

# CITY OF HERMISTON

Steve D codevelopment-not

## APPLICATION TO AMEND ZONING ORDINANCE

(Text or Map)

Pursuant to the provisions of Section 26 of Hermiston Zoning Ordinance No. 1840, application is hereby made to amend the text or the zoning map for the following described property:

Name of Applicant: Eastern Oregon Development, LLC

Phone: 541-969-6634

Mailing Address: 42980 Haney Lane, Pendleton, OR 97801

Contact Person: Steve Richards

Phone: 541-969-6634

Mailing Address: Same as above

Name of Owner (If Different): John Schnell

Phone: 541-567-5822

Mailing Address: 291 E. Gladys Avenue, Hermiston, OR 97838

Legal Description: Assessor's Map No: 4N2802C

Tax Lot No: 212 (East 461')

Subdivision (If Applicable): Not Applicable

Street Address: N.E. 4<sup>th</sup> Street

Current Zoning Designation: Outlying Commercial Zone (C-2)

Proposed Zoning Designation: Neighborhood Commercial Overlay (NCO)

**IMPORTANT!** The zoning ordinance requires a positive recommendation from the Hermiston Planning Commission and approval from the Hermiston City Council before a change can be made to the zoning 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 zoning ordinance 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

- X The burden in all land use proceedings is upon the applicant.
- X 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: Refer to attachment \_\_\_\_\_

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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: Refer to attachment \_\_\_\_\_

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3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property: Refer to attachment \_\_\_\_\_

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4. Explain how the potential impact upon the area resulting from the change has been considered: Refer to attachment \_\_\_\_\_

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**ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO THE 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 of a site plan (11"x17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets, and alleys.
3. A metes and bounds legal description of the perimeter of the entire parcel. A metes and bounds description of each individual 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 impact based upon the testimony provided at the hearing.

I am the \_\_\_\_\_ owner/ X owner(s) authorized representative.  
(If authorized representative, please attach a signed letter from the owner.)

Applicant's Signature: Steve R. Smith, Member Date: 8-8-19

**OUT-OF-POCKET EXPENSES FOR MAILING & 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 Section 27(3) of Hermiston Zoning Ordinance No. 1840. 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 by telephone (541) 567-5521. The City's FAX number is (541) 567-5530.

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**Office Use Only**

Date Filed: 8.9.19  
Fee: \$725.00

Received By: Heather Labean  
Date Paid: 8.9.19

Meeting Date: 10.09.2019  
Receipt No: 1136886



## APPLICATION TO AMEND ZONING ORDINANCE TEXT IN THE OUTLYING COMMERCIAL ZONE (C-2)

**Purpose:** To amend the zoning of the site in question from Outlying Commercial (C-2) to Neighborhood Commercial Overlay (NCO). This would allow mini-storage as a conditional use.

**Q1:** Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan:

1. Mini storage most closely aligns with the uses designated in the City of Hermiston commercial zones rather than industrial because it is a **service driven and automobile-oriented business**.
  - a. Per the C.P. Map Designation, **Commercial is identified as “Areas to accommodate retail trade, service, banking, office, and related cultural and governmental uses. Correspondence to C1, Central Commercial, and C2, Outlying Commercial, on the zoning map.”** (Page 46)
  - b. Per the C.P. map designation, **Industrial is identified as “Areas appropriate for wholesale trade and manufacturing activities. Corresponds to M1, Light Industrial, and M2, General Industrial, categories on the zoning map.”** (Page 46)
2. Other storage and service businesses related or similar to mini storage are already permitted outright or conditionally in the C1 and C2 zones:
  1. Building supply with no outside storage (Outright use #10 in C-1 zone)
  2. Frozen food lockers, retail only (Outright use #32 in C-1 zone)
  3. Parking lot or garage (Outright use #50 in C-1 zone)
  4. Self-service laundry (Outright use #60 in C-1 zone)
  5. Storage building for household goods in conjunction with retail sales (Outright use #62 in C-1 zone)
  6. Wholesale showroom with merchandise on the premises limited to small items and samples (Outright use #67 in C-1 zone)
  7. Recreational vehicle park (Outright use #10 in C-2 zone)
  8. Public utilities, including water storage tanks (Conditional use #10 in C-2 zone)
  9. **A conditional use permit was granted for an RV storage facility on South First Street, across from the high school, in 2013** (Similar use provision to conditional uses permitted in C-2 zone).
3. Per the City of Hermiston C.P., “In 2010, Transportation and Warehousing was the second largest sector of the Hermiston economy...”. (Page III-23)
  - a. Policy 20 of the C.P. **identifies warehousing as one of its target industry clusters**, because of its existing competitive presence in Hermiston and reasonable opportunity for growth and emergence. (Page III-22-23)
  - b. Policy 20 of the C.P. states **“The city of Hermiston supports economic development and job growth which will diversify and strengthen the mix of economic activity in the local marketplace...”** (Page III-25). The construction of a new facility will employ more than a dozen local contractors.

4. If approved, the requested zoning amendment will not result in a shortage of commercially zoned property in Hermiston.
  - a. Per a 2017 independent assessment by Johnson Economics, LLC of the demand for and inventory of various categories of land **within the Hermiston Urban Growth Boundary, it is estimated that the 285 acres of available commercial ground equates to a 57-year supply at the current growth rate.** This report was prepared on behalf of the City of Hermiston.
  - b. The same report states on page 9...**"there is ample vacant commercial land in the city and UGB." A new facility would not impede desired orderly urban growth.**

**Q2: 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:**

1. At present, mini storage is a permitted use in Hermiston only in certain Industrial zones. Industrial zoned property is located along the south side of Hermiston near the airport, to the north along the 395 corridor and River Road, and to a much lesser extent on the east side of town. **The availability of industrial zoned land within the city limits along the eastern edge of Hermiston is very limited. By approving the requested amendment, the following policies would be addressed:**
  - a. Policy 19 of the C.P. states that **"By encouraging small neighborhood shops in residential areas, the city can improve access for the elderly and disabled and reduce the dependence on the automobile."** (Page III-20)
  - b. Policy 19 of the C.P. states the City of Hermiston will **"...strive to achieve the balanced distribution of commercial activities in neighborhoods, downtown, and along outlying highways."** (Page III-21)
  - c. Policy 19 of the C.P. states the following: **"It is also necessary to continue to provide for adequate commercial areas on outlying highways to accommodate auto-oriented uses."** (Page III-21)
  - d. Policy 23 of the C.P. states **"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"**. (Page III-34)
  - e. Policy 31 of the C.P. indicates the City of Hermiston **"Will establish land uses so as to reduce the need to travel and encourage economic development to provide local jobs which reduce the need to commute."** (Page 40)
  - f. Policy 33 of the C.P. states **"Permits in zoning code development of neighborhood shops to facilitate local access on foot and by bicycle."**
2. The storage needs of many local residents are currently served by several storage facilities located outside the city limits: Affordable Storage, Assured Security Storage, M&M Storage, North Star Storage, Oregon Trail Mini Storage, as well as facilities in the nearby communities of Stanfield and Umatilla. **Allowing mini storage in this location would help address the demand for storage that exists within the city limits.** This is more consistent with the 'shop local' theme promoted by local residents and businesses. Just this summer, **Hermiston City Manager Mark Morgan was quoted in**

the East Oregonian newspaper as saying..."if you really want to drive additional resources to Hermiston, spend more of your money in Hermiston".

**Q3: Explain how the public need is best served by changing the classification of the site in question as compared with other available property:**

1. By amending the zoning ordinance to allow a mini storage facility at this site, residents along the east side of Hermiston would have a storage facility option in the immediate neighborhood and within the city limits. Currently, the nearest facility along the east side of Highway 395 is just outside the city limits approximately 1.5 miles to the North. Although there is a storage facility within one-half mile to the west, it offers a very limited number of units and is located on the opposite of Highway 395. **A new facility at this site would help satisfy neighborhood demand in general; and assist pedestrians, bicyclists, disabled, and the elderly.**
2. **Demand exists in the neighborhood among owners of high-end RV's for fully enclosed units in a gated mini storage facility**, as opposed to storing their unit in their driveway, street, or in an older storage facility outside the city limits. The site in question is sufficient in size to accommodate large RV's.
3. **Having a secure and attractive storage facility along the east side of Hermiston can reduce both time and fuel savings to the city's residents** by reducing the need to travel across town or outside the city limits to access a storage facility.
4. Mini storage generates significantly less traffic than most commercial uses allowed in this zone. The proposed facility would have a negligible impact on the traffic that already exists along Highway 395 and Northeast Fourth Street. An alternative use at this site, such as a strip mall or convenience store, would likely further add to the congestion.
5. Although a couple other industrial zoned parcels are available along Elm Avenue, size and infrastructure restrictions would limit the ability to construct a new facility with all of the modern amenities desired by consumers.

**Q4: Explain how the potential impact upon the area resulting from the change has been considered:**

1. The nearest existing mini storage facility along the east side of Highway 395 is approximately 1.5 miles to the north (North Star Storage). The nearest storage facilities to the south are just over two miles away (A&A Mini Storage & EZ Mini storage). Although there is a storage facility within one-half mile to the west (Schnell Mini Storage), it offers a very limited number of units and is located on the opposite of Highway 395. **A new storage facility on Northeast Fourth Street would reduce cross town commutes, and better serve pedestrians, bicyclists, elderly, and the disabled that live in this area. This is an ideal location to serve the dense residential market that exists to the north, east and south.**
2. **Mini storage generates significantly less traffic than most commercial uses allowed in this zone. The proposed facility would have a negligible impact on the traffic that already exists at**



the Highway 395/Elm intersection, and along Northeast Fourth Street. An alternative use at this site, such as a strip mall or convenience store, would likely further add to the congestion.

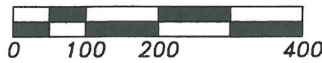
3. **A visually appealing storage facility would be compatible with the uses in the immediate neighborhood.** These include apartments, single family dwellings, restaurants, offices, Wal-Mart, a car dealership, and several retail shops. Mini storage serves all types of residential and commercial uses.
4. City water and sewer is currently available to the site. **The proposed facility would demand very little water and sewer service.**
5. **A storage facility in the immediate neighborhood would help address the city nuisance ordinance** by providing a convenient location for nearby residents to store items in fully enclosed units, as opposed to yards, driveways, and street parking.
6. The vast majority of the facility will be paved. **Very little dust and debris will be generated from the site.** This compares favorably to the idle ground that currently exists across the site.
7. **This type of development is very low in noise and light generation.** It operates mostly during daylight hours and will use architecturally pleasing downlighting; enough to cover security and public safety.
8. Only one to two driveway entrances would be required off Northeast Fourth Street to minimize transportation impacts. Overall, **a trip count of less than 40 vehicles per day is estimated for this facility. This minimal increase in traffic would not significantly affect an existing or planned transportation facility.**

# EXHIBIT MAP AND DESCRIPTION

FOR A PORTION OF PARCEL 1 OF UMATILLA CO. PARTITION PLAT NO. 2000-04, LOCATED IN THE S1/2 OF THE SW1/4 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M., UMATILLA COUNTY, OREGON.  
AUGUST, 2019.

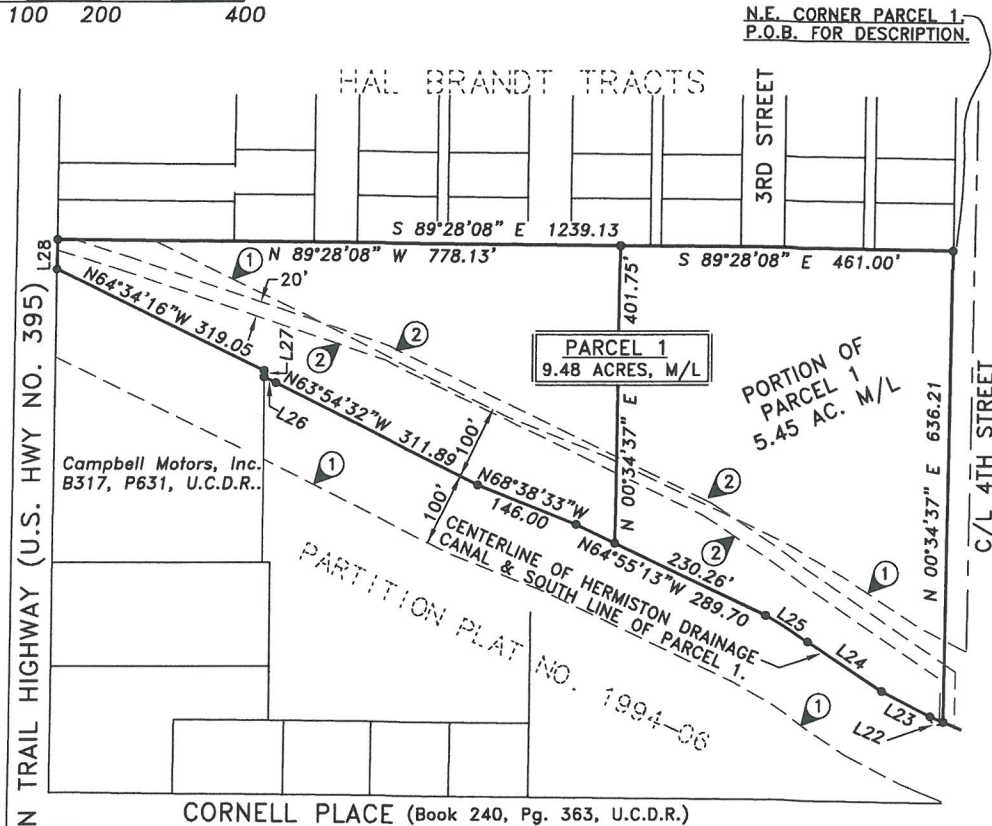


SCALE: 1"=200 FEET



## LINE TABLE

NO.	BEARING	DISTANCE
L22	N 68°01'35" W	19.32
L23	N 63°32'37" W	75.55
L24	N 57°29'07" W	122.92
L25	N 60°41'42" W	69.79
L26	N 64°30'55" W	17.94
L27	N 00°00'00" E	8.69
L28	N 00°16'13" E	40.00



- ① - INDICATES EXISTING HERMISTON DRAINAGE DITCH EASEMENT.
- ② - INDICATES EXISTING 20' SEWER EASEMENT, REEL 152, PAGE 682, DEED RECORDS.

**METES AND BOUNDS DESCRIPTION FOR A PORTION OF PARCEL 1 OF UMATILLA COUNTY PARTITION PLAT NO. 2000-04, DESCRIBED AS FOLLOWS:** THE EASTERLY 461.00 FEET OF SAID PARCEL 1, BEING MORE PARTICULARLY DESCRIBED AS, BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 00°34'37" WEST ALONG THE EASTERLY LINE OF SAID PARCEL 1 A DISTANCE OF 636.21 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 68°01'35" WEST ALONG THE SOUTH LINE OF SAID PARCEL 1 A DISTANCE OF 19.32 FEET TO A POINT; THENCE NORTH 63°32'37" WEST ALONG SAID SOUTH LINE A DISTANCE OF 75.55 FEET TO A POINT; THENCE NORTH 57°29'07" WEST CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 122.92 FEET TO A POINT; THENCE NORTH 60°41'42" WEST CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 69.79 FEET TO A POINT; THENCE NORTH 64°30'55" WEST CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 230.26 FEET TO A POINT; THENCE NORTH 00°34'37" EAST PARALLEL WITH THE EASTERLY LINE OF SAID PARCEL 1 A DISTANCE OF 401.75 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 1; THENCE SOUTH 89°28'08" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 461.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS OF RECORD, ROADS AND WATER RIGHTS OF WAY.

CONTAINS 5.45 ACRES MORE OR LESS.

WELLS SURVEYING  
P.O. BOX 1696  
PENDLETON, OR 97801  
PHONE: (541)276-6362

DATE: 08/19  
NO.:  
BY: JMW

PROJECT: EXHIBIT MAP FOR:  
STEVE RICHARDS FOR A PORTION  
OF PARCEL 1 OF PARTITION PLAT  
NO. 2000-04, CITY OF HERMISTON,  
UMATILLA COUNTY, OREGON.