

Findings of Fact in Denial
Eastern Oregon Development Rezone
Property Located West of NE 4th Street and North of the Hermiston Drain
November 25, 2019

THE CHANGE IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALSO THE GOALS AND POLICIES OF THE PLAN

Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)

1. Notice of the planning commission hearing was published in the Hermiston Herald on September 25, 2019 soliciting comments on the proposed amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed land use action was physically posted on the property on September 25, 2019 in conformance with 157.229(B) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on September 25, 2019 in conformance with 157.229(C) of the Hermiston Code of Ordinances.
4. Notice of the city council hearing was published in the Hermiston Herald on October 9, 2019 soliciting comments on the proposed amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
5. Comments received at each public hearing are incorporated into the record of proceedings.

Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)

6. The city is required to review its land use designations and supply adequate amounts of all zoning types.
7. Notice of the proposed amendment was provided to Umatilla County, ODOT, the Hermiston Irrigation District, the Hermiston School District, and the Confederated Tribes of the Umatilla Indian Reservation on September 25, 2019.
8. Notice of the proposed amendment was provided to DLCD on August 16, 2019.

Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)

9. No change is necessary to promote compact urban development, to insure efficient utilization of land resources, and facilitate economic provision of urban facilities and services as the city already has a sufficient supply of available commercial land to accommodate all proposed uses in the NCO zone.
10. Policy 20 of the Comprehensive Plan states, *“a 2010 inventory of buildable lands in Hermiston finds 850 vacant buildable acres in a variety of commercial and industrial zoning designations. The projected job growth presented above may require 45 to 50 acres of buildable land. Therefore there is no current identified need to add commercial or industrial acreage.”* The City Council finds that there is not a shortage of buildable land which accommodates mini-storage uses available in the NCO zone under consideration.
11. The land is within the city limits. Policies 5 and 6 are not applicable.

Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)

12. The land proposed for amendment is not in cultivation nor has been historically used for agricultural purposes. This policy is not applicable.

Goal 4 (Forest Lands) and Policy 7 (Natural Resources)

13. There are no forest lands within the Hermiston UGB. This goal is not applicable.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Space) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)

14. This property is not identified on the existing Goal 5 inventories in the Hermiston comprehensive plan as having any Goal 5 resources. The property is also not identified on the draft wetlands inventory as subject to any previously unidentified wetlands. This policy is not applicable.

Goal 6 (Air, Water and Land Resources Quality) and Policies 11(Air Quality), 12 (Noise), and 13 (Water Quality)

15. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)

16. The property is identified as an area with a high water table on Figure 12 of the Hermiston Comprehensive Plan. The city will prohibit the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuel on this site.

Goal 8 (Recreation) and Policy 16 (Parks, Recreation and Open Space)

17. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This property is not included on either inventory. This policy is not applicable.

Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)

18. The proposal changes the uses allowed on the property to include mini-storage. The Hermiston comprehensive plan and buildable land inventories indicate there is a sufficient supply of available land to accommodate this use without adopting the proposed rezoning. There are approximately 632 acres of available industrial land which is appropriately zoned to accommodate mini-storage uses. The supply of available industrial land to accommodate mini-storage constitutes adequate land to provide these services beyond the 20-year planning horizon. (Policy 20, Hermiston Comprehensive Plan)

Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)

19. No change to the city's housing inventory stock is proposed as a result of this rezoning. These goals are not applicable.

Goal 11 (Public Facilities) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)

20. Sewer and water and power are already available to the subject property in NE 4th Street.
21. All storm water will be retained within the boundaries of the tract. There is no city-wide storm water retention and disposal system.
22. The city encourages all citizens to utilize Sanitary Disposal for solid waste services. The city provides collection points for recycling at two locations in the city.
23. The Hermiston Police Department has reviewed the proposal and is able to provide police services to future development.
24. The Umatilla County Fire District #1 has reviewed the proposal and is able to provide fire protection to future development. All public streets and private development will be required to provide fire hydrants in compliance with fire standards and fire sprinklers if the scale of building warrants sprinkling.

Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)

25. The addition of mini-storage to other permitted uses generates significantly less traffic than most commercial uses allowed in this zone. However, the transportation infrastructure that services the development operates at an acceptable level of service per the Hermiston Transportation System Plan and can accommodate additional commercial trips generated by development.
26. Testimony provided to the planning commission at the October 9, 2019 hearing indicated that the addition of NCO zoned land near existing residential neighborhoods (Suncrest Estates, Pheasant Run, Quail Ridge, and others) encourages alternative transportation and reduces vehicle trips. However, it is unlikely that mini-storage users will use alternative transportation to transport goods to and from storage. The City Council finds that creating an opportunity for mini-storage will not encourage alternative transportation or energy conservation because large items and boxes typical in storage situations require conventional transportation solutions such as personal vehicles.

Goal 13 (Energy Conservation)

27. Goal 13 requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The uses permitted in the existing C-2 zone include restaurants, retail stores, and office uses which may be serviced by patrons utilizing walking trips, bicycles, and other alternative, energy conserving means of transportation. Customers are more likely to utilize energy conserving means of transportation to visit standard C-2 uses than to visit NCO permitted uses.

Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)

28. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

DESCRIBE THE PUBLIC NEED FOR THE COMPREHENSIVE PLAN AMENDMENT AND WHETHER THAT PUBLIC NEED IS BEST SERVED BY THE CHANGING THE ZONING CLASSIFICATION ON THE PROPERTY UNDER CONSIDERATION

29. The City has adequate land available to accommodate mini-storage without changing the zoning of the subject property. There are approximately 14 acres of appropriately zoned land within 2,000 feet of the subject parcel with frontage on Highway 207 (Elm Ave).
30. Alternative industrial parcels can be utilized without impacting the city's overall ability to provide retail development in the future.
31. Based upon the availability of existing industrially zoned land, the City Council finds that the public need is not served by changing the subject property zoning from C-2 to NCO.

EXPLAIN HOW THE PUBLIC NEED IS BEST SERVED BY CHANGING THE CLASSIFICATION OF THE SITE IN QUESTION AS COMPARED WITH OTHER AVAILABLE PROPERTY

32. There is approximately 632 acres of available industrial land which accommodates mini-storage within the city limits. The applicant has not provided adequate evidence that there is no available industrial land which may accommodate this use.
33. There is available C-2 zoned land directly across NE 4th Street from this site which is of similar size to this parcel and may also be considered for rezoning from C-2 to NCO. The applicant has provided no evidence as to the suitability of this site which is similarly situated on a lower traffic volume street and located a similar distance to surrounding residential neighborhoods.
34. There is a 6-acre tract of C-2 zoned land available at the intersection of Diagonal Road and NE 10th Street which was set aside by the city for potential commercial development in 2018. The parcel is of similar size and accessibility to this site and may be rezoned from C-2 to NCO with less impact on the city's ability to provide retail development. The applicant has not provided evidence as to the suitability of this site in comparison to the site under consideration.
35. The City Council finds no public need is served by changing the zoning designation of the subject property and finds that there is adequate land to accommodate the proposed use on alternate sites within the city.

EXPLAIN HOW THE POTENTIAL IMPACT UPON THE AREA RESULTING FROM THE CHANGE HAS BEEN CONSIDERED

36. The subject parcel is located along the section of US 395 with the highest traffic volumes in the City of Hermiston per ODOT traffic volume tables. The City has a commitment to providing retail development opportunities and maintaining an adequate supply of commercial land.
37. The parcel is of unusual shape and is constrained by city sewer and Bureau of Reclamation easements. Removal of 5 acres from this 9-acre site at its widest point will not result in 4 acres of commercial land for retail development due to these constraints. The actual remaining buildable area will be smaller. The actual buildable area will be approximately 2 acres.
38. The area is best served through conventional retail development as envisioned in the acknowledged comprehensive plan.
39. There will be no impact on the area as a result of denial of the application as the current zoning will be maintained.