

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: Lulu, LLC / Richard Hunsaker Phone: 541-554-7167

Mailing Address: PO Box 2266, Eugene, OR 97402

Name of Owner (If Different): P h o n e: OOffice Phone: 541-683-1140

Mailing Address: same as above

Legal Description: Assessor's Map No: 4N2809DA Tax LotNo: 3101

Subdivision: Ekleberry Tract Book 7 page 28

Street Address: W Poplar Ave
140 SW 11th St., Hermiston, OR 97838

Current Comprehensive Plan Designation: R1 L R1 Zone Map

Proposed Comprehensive Plan Designation: C1 C C2 Zone Map

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:

Approval Criteria for Comprehensive Plan Amendment:

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

The proposed zone change and plan amendment to transition the subject property from R-1 Residential to C-2 Commercial has substantial support from the policies of the Hermiston Comprehensive Plan (Plan).

To begin with, the City has a considerable surplus of all types of zoned land. Policy 4: Orderly Urban Growth, states:

The UGB includes approximately 3,600 acres of unconstrained vacant land; combined with the 1,400 acres of vacant property within the city limits, this results in a vacant land inventory of about 5,000 acres, about 600 acres more than needed to meet year 2003 demand (p III-4).

The current land inventory will not miss a small piece of residential land such as the one proposed for conversion here. In relation to amounts of residentially designated land, Policy 21 states:

Buildable Lands vs. Future Land Needs

The housing units needed to accommodate future population will require sufficient buildable lands to accommodate new housing development. The nearly 3,900 new units will require an estimated 700 acres of residential land. As Figure 10.7 and 10.8 present, a 2010 inventory of buildable residential lands in Hermiston finds 1,995 vacant buildable acres in a variety of residential zoning designations. This buildable capacity is far in excess of the estimated 20 year need of 700 acres. Therefore there is no current identified need to add residential acreage (p. III-31).

The proposed change is not just a conversion of one zoning type to another, but rather a mutually beneficial change. The Plan specifically supports the concept of having commercial and residential uses exist side by side. Policy 19: Commercial Development states:

In addition to ensuring an adequate supply of commercially zoned land, location of commercial activities is also important. By encouraging small neighborhood shops in residential areas, the City can improve access for the elderly and disabled and reduce dependence on the automobile. Furthermore, in developing portions of the UGB, the City can identify nodes of commercial activity to serve as focal points for new neighborhoods (p III-20).

and also:

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 OUTLAYING HIGHWAYS* (p III-21 emphasis added).

Policy 22 furthers this goal by stating:

THE CITY OF HERMISTON WILL PROTECT AND ENHANCE THE QUALITY OF LIFE IN RESIDENTIAL NEIGHBORHOODS BY:IMPLEMENTING ACTIONS

...

- Permitting the location of small shops in neighborhoods (p III-33).

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

The proposed zone change and plan amendment will allow for better utilization of a smallish commercial property and unused residential lot by opening up opportunities by combining the two and making the property a more useable commercial size.

As stated above, there is a considerable surplus of residential land that will exist far beyond the next 20 plus years. Rather than keep this surplus as vacant, unused parcels, it only make sense to convert to something that is useable. In the instant case, it will allow better utilization in conjunction with the adjacent commercial building, which in turn will help feed the local economy via tax revenue and by increasing the revenue production of this property. By virtue of direct spending and a multiplier effect that will continue to provide public revenue far beyond what a vacant parcel would.

Further, conversion of a vacant parcel will minimize blight issues that go hand in hand with vacancy, including but not limited to deferred maintenance, deferred increase in property taxes, and provision of safe haven for criminal elements.

The applicant is also willing to record a deed restriction on this property upon zone change approval limiting ingress-egress onto West Poplar Avenue only (instead of also having access to the cul-de-sac to the north). This will ensure that the negligible amount of commercial traffic generated by this site will not traverse the residential cul-de-sac.

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

The subject parcel makes a better candidate for conversion than other vacant residential sites simply because it has a user on the adjacent commercial lot that will absorb and use the parcel. In other words, the conversion from residential to commercial is not speculative . . . there is an actual end user waiting to receive it as commercial land. This expedites the public benefit/need as described in Item #2 above.

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

As noted above, the concept is to rezone the residential parcel and combine it with the commercial parcel to the east so that they compliment one another. This will occur with an existing end user in the wings so that the site can then be developed as a whole. This will allow the formerly residential parcel to become occupied and improved along with the existing vacant building by the tenant-in-waiting.

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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: 1.24.19 Received By: W. Kipl Meeting Date: 3.13.19

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