

Staff Report

For the Meeting of December 28, 2015
MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2015 –

**SUBJECT: Public Hearing for
Ordinance 2235**

Subject

The City Council is holding a hearing to consider an amendment to the zoning ordinance broadening the definition of multi-family housing.

Summary and Background

Staff has encountered several zoning conflicts with the definitions for two-family and multi-family dwellings in the zoning ordinance over the years. A duplex or two-family dwelling is defined as a “building containing two dwelling units on a single lot.” A multi-family dwelling is defined as a “building containing three or more dwelling units.” There is a conflict which is small but important which has never been adequately addressed. Using the definition of a duplex as being on a single lot and considering that a multi-family dwelling must have three or more units in a building, it is technically impossible to build a multi-family development containing a series of apartments with two dwelling units each on a single lot. Although uncommon, this is a housing option that is requested.

The planning commission discussed this issue at their November and December meetings. The planning commission considered the potential long term impacts of opening up multi-family housing to include multiple single-family dwellings. The planning commission determined that it would not be appropriate nor in the spirit of multi-family dwellings to include single-family dwellings in the definition. After much deliberation, the planning commission recommended that the city council adopt an amended version of the multi-family dwelling definition. The recommended definition is as follows:

“A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.”

§157.226 of the Hermiston Code of Ordinances provides the method and approval criteria for granting or denying an amendment to the zoning ordinance. The proposed amendment has been deemed a legislative change in that it involves the text of the ordinance.

A copy of the findings of fact adopted by the planning commission is attached to this report and is intended to be an exhibit to the ordinance.

Fiscal Information

There is no estimated financial impact from this amendment. However, a more flexible ability to create multi-family dwellings will encourage infill development in existing small lot multi-family zoned parcels, increasing tax revenue over the long term.

Alternatives and Recommendation

The city council may choose to:

- Adopt Ordinance 2235 as written
- Modify the text of Ordinance 2235 and adopt at the next available council meeting
- Reject Ordinance 2235

Requested Action/Motion

Staff requests that the city council make a motion to adopt the findings of fact following the closure of the public hearing.

Staff requests that the city council adopt Ordinance 2235 as written.

Reviewed by:



Department Head – Clinton Spencer, City Planner



City Manager Approval

**FINDINGS OF FACT
ORDINANCE NO 2235
DECEMBER 28, 2015**

Statewide Planning Goals and Comprehensive Plan Policies.

Goal 1 and Policy 1. Citizen Involvement. The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. Notice of public hearings were published in the Hermiston Herald at least 20 days prior to the planning commission hearing on October 28, 2015 and 20 days prior to the city council hearing on November 4th, 2015 in accordance with §157.226 of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on November 18 and December 9, 2015 in accordance with §157.226(F).
3. The City Council held a public hearing on December 28, 2015 in accordance with §157.226(F)

Goal 1 and Policy 2. Planning Process. The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

4. Policy 2 requires the City to annually review development activity and its impacts.
5. The planning commission reviewed the multi-family dwelling definition and determined it was inadequate to address all desired multi-family housing types.
6. The city council directed staff to prepare a code amendment to amend the definition for multi-family dwelling.

Goal 2 and Policy 3. Intergovernmental Coordination. The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

7. The notice of proposed amendment was sent to the Department of Land Conservation and Development on October 13, 2015, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

8. Housing, especially multi-family housing, must be located within one of the city's five residential zones. Multi-family housing is not permitted on agricultural land. Farming practices and available arable land will not be impacted by amending the definition for multi-family dwelling.

Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.

9. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.

10. The City's acknowledged comprehensive plan has policies established for compliance with Goals 5, 6, 7, 8, 9, 11, 13, and 14. No new uses are being permitted through the amendments. No additional findings must be made demonstrating compliance with these Goals.

Goal 9 Housing

11. Goal 9 requires the city to accommodate all forms of needed housing units. Broadening the definition of multi-family housing will allow additional forms of multi-family housing to be built.

Goal 12 Transportation and OAR 660, Division 012

12. The proposed amendment does not permit any new uses. Therefore no new trips will be created and no transportation facility will be significantly affected as a result of the amendment.

Hermiston Zoning Ordinance §157.226

13. The City Council initiated the proposed amendment to the zoning ordinance by motion on October 12, 2015 in compliance with §157.226(A).
14. The proposed amendment amends the text of the zoning ordinance, has a widespread impact on the city as a whole, and does not involve an amendment to the zoning map. Therefore, the proposed amendment is a legislative amendment as defined by §157.226(B)(1) and §157.226(C)(1) and (2).
15. Based upon Finding #14, the proposed amendment is not a quasi-judicial action and the approval criteria in §157.226(E)(1) are not applicable.
16. Notice of the proposed amendment was provided to the Oregon Department of Land Conservation and Development on October 13, 2015, more than 35 days in advance of the first evidentiary hearing as required by §157.226(F) and modified by ORS 197.610.
17. A notice of public hearing for the planning commission hearing was published on October 28, 2015 and the city council notice was published on November 4, 2015. Each notice was published in the Hermiston Herald at least 20 days in advance of the hearing as required by §157.229(D).
18. Based upon Finding #14, the proposed amendment is legislative and mailed notice to property owners is not required per §157.229(D).

ORDINANCE NO. 2235

AN ORDINANCE AMENDING THE DEFINITION OF “DWELLING, MULTI-FAMILY” IN SECTION 157.002 DEFINITIONS OF TITLE XV, CHAPTER 157: ZONING OF THE HERMISTON CODE OF ORDINANCES

WHEREAS, the Hermiston City Council voted on October 12, 2015 to initiate the process to amend the city’s definition for multi-family dwellings in the zoning ordinance; and

WHEREAS, the Hermiston Planning Commission held a public hearing on November 18 and December 9, 2015 to receive public testimony and consider the amendment of the definition of “Dwelling, Multi-Family” in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, the Hermiston City Council held a public hearing on December 28, 2015 to receive public testimony and consider the amendment of the definition of “Dwelling, Multi-Family” in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, notice of the planning commission and city council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments; and

WHEREAS, a staff report on the proposed amendment was available seven days prior to the November 18 and December 28 public hearings and included findings in support of the amendment to the code of ordinances; NOW THEREFORE

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

SECTION 1. The definition of “Dwelling, Multi-Family” in Section 157.002 of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances is hereby amended to read as follows:

~~DWELLING, MULTI-FAMILY. A building containing three or more dwelling units.~~

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.

SECTION 2. The findings of fact as adopted by the city council on December 28, 2015 are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be thirty days after certification of the election results by the city council of the City of Hermiston.

PASSED by the Common Council this 28th day of December, 2015.

SIGNED by the Mayor this 28th day of December, 2015.

MAYOR

ATTEST:

CITY RECORDER