

**To:** Food Vendor Subcommittee  
**From:** Clint Spencer, City Planner  
**Subject:** List of Violations of C-1 Zoning Provisions  
**Date:** May 3, 2013

On May 3, 2013, city staff conducted a windshield survey of the city's central commercial (C-1) zone. Staff conducted this survey at the direction of the mobile food vending subcommittee. The intent of the survey was to identify all zoning violations within the C-1 zone and determine if there are violations of city code in addition to those vendors operating a business outside of an enclosed building. It is hoped that the list below is comprehensive of violations of the C-1 provisions. It is possible that violations may have been missed. Also, smaller violations of other ordinances, like overgrown weeds, are not included.

Location	Business	Violation
200 N 1 <sup>st</sup> Street	Chevron	Outside storage of tires 157.041(E)(1)
304 E Main Street	Sherrell Chevrolet	Display of merchandise outside of enclosed building 157.040(E)(1)*
555 Highway 395 S	Tom Denchel Ford	Display of merchandise outside of enclosed building 157.040(E)(1)*
200 S 1 <sup>st</sup> Street	Bi-Mart	Display of merchandise outside of enclosed building 157.040(E)(1)**
350 E Hurlburt Ave	Hermiston Irrigation Dist.	Outside storage of equipment on unpaved lot 157.040(E)(1)***
672 E Main Street	Panderia Yasmine	Outside storage of items in parking lot 157.040(E)(1)
567 E Main Street	Tienda La Comadre (Pinos Real Tacos)	Mobile food vending preparing food outside of enclosed building 157.040(E)(1)
512 E Main Street	Main Street Appliance	Outside storage of appliances along sidewalk more than three feet from building and outside storage of appliances behind building 157.040(E)(1)
695 E Main Street	Auto Glass	Storage of vehicles (or possible junkyard) outside of enclosed building 157.040(E)(1)
140 S 1 <sup>st</sup> Street	PGG	Display of merchandise outside of enclosed building 157.040(E)(1)****
205 Highway 395 S	Old BP Gas Station	Display of merchandise outside of enclosed building and extending more than three feet from the building 157.040(E)(1)

255 Highway 395 S	Auto Glass and Stereo Shop	Mobile food vending preparing food outside of enclosed building 157.040(E)(1)
755 Highway 395 S	Nelly's Super Tacos	Restaurant operating with a kitchen outside of an enclosed building 157.040(E)(1)

\*Use predates zoning ordinance and is considered legally non-conforming

\*\*Although Bi-Mart's outside storage started after the adoption of the zoning ordinance, it is a continuation of PGG's outside display on the site and is considered legally non-conforming

\*\*\*Since HID is a federal agency, the city lacks jurisdiction to enforce a paved parking lot requirement

\*\*\*\*PGG received a variance from the planning commission to this requirement in August 2011.

As the table above demonstrates, there are 13 current zoning violations in the city's C-1 area. It is worth noting that four of the violators are either protected under the "grandfather" provision of the zoning ordinance, or have specifically obtained a variance from the ordinance provisions.

Should the food vending subcommittee and full council make a motion that the provisions of the C-1 zoning code mandating that all business and storage be conducted within an enclosed building, there are nine businesses identified by staff which do not presently meet this requirement and would need to modify their operations or relocate.