the Light Industrial and Outlying Commercial use zones within the city limits on lands that have already been identified for urban industrial and commercial uses.

Goal 3 would not apply to this action.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: There are no forest lands in the City of Hermiston.

Goal 4 would not apply to this action.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject property does not have any overlays or other known cultural or historical sites. There are no wetlands inventoried on the subject property.

The City of Hermiston finds that this application is consistent with Goal 5.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed change in Comprehensive Plan and Zoning Map designation does not seek approval of a specific development but seeks to modify the application of the City of Hermiston’s Light Industrial and Outlying Commercial zoning designation to allow for more clear application of those use zone requirements on the subject property. The list of allowable uses is not proposed to change, and therefore anticipated impacts are also not anticipated to change.

The City of Hermiston finds that this application is consistent with Goal 6.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property, and it is located significantly above and outside the influence of the Umatilla River which has a history of flooding.

The City of Hermiston finds that this application is consistent with Goal 7.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: No recreation components are included in this application. However as industrial or commercial activities are sited, an increase in tax base for the City of Hermiston would occur. That tax base would provide additional revenue to the City of Hermiston leading to the opportunity for increased investment in parks and recreation opportunities for its citizens and visitors.

The City of Hermiston finds that this application is consistent with Goal 8.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Hermiston has a Comprehensive Plan that has been acknowledged to comply with Goal 9.

The City of Hermiston finds that this application is consistent with Goal 9.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Response: Housing is not specifically considered as part of this application. There are however homes on Tax lot 900, the smaller Tax lot in the southeast corner of the subject property. The Outlying Commercial that is being requested does allow the retention of homes, along with their replacement and enhancement, something the applicant wants to ensure.

The City of Hermiston finds that this application is consistent with Goal 10.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. This area of Hermiston has public services available readily extendable.

The City of Hermiston finds that this application is consistent with Goal 11.

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

Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. Later in this narrative compliance with the Transportation Planning Rule is considered and evaluated.

The City of Hermiston finds that this application is consistent with Goal 12.

Goal 13 Energy: To conserve energy.

Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Access to Highway 395 to the west provides energy efficiency and convenient access. And any future development will need to occur in compliance with the acknowledge Zoning Ordinance.

The City of Hermiston finds that this application is consistent with Goal 13.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside

urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments must either expand their urban growth boundaries to add property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural lands. This application is to change the Comprehensive Plan and Zoning Map designation on lands within the city limits allowing industrial and commercial uses on the subject property.

The City of Hermiston finds that this application is consistent with Goal 14.

The applicant would find that this application is consistent with the Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable in eastern Oregon or Hermiston.

Portions of Oregon Revised Statute 227.175 concerned with applications to local governments for a permit or zone change are applicable. Much of ORS 227.175 has already been incorporated into the City of Hermiston Zoning Ordinance and is implemented through a variety of measures including notice provisions and hearing procedures.

227.175 Application for permit or zone change; fees; consolidated procedure; hearing; approval criteria; decision without hearing.

(1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

Response: The applicant has provided the application on the forms prescribed, paying the required fees, and providing this narrative addressing these and the other requirements in both Oregon law and the law of the City of Hermiston.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

Response: The applicant is not pursuing multiple applications but is focused on the change in Comprehensive Plan and Zoning Map designations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

Response: The applicant understands that these actions will be heard by the Planning Commission and the City Council as they are quasi-judicial in nature.

(4)

(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)

(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) “Authorized density level” means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) “Authorized height level” means the maximum height of a structure that is permitted under local land use regulations.

(C) “Habitability” means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

Response: The applicant has, primarily through this application narrative, provided evidence that the City of Hermiston Comprehensive Plan is considered and can be met when this request is approved. There are no housing developments requested as part of this application. Housing currently in place on a portion of the subject property will be retained and this application will clarify that it can be.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

Response: The applicant supports compliance with required notice provisions and meeting the needs of Statewide Planning Goal 1 Citizen Involvement.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a “public use airport” if:

(a) The name and address of the airport owner has been provided by the Oregon Department of aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

Response: The Hermiston Airport is immediately to the north of the subject property. Notice to the airport authority is anticipated. The proposal would not have any effect on airport operations. Compliance with any overlay zones, if applicable, are already in force.

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

Response: This action is not within the runway approach area based on available maps on the City of Hermiston website.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

Response: No manufactured dwelling park as defined in ORS 446.003 is located on the subject property.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

Response: There are tenants on the subject property which the landowner wants to preserve housing availability for. The Hermiston Airport is to the north of the subject property.

(10)

(a)

(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city’s land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer’s decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.

At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

- (ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and
- (iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)

(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

- (i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;
- (ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
- (iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

Response: The Hermiston Planning Commission held a public hearing on January 11, 2023. The Hermiston City Council held a public hearing on January 23, 2023.

(11) A decision described in ORS 227.160 (2)(b) shall:

- (a) Be entered in a registry available to the public setting forth:
 - (A) The street address or other easily understood geographic reference to the subject property;
 - (B) The date of the decision; and
 - (C) A description of the decision made.
- (b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.
- (c) Be subject to the appeal period described in ORS 197.830 (5)(b).

Response: The City of Hermiston has provided all required notices required by Oregon law and provisions of the City of Hermiston Zoning Ordinance. Direct mail and newspaper

notices were both distributed on December 21, 2023. Any decision prescribed by the City Council is appealable to the Land Use Board of Appeals based on Oregon law.

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

Response: The applicant is aware of these requirements. The City of Hermiston will provide the required notices within five days of the final city council decision.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

Response: The proposal is a quasi-judicial land use decision and not subject to these requirements.

Conclusion: The Hermiston Planning Commission finds that the proposal is prepared in accordance with the applicable laws of the City of Hermiston and State of Oregon. The planning commission therefore recommends that the Hermiston City Council adopt the proposed changes as submitted.

CITY OF HERMISTON

APPLICATION TO AMEND COMPREHENSIVE PLAN MAP

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

Name of Applicant: Simon & Simon Land Co. LLC Phone: 541-289-8940

Mailing Address: P.O. Box 921 Hermiston, OR 97838

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

Mailing Address: _____

Legal Description: Assessor's Map No: 4N 28E 13C Tax Lot No: 900 & 906

Subdivision: _____

Street Address: 1250, 1555, 1575, and 1595 Airport Road, Hermiston

Current Comprehensive Plan Designation: Commercial & Industrial

Proposed Comprehensive Plan Designation: Commercial & Industrial (realigned)

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

APPROVAL CRITERIA

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

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

See included narrative.

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

See included narrative.

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

See included narrative.

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

See included narrative.

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

Section 3, Item C.

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

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

 _____ Date 11/03/22
 Signature of Applicant

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

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

Office Use Only

Date Filed: 11.14.22 Received By: [Signature] Meeting Date: 1.11.23
 Fee: \$725.00 Date Paid: 11.14.22 Receipt No: XBp CF# 131885874

Application to Amend the City of Hermiston Comprehensive Plan Map and associated Zoning Map, effecting a change to the zoning of the subject property.

Applicant/Owner: Simon and Simon Land Company, LLC
Mike and Deannie Simon, Members
P. O. Box 921
Hermiston, Oregon 97838
541-289-8940
westfallinstall@gmail.com

Consultant: Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, OR 97882
541-314-3139
mclane@eoni.com

Purpose of This Application:

Mike and Deannie Simon, members of Simon and Simon Land Company, LLC, seek to amend the zoning designations of the subject property identified as Tax Lots 900 and 906 of Assessor’s Map 4N 28 13C in the City of Hermiston. Current zoning is C-2 Outlying Commercial and M-1 Light Industrial with the zoning boundary running at a northwest to southeast angle across the subject properties. It is the desire of the Simon’s to have the zoning boundary be reconfigured with the result being that Tax Lot 900 would be zoned C-2 Outlying Commercial and Tax Lot 906 would be zoned M-1 Light Industrial. A third Tax Lot in their ownership at this location, Tax Lot 903, is not proposed for change.

Documents to be Modified:

- City of Hermiston Comprehensive Plan Map.
- City of Hermiston Zoning Map.

Current Use of the Property:

Most of the subject property is bare with improvements on Tax Lot 900 consisting of three manufactured homes. No development has occurred on either Tax Lot 903 or 906.

Surrounding Uses: This area south of Hermiston is a mix of commercial, light industrial, and residential uses of a rural nature. The development on the subject property is less than a half mile from Highway 395 which intersects near a veterinarian clinic. The Hermiston Airport is to the north, the Eastern Oregon Trade and Event Center (EOTEC) to the northeast, and a Denny’s, a hotel, Ranch and Home, and the Walmart Distribution Center all to the south along Highway 395. Zoning of the area is also a mix including Light Industrial, Heavy Industrial, and Outlying Commercial with overlays applied to both the Hermiston Airport and the EOTEC (which also serves as the Umatilla County Fairgrounds). The Comprehensive Plan designations of the subject property are Commercial and Industrial, like properties in the vicinity.

Required Review:

The City of Hermiston Zoning provisions, found as part of Title XV Land Usage, in Chapter 157 Zoning part 157.226 Amendments provides the requirements for amendment to the Zoning Map and at (E) provide the Approval Criteria. The City of Hermiston also provides application forms with procedures for both a Comprehensive Plan Map Amendment and a Zone Change. Both applications have several

questions that reflect the Zoning ordinance provisions that will also be included here. As this is also a request to amend the Comprehensive Plan Map the 14 Statewide Planning Goals are also considered.

City of Hermiston Zoning 157.226 Amendments (E) Approval Criteria: The review criteria are listed in **bold** with responses in regular text.

(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 upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing;

Response: The applicant is submitting this application with supporting material to provide evidence for the decision-making body to consider.

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

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the plan;

Response: The City of Hermiston Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission addressing the applicable 14 Statewide Land Use Planning Goals. For this request Goals 1 Citizen Involvement, 2 Planning Process, 9 Local Economy, and 12 Transportation would be deemed applicable. Goal 10 Housing, Goal 11 Public Services and Facilities, and Goal 14 Urbanization could be deemed applicable.

The following City of Hermiston Comprehensive Plan Policies are considered:

- Policy 1: The City of Hermiston will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.
As this request will be heard by both the Planning Commission and City Council, with notice to adjoining landowners and affected agencies Goal 1 and Policy 1 are being met.
- Policy 2: The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.
This request provides an opportunity for the City of Hermiston to evaluate this area of the community and authorize a change responding to a request for change that will support maintaining limited housing on a portion of the subject property proposed to be zoned C-2 along with clarification of the type of uses that can be allowed on the adjoining property proposed to be zoned M-1.
- Policy 4: The City of Hermiston will promote compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services.
This proposal maintains current development pattern in this area of Hermiston and will more clearly identify the types of uses on the two tax lots that are the focus of this request.
- Policy 18: The City of Hermiston will facilitate industrial development as a means of creating new jobs and fostering the economic well being of the community.
The M-1 zoning on tax lot 906 will provide clarity on the types of uses that can be allowed leading to a more focused development pattern.
- Policy 19: The City of Hermiston will assure the availability of a sufficient supply of commercial land to accommodate 20-year projected need and strive to achieve the balanced distribution of commercial activities in neighborhoods, downtown, and along outlying highways.
Maintaining the smallest tax lot with C-2 zoning maintains the supply of commercial land and clarifies the types of uses that can be allowed on tax lot 900. It is the only portion of the subject property that has been developed with three manufactured homes, which is a use if established can be maintained, which the applicant intends to do for the foreseeable future.

- Policy 20: 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.
The applicant intends to further develop tax lot 906 proposed to be zoned M-1 through a partition or subdivision, creating as many as five or six lots for industrial use. This request to clarify the zoning on the subject property makes that future development easier to accomplish.
- Policy 21: 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 needs of its residents.
This request seeks to retain three homes on a portion of the subject property. While those homes could be removed at a future date and replaced with a commercial use at a point in the future it is not anticipated to occur in the foreseeable planning future.
- Policy 22: The City of Hermiston will protect and enhance the quality of life in residential neighborhoods.
While there are homes on a portion of the subject property the area is not zoned for residential use and the applicant is not seeking residential protections. They are seeking to continue the residential use as allowed in the C-2 zone.
- Policy 23: 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. Timely means a point within the 20-year timeframe when the city deems development appropriate for a given property based on factors including but not limited to the need for additional urban development within the urban growth boundary and the extent of undeveloped or undeveloped land between the existing development and the subject property.
Public services are available along the Airport Road and can support development of the subject property, both the current residential development and future proposed industrial development.
- Policy 31: 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.
The relocation of the Umatilla County fairgrounds with the development of the EOTEC has allowed for improvements of Airport Road and the local transportation network. As development continues in this area additional improvements may be needed which can be done by developers in cooperation with the City.
- Policy 32: 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.
The proposed realignment of the current zoning will not change the types of uses that are allowed on the subject property. Current zoning should have been accomplished in such a way that would protect the airport. Future development requests on the subject property should be accomplished with an understanding that both the Hermiston Airport and the EOTEC are in the vicinity to the north and northeast.
- Policy 34: 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.
The City of Hermiston has an acknowledged Comprehensive Plan and Transportation System Plan that implements the Transportation Planning Rule. This realignment of zoning on the subject property does not impact the potential traffic impacts along Airport Road or to the intersection of

Airport Road with Highway 395. Specific traffic impacts based on development can and should be considered at the time of development proposal.

The request before the City of Hermiston is not to change the zoning of the subject property but to consider a reconfiguration of how the zoning is applied. Currently the zoning runs at a northwest to southeast angle across the two Tax Lots that are subject to this request. The applicant is asking for each Tax Lot under consideration to have discreet zoning applied as shown on the included map. This request can be found to be consistent with the Goals and Policies identified in the list above. Also reviewed are the 14 Statewide Land Use Planning Goals later in this narrative.

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: This request seeks to have both the Comprehensive Plan and Zoning designation applied discreetly to each of the subject Tax Lots to eliminate confusion about what types of activities can occur as the list of allowable uses is different when the Light Industrial use zone is compared to the Outlying Commercial use zone. The public need is met when that confusion is eliminated, and the public can observe consistent application of the City of Hermiston Zoning provisions to this and other properties in the vicinity.

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

Response: There are no other properties under consideration. This is not about adding new land to a zoning classification, but more about eliminating confusion on the subject property.

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

Response: No impact upon the area has been identified as neither of the current zoning designations are being removed; they are being reconfigured to eliminate confusion related to the uses allowed on the subject property. The same list of potential commercial or light industrial uses can still occur on the subject properties.

(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: No change in intensity of land uses will occur. The result of this action will be to have clear requirements for the subject property as to whether Light Industrial or Outlying Commercial is applicable.

(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: This application narrative, along with the required application forms and maps, will provide the initial evidence for the Planning Commission and City Council to consider. The anticipated public hearings will provide additional opportunities for both the applicant and neighbors to provide evidence and testimony to the record.

Comprehensive Plan Map Amendment Application Questions:

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

Response: See above response.

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

Response: See above response.

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

Response: See above response.

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

Response: See above response.

Application to Amend Zoning Ordinance (Text or Map) Application Questions:

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

Response: See above response.

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

Response: See above response.

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

Response: See above response.

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

Response: See above response.

The 14 applicable Statewide Planning Goals are also considered.

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

Response: The City of Hermiston Comprehensive Plan and Zoning Ordinance outlines the City’s citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process.

The applicant asserts that this application is consistent with Goal 1.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This requested change of Comprehensive Plan and Zoning designation is also guided by Goal 2 requirements. This application meets those requirements for this request.

The applicant asserts that this application is consistent with Goal 2.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Response: The Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use. This application is to consider modifications to the application of the Light Industrial and Outlying Commercial use zones within the city limits on lands that have already been identified for urban industrial and commercial uses.

Goal 3 would not apply to this action.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: There are no forest lands in the City of Hermiston.

Goal 4 would not apply to this action.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject property does not have any overlays or other known cultural or historical sites. There are no wetlands inventoried on the subject property.

The applicant would assert that this application is consistent with Goal 5.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed change in Comprehensive Plan and Zoning Map designation does not seek approval of a specific development but seeks to modify the application of the City of Hermiston's Light Industrial and Outlying Commercial zoning designation to allow for more clear application of those use zone requirements on the subject property. The list of allowable uses is not proposed to change, and therefore anticipated impacts are also not anticipated to change.

The applicant would assert that this application is consistent with Goal 6.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property, and it is located significantly above and outside the influence of the Umatilla River which has a history of flooding.

The applicant would assert that this application is consistent with Goal 7.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: No recreation components are included in this application. However as industrial or commercial activities are sited, an increase in tax base for the City of Hermiston would occur. That tax

base would provide additional revenue to the City of Hermiston leading to the opportunity for increased investment in parks and recreation opportunities for its citizens and visitors.

The applicant would assert that this application is consistent with Goal 8.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Hermiston has a Comprehensive Plan that has been acknowledged to comply with Goal 9.

The applicant would assert that this application is consistent with Goal 9.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Response: Housing is not specifically considered as part of this application. There are however homes on Tax Lot 900, the smaller Tax Lot in the southeast corner of the subject property. The Outlying Commercial that is being requested does allow the retention of homes, along with their replacement and enhancement, something the applicant wants to ensure.

The applicant would assert that this application is consistent with Goal 10.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. This area of Hermiston has public services available and being delivered.

The applicant would assert that this application is consistent with Goal 11.

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

Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. Later in this narrative compliance with the Transportation Planning Rule is considered and evaluated.

The applicant would assert that this application is consistent with Goal 12.

Goal 13 Energy: To conserve energy.

Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Access to Highway 395 to the west provides energy efficiency and convenient access. And any future development will need to occur in compliance with the acknowledge Zoning Ordinance.

The applicant would assert that this application is consistent with Goal 13.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments must either expand their urban growth boundaries to add property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural lands. This application is to change the Comprehensive Plan and Zoning Map designation on lands within the city limits allowing industrial and commercial uses on the subject property.

The applicant would assert that this application is consistent with Goal 14.

The applicant would find that this application is consistent with the Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable in eastern Oregon or Boardman.

Portions of Oregon Revised Statute 227.175 concerned with applications to local governments for a permit or zone change are applicable. Much of ORS 227.175 has already been incorporated into the City of Hermiston Zoning Ordinance and is implemented through a variety of measures including notice provisions and hearing procedures.

227.175 Application for permit or zone change; fees; consolidated procedure; hearing; approval criteria; decision without hearing.

(1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

Response: The applicant is submitting this application on the forms prescribed, paying the required fees, and providing this narrative addressing these and the other requirements in both Oregon law and the law of the City of Hermiston.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

Response: The applicant is not pursuing multiple applications but is focused on the change in Comprehensive Plan and Zoning Map designations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

Response: The applicant understands that these actions will be heard by the Planning Commission and the City Council as they are legislative in nature.

(4)

(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)

(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

Response: The applicant has, primarily through this application narrative, provided evidence that the City of Hermiston Comprehensive Plan is considered and can be met when this request is approved. There are no housing developments requested as part of this application. Housing currently in place on a portion of the subject property will be retained and this application will clarify that it can be.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

Response: The applicant supports compliance with required notice provisions and meeting the needs of Statewide Planning Goal 1 Citizen Involvement.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

Response: The Hermiston Airport is immediately to the north of the subject property. Notice to the airport authority is anticipated. The proposal would not have any effect on airport operations. Compliance with any overlay zones, if applicable, are already in force.

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

Response: This action is not within the runway approach area based on available maps on the City of Hermiston website.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

Response: No manufactured dwelling park is located on the subject property.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

Response: There are tenants on the subject property which the landowner wants to preserve housing availability for. The Hermiston Airport is to the north of the subject property.

(10)

(a)

(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city’s land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed

written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

- (i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;
- (ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and
- (iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)

(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

- (i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;
- (ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
- (iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

Response: The applicant is anticipating that the City of Hermiston will hold a public hearing to consider this application. These provisions or their intent are contained within the City's Zoning Ordinance.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

- (A) The street address or other easily understood geographic reference to the subject property;
- (B) The date of the decision; and
- (C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

Response: The applicant is aware of these requirements and supports city staff providing such notice as required by Oregon law and provisions of the City of Hermiston Zoning Ordinance. Any decision prescribed by the City Council is appealable to the Land Use Board of Appeals based on Oregon law.

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

Response: The applicant is aware of these requirements.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

Response: The applicant would provide that this is a legislative decision, subject to those requirements in both Oregon law and the City of Hermiston Zoning Ordinance.

Conclusion: The applicant encourages the Planning Commission and City Council to approve this request for a change in Comprehensive Plan and Zoning Map designation to reconfigure the application of the Light Industrial and Outlying Commercial on the subject property. This narrative provides evidence that the proposal complies with the Statewide Planning Goals and with the City of Hermiston Comprehensive Plan. No change to traffic impacts based on this application is anticipated with actual traffic impacts analyzed at the time of development. In addition to the City's Development Code Oregon Revised Statute 227.175 is analyzed; the applicant asserts that they have shown compliance.

Attachments:

- Assessor's Map 4N 28 13C
- Current Comprehensive Plan and Zoning Map
- Proposed Comprehensive Plan and Zoning Map
- Comprehensive Plan Map Amendment Application
- Zoning Map Application
- Statutory Warranty Deed
- Partition Plat 2021-11

This map was prepared for Assessment purposes only.



S1/2 SW1/4 SEC 13 T4N R28E WM UMATILLA COUNTY, OR

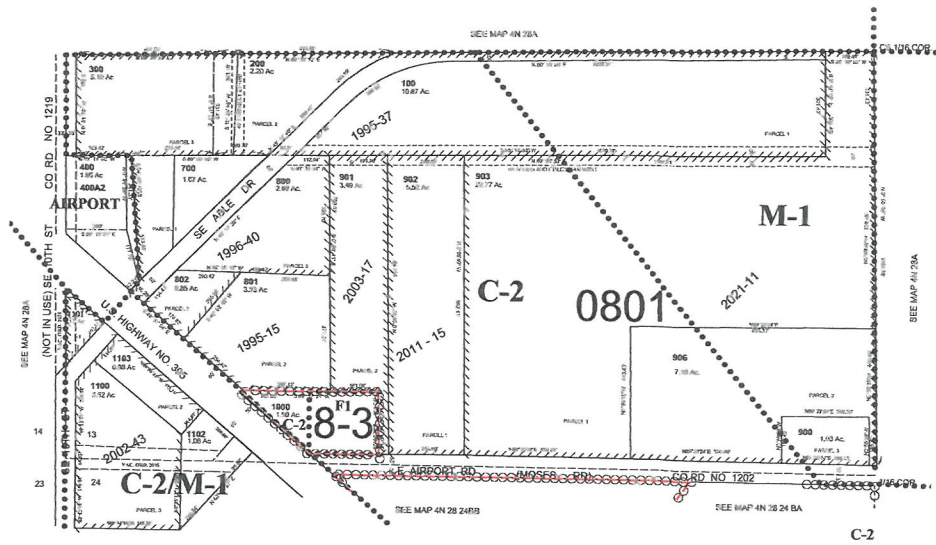
SCALE: 1" = 200'

4N28

Section 3, Item C.

HERMISTON CITY &

ALL IN STAGE GULCH CGWATER AREA
ALL IN AH-H HORIZONTAL SURFACE



4N2813C

PARTITION PLAT No. 2020 -

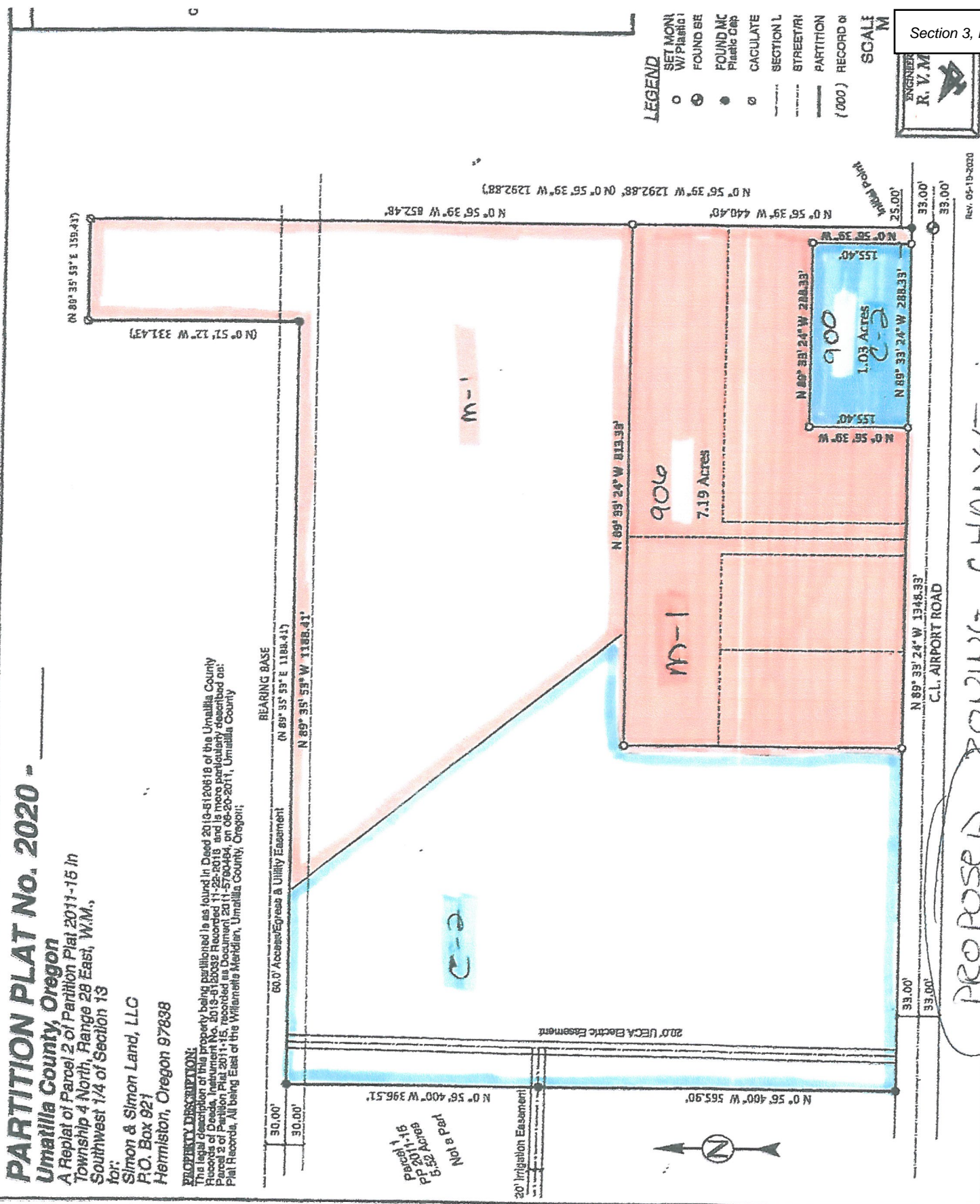
Umatilla County, Oregon

A Replat of Parcel 2 of Partition Plat 2011-15 in Township 4 North, Range 28 East, W.M., Southwest 1/4 of Section 13

for:
Simon & Simon Land, LLC
P.O. Box 921
Hermiston, Oregon 97838

PROPERTY DESCRIPTION:

The legal description of this property being partitioned is as found in Deed 2010-5120818 of the Umatilla County Record of Deeds, Instrument No. 2019-8120532 Recorded 11-22-2018 and is more particularly described as: Parcel 2 of Partition Plat 2011-15, recorded in Document 2011-5780494, on 06-20-2011, Umatilla County Plat Records. All being East of the Willamette Meridian, Umatilla County, Oregon;



LEGEND

- SET MONI W/ PLAIN 1
- ⊕ FOUND BE
- FOUND MC PLAIN 0.00
- ⊖ CALCULATE
- SECTION L
- - - STREET/RI
- PARTITION
- (000) RECORD ON

SCALE 1" = 100'

Section 3, Item C.

ENGINEER
R. V. M.

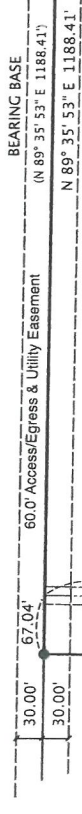
PROPOSED ZONING CHANGE

PARTITION PLAT No. 2020-11

Umatilla County, Oregon
 A Replat of Parcel 2 of Partition Plat 2011-15 in
 Township 4 North, Range 28 East, W.M.,
 Southwest 1/4 of Section 13

for:
 Simon & Simon Land, LLC
 P.O. Box 921
 Hermiston, Oregon 97838

PROPERTY DESCRIPTION:
 The legal description of this property being partitioned is as found in Deed 2013-6120618 of the Umatilla County
 Records of Deeds, Instrument No. 2013-6120618, recorded as Document 2011-5790048, on 06-20-2011, Umatilla County
 Parcel 2 of Partition Plat 2011-15, recorded as Document 2011-5790048, on 06-20-2011, Umatilla County
 Plat Records, All being East of the Willamette Meridian, Umatilla County, Oregon.



OWNER'S DECLARATION:

We, the undersigned owners of the lands as shown on this plat, do hereby acknowledge that we have
 caused this plat to be created, we authorized that this Plat be prepared in accordance with the provisions
 of ORS Chapter 92, and we recognize this Plat as the Official Plat and Map of the Partition as filed in the
 County of Umatilla, State of Oregon.

By OWNERS: for Simon & Simon Land, LLC

Michael S. Simon
 Michael S. Simon, Member

On this 2nd day of December, 2020, the above
 individuals appeared personally before me and are known to me to be
 the local individuals who executed the plat declaration and
 acknowledged that they did so freely and voluntarily.

Before me: *Sherry Lea Blanton*
 My Printed Name is Sherry Lea Blanton
 My Commission No. is 958058
 My Commission Expires January 19, 2021

I do hereby certify that this is a true and exact
 copy of the Official Partition Plat as filed for
 Simon & Simon Land, LLC in Umatilla County.

Ronald V. McKinnis
 Ronald V. McKinnis

SURVEY RECORDS:
 Edwards for Brown Trust, Partition Plat 2011-15



N 89° 33' 24" E 535.00'
 N 89° 33' 24" E 1348.33'
 C.L. AIRPORT ROAD

SURVEYORS CERTIFICATE & NARRATIVE:
 I, Ronald V. McKinnis, being a Registered Professional Surveyor of the
 State of Oregon, certify that I have correctly Surveyed and Monumented
 the lands depicted on this Plat, and more particularly the parcels in the
 Legal Description hereon. I also certify that this Plat meets all the
 requirements as established by Chapter 92, Oregon Revised Statutes.

This survey is based on the Partition survey by Edwards for Brown
 in 2011-15. I found and held all of the monuments set by Edwards in
 the 2011-15. The bearing base was the North Line of Parcel 2 as
 established by Edwards in that Plat. The purpose of the survey was to
 divide the parent parcel into the parcels as depicted on the face of this
 plat. The initial Point of this survey monument set 33 feet North of
 the Brass Cap 1/4 in the center of Airport Road. This survey was completed with a Trimble GPS RTK Total Station.

RECEIVED BY
 Umatilla County Surveyor
 Date: 4/22/21
 Recd By: LT
 No.: 21-046-A

Parcel 1
 22.77 Acres

REGISTERED
 PROFESSIONAL
 SURVEYOR
 OREGON
 RONALD V. MCKINNIS
 JAN 1980
 2431
 Expires 12-31-20

Parcel 2
 7.19 Acres

Parcel 3
 1.03 Acres

Initial Point
 25.00'
 13
 1/4 Cor.
 Find Brass Cap
 LS 951, In Mon. Box 24

APPROVALS:
 I certify that I have examined and approved this Replat on this
1st day of Dec, 2020
David A. Shaw
 Umatilla County Surveyor

I certify that I have examined and approved this Replat on this
7th day of November, 2020
Wendy S. Simon
 City of Hermiston Planning Commission

I certify that I have examined and approved this Replat on this
20th day of April, 2021
Ronald V. McKinnis
 Umatilla County Tax Collector

Umatilla County
 Office of County Records
 Recording Information
 Seal

STATE OF OREGON,
 COUNTY OF UMATILLA }
 I certify that this instrument was received
 and recorded on
4-20-2021
 at 9:17 o'clock a m. in the record of
 PLATS of said County.
 YEAR 2021 NUMBER 11
OFFICE OF COUNTY RECORDS
 By: David A. Shaw Recorder/Officer
 Fee \$ 120 No. 2021-750002

LEGEND

- SET MONUMENTS - 5/8" x 30" Iron Rebar
 - ⊕ W/ Plastic Caps Stamped - L.S. # 2431
 - FOUND SECTION MONUMENTS - as Noted
 - FOUND MONUMENTS - 5/8" Rebar W/ Plastic Cap, LS 951, Or As Noted
 - ∅ CALCULATED CORNER (Not Set)
 - SECTION LINES
 - STREET/ROAD CENTER LINES
 - PARTITION BOUNDARY
 - (000) RECORD or DEED DISTANCE
- SCALE 1" = 100 Ft.
 May, 2020

ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. MCKINNIS ENGINEERING
 79980 Prindle Loop Road
 Hermiston, Oregon 97838
 (541) 567-2017

Heather LaBeau

From: BOYD David <David.BOYD@odot.oregon.gov>
Sent: Wednesday, December 21, 2022 11:21 AM
To: LAPP Thomas; Heather LaBeau; LANI Richard; Kristen Tiede
Cc: PENNINGER Teresa B; JARVIS-SMITH Cheryl
Subject: RE: Property Owner Notice Comprehensive Plan Amendment

STOP and VERIFY This message came from outside of the City of Hermiston

I am not seeing that this will generate an increase in traffic above the existing Zoning. So no TPR issues that I see.

TSP calls for a signal at US395/Airport Road when warranted.

David W. Boyd, P.E.

Interim Region 5 Access Management Engineer
3012 Island Ave. La Grande OR 97850
(541) 419-5977
David.Boyd@odot.oregon.gov

From: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>
Sent: Wednesday, December 21, 2022 10:14 AM
To: Heather LaBeau <hlabeau@hermiston.or.us>; LANI Richard <Richard.LANI@odot.oregon.gov>; Kristen Tiede <KristenTiede@ctuir.org>
Cc: PENNINGER Teresa B <Teresa.B.PENNINGER@odot.oregon.gov>; JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>; BOYD David <David.BOYD@odot.oregon.gov>
Subject: RE: Property Owner Notice Comprehensive Plan Amendment

Thanks Heather.

This will go out to our Region Planners for review.

Thomas Lapp
District 12 Permit Specialist
1327 SE 3rd Street
Pendleton, OR 97801
Ph (541)278-3450
Fax (541)276-5767

From: Heather LaBeau <hlabeau@hermiston.or.us>
Sent: Wednesday, December 21, 2022 9:51 AM
To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; LANI Richard <Richard.LANI@odot.oregon.gov>; Kristen Tiede <KristenTiede@ctuir.org>
Subject: Property Owner Notice Comprehensive Plan Amendment

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good Morning,
Attached is a notice being mailed today.
Thanks,

Heather La Beau
(541) 567-5521 xt 5010
City of Hermiston
hlabeau@hermiston.or.us
Where Life is Sweet