

Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

January 30, 2002

Jeff Wright
MCA Architects
30 NW First Ave
Portland, OR 97209

Dear Mr. Wright:

As you are aware, the Hermiston Planning Commission approved your request for a conditional use permit to construct a 3,270 square foot addition to the existing Qwest Communications telecommunications switching facility located at 105 SE 3rd Street on April 11, 2001. Granting of the conditional use request was based upon findings of fact and subject eight conditions of approval. Condition #8 stated the following:

"E Hurlburt Avenue shall be improved to the east end of the property and shall align with the existing street improvements to the west. Street improvements shall meet all City street specifications."

Per our phone conversation on January 30, 2002, the planning department informed you that the following information must be submitted prior to issuance of a building permit:

1. Engineered plans for the E. Hurlburt Avenue Street Improvements.
2. Signed Developer's Agreement guaranteeing the installation of improvements to standard City specifications (see attached example agreement). The developer's agreement also requires the following:
 - The project engineer shall sign and submit the attached engineers certification form with the required attachments at such time the improvements are installed, inspected and approved (see attached certification form).
 - Developer shall provide the city with a one year maintenance bond to insure the entire maintenance and effective operation of said improvements.

If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,

Steven E. Sokolowski

City Planner

c: Mike Ward

DEVELOPMENT AGREEMENT
(Qwest Communications Expansion - 105 SE 3rd Street)

THIS AGREEMENT is made this ____ day of _____, 2002, by and between the CITY OF HERMISTON, hereinafter referred to as "City", and Qwest Communications, hereinafter known as the "Developer"

RECITALS

A. The undersigned Developer has filed with the Community Development Department a Public Improvement Plan ("Plan") for the improvement of the Qwest facility, a development located in the City of Hermiston, Umatilla County, Oregon, upon property shown on the attached map marked Exhibit "A". That said Plans dated February XX, 2002 are hereby approved by the City and are incorporated in and made a part of this agreement, and made a part of the City records.

B. The Development requires construction of certain grading, storm drainage, paving, curb, gutter, sidewalk and service utilities. The length and locations of the improvements are specified on the approved Plans on file and are hereinafter referred to as ("Improvements").

C. The Developer may be simultaneously constructing the Improvements required herein as well as the Qwest facility; it being understood between the parties that no Certificate of Occupancy for the Qwest facility shall be issued by the City until the Improvements have been physically completed and approved except as set forth below.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and agreements contained herein, the parties do agree as follows:

1. Conditions: When the Developer makes a request to install the Improvements, the Developer shall construct or cause them to be constructed as set forth in the Plans and in accordance with the following conditions and agreements specified below.

a. Plan Preparation: The Plans shall be prepared by a Registered Professional Engineer licensed in the State of Oregon, selected by the Developer. All costs shall be the responsibility of the Developer. The Project Engineer's name, address and telephone number is:

Name and address of project engineer

b. Compliance With Laws: The Plans and installation/maintenance of the Improvements shall be in compliance with all City, County and State laws and rules. Developer shall also comply with all provisions of the City's "Blowing Dust" Ordinance No. 2024 (Code § 92.12).

- c. Notice of Project Commencement: After the approval of the Plans, work shall not begin until there has been notification to the City, 24 hours in advance, and if work is discontinued for any reason, it shall not be resumed until the City has been notified again 24 hours in advance.
- d. Inspection and Certification: The Improvements shall be constructed to City standards. Improvements shall be constructed under the supervision of, and inspection by, the Developer's engineer at Developer's cost. The inspection shall be performed by:

Name and address of project engineer

The Developer's inspection engineer will be required to file an Engineer's Project Certification in the form attached as Exhibit "B". Upon completion of compliance (i.e., delivery to the City of the Engineer's Certification with attachments, as Built Drawings and Maintenance Bond) the City will promptly issue a final Certificate of Acceptance for the Improvements.

- e. Sidewalk Installation: Sidewalks shall be installed to City standards and specifications and prior to issuance of a Certificate of Occupancy. Sidewalks shall be installed as indicated on said plans.
- f. As Built Drawings: Prior to the City's acceptance of said development, the Developer is required to comply with the following additional conditions:
 - (1) Two complete sets of the installed public improvements labeled "As Built Drawings" with the Developer's Engineer's Project Certification.
- g. Improvement Dedication: Upon completion of the Improvements, and the City's acceptance thereof, the IMPROVEMENTS WILL BECOME THE PROPERTY OF THE CITY. However, the parties agree that the maintenance of this system shall be as prescribed in paragraph "4." of this agreement.

2. Binding Effect: This agreement is not personal to Developer, but is to the benefit of and binding upon the real property described above and the agreement runs with the land.

3. Indemnification: Developer agrees to save, protect, hold harmless and indemnify the City and its employees and agents, from any and all claims, actions or suits arising from said Development Improvements not of the City's sole negligence.

4. Maintenance and Bond: Maintenance of the Improvements under this agreement will NOT be performed by the City or in any way be the City's responsibility until such time as the City Engineer's Office has inspected and approved said Improvements, which meet City Specifications. At such time as the City accepts the Improvements, the Developer must provide a ONE-YEAR maintenance bond, in the amount of 25% of the costs of the Improvements to insure the entire maintenance and effective operation/functioning of said Improvements.

5. Certificates of Occupancy: Certificates of Occupancy shall be issued provided the required Improvements provided for herein are physically completed and approved.

6. Recording and Satisfaction: This agreement may be recorded immediately after execution at the option of the City. Upon completion of the Improvements City shall, within 15 days, execute and cause to be recorded a Satisfaction document suitable to clear this agreement from the public records. This Satisfaction, following acceptance of the Improvements, shall not affect Developer's or City's future obligations as contained in this agreement.

7. City Engineer's Authority: The City's engineer shall decide questions which may arise as to quality and acceptability of materials furnished and work performed. The City engineer or inspector may visit the site and determine if the work is proceeding in accordance with the Plans. The Developer shall be held strictly to the Plans in regard to the quality of the materials, workmanship, and execution of the work. The City engineer or inspector shall not be responsible for the construction means, controls, techniques, sequences, procedures, or construction safety. The Developer will coordinate with the City inspector, and the City engineer will promptly make decisions relative to interpretation of the Plans. The City does not guarantee performance of the Developer by providing its inspector. The City's undertaking hereunder shall not relieve the Developer or his contractor from the obligation to perform the work in accordance with the Plans and in a workmanlike manner; shall not make the City an insurer of the Developer's or contractor's performance; shall not impose upon the City any obligations to see that the work is performed in a safe manner; and shall not relieve the Developer from adequately supervising the work, all in accordance with the Plans.

AGREED to on the day and year first above written.

DEVELOPER:
Qwest Communications

CITY OF HERMISTON:

By: _____

Robert Severson, Mayor

Name of Qwest Representative

Ed Brookshier, Manager

STATE OF OREGON)
)ss.
County of Umatilla)

Personally appeared this _____ day of _____, 2002 the above named _____, and acknowledged the foregoing instrument to be his voluntary act and deed.

(S E A L)

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Umatilla)

Personally appeared this _____ day of _____, 2002 the above named Robert Severson as Mayor acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City of Hermiston.

(S E A L)

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Umatilla)

Personally appeared this _____ day of _____, 2002 the above named Ed Brookshier as City Manager acknowledged the foregoing instrument to be their voluntary act and deed on behalf of the City of Hermiston.

(S E A L)

Notary Public for Oregon
My Commission Expires: _____

Exhibits:

- A. Map
- B. Engineer's Project Certification Form

CITY OF HERMISTON

ENGINEER'S PROJECT CERTIFICATION

AFFIDAVIT CERTIFYING ENGINEER'S INSPECTION OF PROJECT TO CERTIFY COMPLIANCE WITH APPROVED PROJECT PLANS AND SPECIFICATIONS.

PROJECT NAME: _____

ENGINEERING FIRM: _____

I, _____ being first duly sworn on oath do state:
Engineer

- ** That I am an Oregon Registered Engineer and my Oregon Registration Number is: _____ and I am fully qualified to perform project inspection for the above mentioned project.

- ** That my firm, which I represent, holds a valid \$1,000,000.00 insurance policy for errors and omissions for the inspection work relative to this project. As a member of the firm, I am fully covered by said policy. (see attached policy)

- ** That I have performed project inspection in accordance with professional standards to ensure full compliance to all approved project plans and specifications and to all related City of Hermiston Public Work's standard specifications. I have performed project inspections which include but are not limited to the following: excavation, bedding, materials, backfill, compaction and performance testing. (see attached inspection reports)

- ** That I have prepared an engineer stamped set of "record drawings" which accurately reflect the actual field construction of the above project. (see attached "record drawing" and include two sets)

OFFICIAL RECEIPT
CITY OF HERMISTON

180 N.E. 2ND STREET
HERMISTON, OREGON 97838
(541) 567-5521

ACCT. NO. 03-18610 DATE 5-8-01
REC'D. FROM Jeff Wright - MCA Architects

CASH	CHECK	OTHER	AMOUNT
	✓		\$ 43.73

Public notice of hearing

PAID BY

	TOTAL	43.73
--	-------	-------

27322

REC'D. BY *[Signature]*

CITY OF HERMISTON

TAX I.D. #93 6002182

INQUIRIES REGARDING:
AMBULANCE BILLINGS(503) 567-8822
WASTEWATER & WATER TESTS(503) 567-5272
ALL OTHERS(503) 567-5521

180 N.E. 2ND STREET
HERMISTON, OREGON 97838

ACCOUNT NO.: 18610

DATE: 4/17/01

Jeff Wright
MCA Architects
30 NW First Ave
Portland, OR 97208

AMOUNT DUE
43.73

AMOUNT ENCLOSED

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DATE	DESCRIPTION	CHARGES	CREDITS
3/27/01	Publish notice of hearing in Hermiston Herald	43.73	



CHARGES AND CREDITS MADE AFTER BILLING DATE WILL APPEAR ON NEXT STATEMENT

OVER 120 DAYS	91 - 120 DAYS	61 - 90 DAYS	31 - 60 DAYS	CURRENT

AMOUNT DUE



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

April 17, 2001

Jeff Wright
MCA Architects
30 NW First Ave
Portland, OR 97209

Dear Mr. Wright:

This is the city's official notification to you that on April 11, 2001, the Hermiston Planning Commission approved your request for a conditional use permit to construct a 3,270 square foot addition to the existing Qwest Communications telecommunications switching facility located at 105 SE 3rd Street. Granting of the conditional use request was based upon findings of fact and subject to the following conditions:

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to receiving any building permits for the proposed addition.
2. The applicant shall complete a replat of the subject site to eliminate all lot lines and insure that no part of the building will cross a property line.
3. All areas used for the standing and maneuvering of vehicles shall be paved.
4. All storm water drainage shall be retained on site.
5. The area to the far eastern side of the property will be designated as a paved parking area, and the remaining area between the building and the paved parking area shall be landscaped to insure neighborhood compatibility.
6. Landscaping shall be installed as indicated on the site plan.
7. All curb, gutter and sidewalk sections adjacent to the property which have been damaged shall be replaced/repared. (Applicant shall field verify with street superintendent)

**Qwest Communications Conditional Use Request
Notice of Decision
Page 2**

8. E Hurlburt Avenue shall be improved to the east end of the property and shall align with the existing street improvements to the west. Street improvements shall meet all City street specifications.

§157.231 of the Hermiston Code of Ordinances allows an action of the planning commission to be appealed to the city council within 12 days after the date the decision is mailed. Since there were no opponents who appeared at the hearing in person or in writing, no notice of decision was mailed and therefore no appeals will be filed. The planning commission's decision is therefore final.

Attached you will find a statement of out-of-pocket costs associated with the hearing.

If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



**Steven E. Sokolowski
City Planner**

c: **Mike Ward**

9. The new church facility will accommodate the city's needs as the community population grows and expands. Grace Baptist facilities will be a community resource available for community use.

Motion carried unanimously.

Conditions

The draft conditions were reviewed. In response to a question from Commissioner Finley, Zoning Clerk Spencer said that access to SW Birch Drive would not be required. Vice Chair Wamsley asked if the commissioners felt curb, gutter and sidewalk should be required, and the consensus was that it should be installed along the entire frontage of the property. Commissioner Ferguson asked if the entire frontage could be driveway with gutter. Zoning Clerk Spencer said it could not be, that the driveway area would be limited to the length shown on the site plan.

Commissioner Finley moved and Commissioner Sienia seconded to impose the following conditions:

1. The applicant shall install curb, gutter and sidewalk along the SW 11th Street frontage of the property.
2. The applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that no construction permits will be issued until certification from the Hermiston Irrigation District has been received.
3. Approval of the conditional use permit will not waive the applicant's responsibility to comply with all building code, fire code and all other code requirements of the City of Hermiston.
4. All storm water drainage shall be retained on site.
5. All areas used for the standing and maneuvering of vehicles shall be paved.
6. Landscaping shall be installed as shown on the site plan.

Decision

Following further discussion, Commissioner Finley moved and Commissioner Ferguson seconded to grant the conditional use request based upon the findings of fact and subject to the conditions imposed. Motion carried unanimously.

Chairman Saylor resumed the chair position.

Hearing/Conditional Use/Qwest Switching Facility Expansion/105 SE 3rd Street

Chairman Saylor announced that a hearing was scheduled to consider a request for a conditional use permit to construct a 3,270 square foot addition to the existing telecommunications switching facility located at 105 S.E. 3rd Street. The applicant is MCA Architects and the property owner is Qwest Communications.

Hearing Guidelines

Chairman Saylor asked if any commissioner wished to declare a potential conflict of interest, and none did. She opened the hearing at 7:30 pm and then reviewed the following hearing guidelines and procedures:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.

- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

Staff Report

Zoning Clerk Spencer reported Qwest Communications has submitted a request for a conditional use permit to construct a 3,270 square foot addition to their telecommunications switching facility located at 105 SE 3rd Street. The property is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000. Per §157.040(B)(12) of the Hermiston Code of Ordinances, a private utility is a conditional use in the Central Commercial (C-1) zone. Per §157.205 (A) of the Hermiston Code of Ordinances, an expansion of a conditional use must be approved by the planning commission subject to the approval procedures for a conditional use permit.

The proposed addition will cross several existing property lines. The applicant has submitted an application to replat these five lots into one lot so the existing building and proposed addition will not cross any property lines.

All properties within 300 feet of the subject site were provided a direct mailing of the proposal. Staff received several inquiries but no objections were received as a result of that mailing.

Commissioner Finley moved and Commissioner Wamsley seconded that the staff report be made part of the record. Motion carried unanimously.

Testimony

Jeff Wright, MCA Architects, 30 NW First Avenue, Portland, OR 97209, presented information on the proposed expansion on behalf of Qwest Communications. The reason for the expansion was the need for more space. The new structure will be compatible with the existing building and the east side will be designed for expansion to allow for future growth. As part of the project, they will repair the damaged gutter and sidewalks where necessary.

Commissioner Wamsley inquired about parking requirements. Zoning Clerk Spencer said only one space is required but the site plan provides for six. It is an unmanned building most of the time.

David Hadley, 130 SE 3rd Street, spoke as a proponent. He said he had received notice as an adjacent property owner and had not problems with the addition.

Commissioner Finley felt the unbuilt area to the east should be paved. Chairman Saylor suggested that draft condition #5 could be revised to reflect that paved parking be located on the far eastern portion of the property with portion between the building the parking area to be landscaped. The commissioners concurred.

Findings of Fact

The findings of fact were reviewed. Commissioner Wamsley moved and Commissioner Finley seconded to approve the findings of fact as follows:

1. §157.040(B)(12) of the Hermiston Code of Ordinances states that a private utility is a conditional use in the C-1 zone. Per §157.205 of the Hermiston Code of Ordinances, any expansion of a conditional use must be approved by the planning commission subject to the approval procedures for a conditional use permit.
2. The parcel will have adequate space to accommodate the proposed expansion once the replat is approved.
3. The proposed expansion will be adequate for the next fifteen to twenty years of expected growth in Hermiston.
4. The existing building is already serviced by municipal water and sewer services.
5. The proposed addition will not require any additional sewer or water connections.
6. No additional impacts to public facilities are anticipated.
7. The existing building is compatible in both use and appearance with the surrounding uses.
8. The proposed addition has been designed to match the appearance of the existing building.

Motion carried unanimously.

Conditons

The draft findings were reviewed. Following discussion, Commissioner Sienia moved and Commissioner Finley seconded to imposed the following amended conditions:

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to receiving any building permits for the proposed addition.
2. The applicant shall complete a replat of the subject site to eliminate all lot lines and insure that no part of the building will cross a property line.
3. All areas used for the standing and maneuvering of vehicles shall be paved.
4. All storm water drainage shall be retained on site.
5. The area to the far eastern side of the property will be designated as a paved parking area, and the remaining area between the building and the paved parking area shall be landscaped to insure neighborhood compatibility.
6. Landscaping shall be installed as indicated on the site plan.
7. All curb, gutter and sidewalk sections adjacent to the property which have been damaged shall be replaced/repared. (Applicant shall field verify with street superintendent)

8. E Hurlburt Avenue shall be improved to the east end of the property and shall align with the existing street improvements to the west. Street improvements shall meet all City street specifications.

Motion carried unanimously.

Decision

Commissioner Finley moved and Commissioner Sienia seconded to grant the conditional use request based upon the findings of fact and subject to the conditions imposed. Motion carried unanimously.

Final Replat/Qwest Addition/Northeast corner of E. Hurlburt and S.E. 3rd Street

Ron McKinnis presented the final replat of Lots 9, 10, 11, 12, and a portion of Lot 13, Block 4, Original Town of Hermiston, creating the Qwest Addition. Zoning Clerk Spencer reviewed the staff report for the property which is located at 105 SE 3rd Street and is owned by Qwest Communications. The applicant proposes to replat the five existing lots into one lot encompassing approximately 27,450 square feet.

Qwest Communications proposes to construct a 3,270 square foot addition to their telecommunications switching facility presently located on the site. The property is zoned Central Commercial (C-1). Per §157.040(B)(12) of the Hermiston Code of Ordinances, a private utility is a conditional use in the C-1 zone. Per §157.205(A) an expansion of a use permitted conditionally must be approved by the planning commission subject to the provisions for a conditional use permit. The applicant has obtained a conditional use permit from the planning commission to construct the proposed addition.

Notice was mailed to all property owners within 100 feet. Staff received several inquiries, but did not receive any objections as a result of that mail

Criteria

The criteria that are applicable to the decision to accept the final replat are contained in §154.15 through §154.66, §157.040 and §157.101 of the Hermiston Code of Ordinances.

The proposed partition complies with all the design standards established in §154.15 through §154.22 of the Hermiston Code of Ordinances. Staff has reviewed the proposed replat and determined that the submission of a preliminary plat is not required. There is presently curb, gutter and sidewalk installed along the SE 3rd Street and E Hurlburt Avenue frontages. However, the existing improvements appear to be damaged. As a condition of approval for the Qwest conditional use permit, the applicant was required to repair these improvements. The Hermiston Transportation System Plan does not call for bikeways on SE 3rd Street or E Hurlburt Avenue.

Zoning Clerk Spencer reported that the final plat contains all of the elements required by §154.46 of the Hermiston Code of Ordinances.

There is no minimum lot size in the C-1 zone. The proposed replat encompasses approximately 27,450 square feet. Comprehensive Plan Figure 12 identifies portions of this site as subject to groundwater pollution hazards due to excessively well drained soils. In accord with §157.101(B)

**REQUEST FOR A CONDITIONAL USE PERMIT
PLANNING COMMISSION HEARING PROCEDURE**

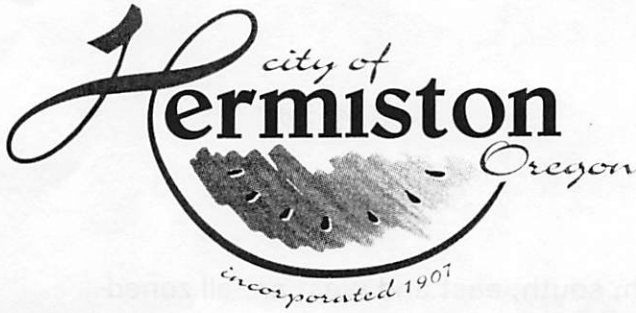
1. Ask if any commissioner has a potential conflict of interest.
2. Open hearing and then state:

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances. The applicant wishes to construct a new 3,270 square foot addition to the existing Qwest Communications telecommunications switching facility. The property is located at 105 SE 3rd St. The applicant is MCA Architects.

3. State that:
 - a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.
 - b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
 - c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
 - d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
 - e. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

4. Then state that:

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

To: Planning Commission
From: Steven E. Sokolowski, City Planner *SS*
Subject: Qwest Communications Conditional Use Request
Date: April 6, 2001

BACKGROUND

Qwest Communications has submitted a request for a conditional use permit to construct a 3,270 square foot addition to their telecommunications switching facility located at 105 SE 3rd Street. The property is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000. Per §157.040(B)(12) of the Hermiston Code of Ordinances, a private utility is a conditional use in the Central Commercial (C-1) zone. Per §157.205 (A) of the Hermiston Code of Ordinances, an expansion of a conditional use must be approved by the planning commission subject to the approval procedures for a conditional use permit.

The proposed addition will cross several existing property lines. The applicant has submitted an application to replat these five lots into one lot so the existing building and proposed addition will not cross any property lines.

All properties within 300 feet of the subject site were provided a direct mailing of the proposal. Staff received several inquiries but did not receive any objections as a result of that mailing.

- Applicant/Owner:** Qwest Communications
- Property Location:** The property is located at 105 SE 3rd Street and is located at the northeast corner of SE 3rd Street and E Hurlburt Avenue.
- Existing Use:** The property contains an existing telecommunications switching facility.
- Surrounding Uses:** To the north lies Sherrell Chevrolet and a single family house. To the south lies the Hermiston Irrigation District offices and shop facility. To the west lies legal offices, Sherrell Chevrolet and a single family home. To the east lies single family homes.
- Existing Zoning:** The property is zoned Central Commercial (C-1).

Surrounding Zoning: Lands to the north, south, east and west are all zoned Central Commercial (C-1).

REQUIREMENTS

§157.208 of the Hermiston Code of Ordinances provides the approval criteria necessary for granting or denying a conditional use permit. The specific findings required by this section are:

1. The proposal is in conformance with the comprehensive plan and zoning code.
2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.
3. Public facilities are of adequate size and quality to serve the proposed use.
4. The proposed use will prove reasonably compatible with surrounding properties.

The planning commission may impose, in addition to those standards and requirements expressly specified by the zoning ordinance, any additional conditions they consider necessary to protect the best interests of the surrounding property or the City as a whole. These conditions may include increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property and any other condition deemed necessary by the commission.

It is not necessary to restate other ordinances and statutory requirements of the conditional use as a part of the proceedings. The granting or denial of a conditional use will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

DRAFT FINDINGS

THE PROPOSAL IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE

1. §157.040(B)(12) of the Hermiston Code of Ordinances states that a private utility is a conditional use in the C-1 zone. Per §157.205 of the Hermiston

Code of Ordinances, any expansion of a conditional use must be approved by the planning commission subject to the approval procedures for a conditional use permit.

THE PROPERTY IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE PROPOSED USE, TOGETHER WITH ALL OTHER ZONING REQUIREMENTS AND ANY ADDITIONAL CONDITIONS IMPOSED BY THE PLANNING COMMISSION

2. The parcel will have adequate space to accommodate the proposed expansion once the replat is approved.
3. The proposed expansion will be adequate for the next fifteen to twenty years of expected growth in Hermiston.

PUBLIC FACILITIES ARE OF ADEQUATE SIZE AND QUALITY TO SERVE THE PROPOSED USE

4. The existing building is already serviced by municipal water and sewer services.
5. The proposed addition will not require any additional sewer or water connections.
6. No additional impacts to public facilities are anticipated.

THE PROPOSED USE WILL PROVE REASONABLY COMPATIBLE WITH SURROUNDING PROPERTIES

7. The existing building is compatible in both use and appearance with the surrounding uses.
8. The proposed addition has been designed to match the appearance of the existing building.

DRAFT CONDITIONS

Subject to any additional conditions the planning commission finds necessary as a result of the hearing, the following draft conditions are presented:

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to receiving any building permits for the proposed addition.

Staff Report
Qwest Conditional Use Permit Request
Page 4

2. The applicant shall complete a replat of the subject site to eliminate all lot lines and insure that no part of the building will cross a property line.
3. All areas used for the standing and maneuvering of vehicles shall be paved.
4. All storm water drainage shall be retained on site.
5. The remaining gravel area to the east of the proposed parking area shall be landscaped or paved to insure neighborhood compatibility.
6. Landscaping shall be installed as indicated on the site plan.
7. All curb, gutter and sidewalk sections adjacent to the property which have been damaged shall be replaced/repared. (Applicant shall field verify with street superintendent)
8. E Hurlburt Avenue shall be improved to the east end of the property and shall align with the existing street improvements to the west. Street improvements shall meet all City street specifications.

STAFF RECOMMENDATION

Staff recommends that the findings, as may be amended, be adopted and that the conditional use permit be approved subject to the draft conditions and based upon the findings of fact.

See Map 4N 28 IODA

E. GLADYS AVENUE

N. FIRST

3000	2900	2800	2700	2600	
3200	3300	3600	3700	3800	3900
4000					

N.E. SECOND

4500					
4700	4701	4900	5000	5100	5200
5300	5400	5500			

N.E. THIRD

6300	6200	6100	6000	5900	5800	5700	5600
6400	6500	6600	6700	6800	6900		

N.E. FOURTH

E. MAIN STREET

1100	1100	10800	10800	10700	10600	10500	10400	10300	10200	10100	9900
------	------	-------	-------	-------	-------	-------	-------	-------	-------	-------	------

STREET

9200	9100	9000	8900	8800	8700	8600	8500	8400	8300	8200	8100
------	------	------	------	------	------	------	------	------	------	------	------

STREET

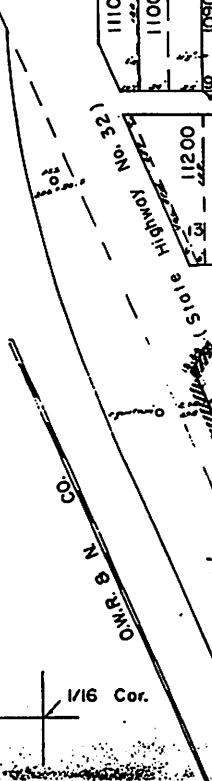
7500	7400	7300	7200	7100	7000
------	------	------	------	------	------

STREET

11200	11400	11500	11600
-------	-------	-------	-------

9300	9400	9500	9600	9700	9800	9801
------	------	------	------	------	------	------

7600	7700	7800	7900	8000	8100	8200	8300
------	------	------	------	------	------	------	------



E.

HURLBURT AVENUE

AREA OF PROPOSED CONDITIONAL USE PERMIT

AVENUE

S.E. SECOND

12500	12601	12300	12200	12100	12000
12600				13100	

S.E. THIRD

13200					
13300	13400	13600	13700	13800	

S.E. FOURTH

NEWPORT AVENUE

AVENUE

8-1

Walkway Easement

CITY OF HERMISTON

CONDITIONAL USE PERMIT APPLICATION

Pursuant to the provisions of §157.205 of the Hermiston Code of Ordinances, application is hereby made for a conditional use permit for the following described property:

Applicant's Name: MCA Architects, (Jeff Wright) Date: 3-13-01

Address: 30 NW First Ave. Phone: (503) 226-0622
(Daytime)

Property Owner(s) Name (If Different): Qwest Communications

Address: 1600 7th Ave. Room 2572 Seattle, WA 98191 Phone: (206) 345-7239
(Daytime)

Legal Description of Property: Assessor's Map No: T4N, R28E Tax Lot No: 7600, 7700, 7800, 7900, 8000

Comprehensive Plan Designation: _____ Zoning Designation: _____

Current Use of Property: Telephone switch facility

Request to Allow: Enlarge the existing building for the same use to provide telephone service to the community.

IMPORTANT! Oregon's Land Use Planning Laws and Section 24(4) of Ordinance No. 1840 require the planning commission to make "findings of fact" with regard to requests for conditional use permits. 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. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. The proposal is in conformance with the comprehensive plan and zoning ordinance.

Explain fully: The services provided by this building is needed for the increasing demand for telephone services for this community and the surrounding area. The existing building and its use area allowed under the conditional use requirement. The addition to this building will match the existing in color, texture, and overall profile. The existing building, and with its addition, appears to blend in with the adjoining neighborhood with a mix of businesses and residential uses.

APPLICATION FOR CONDITIONAL USE PERMIT - PAGE 2

2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission. Explain fully: Yes. The site has adequate size for this addition, with the

potential of future growth to the East as the community grows. The building has been in place for
twenty seven years with this being the first expansion. This expansion should be adequate for the
next fifteen or twenty years of expected growth. The existing building, with the reduction in size
of the equipment required to perform the switching of telephone services, has not needed to grow as
the demand has grown. Although with the increased demand for telephone lines and services it now
needs to grow to continue providing telephone services to the community.

3. Public facilities are of adequate size and quality to serve the proposed use. Explain fully:

Yes. This addition, to the existing building, will not increase public services such as
sewer, water, or fire more than what is currently needed. The only item this addition
will require would be additional electrical to power the additional equipment, which is
currently available. City supplied services would not be affected.

4. The proposed use will prove reasonably compatible with surrounding properties. Explain

fully: The design of the new portion of the building will match the existing in color and
appearance. The existing building seems to be compatible with the mix of other buildings
adjacent to the property. It is our intent to match the existing roof lines and shape of
the building; thus, tying the original design of the existing building to the new
addition.

APPLICATION FOR CONDITIONAL USE PERMIT - PAGE 3

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO 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" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my representative, at the meeting(s) where this request is scheduled for consideration, and may grant or deny this request based upon the testimony provided at the hearing.

I am the owner/ owner(s) authorized representative.
(If authorized representative, attach letter signed by owner.)

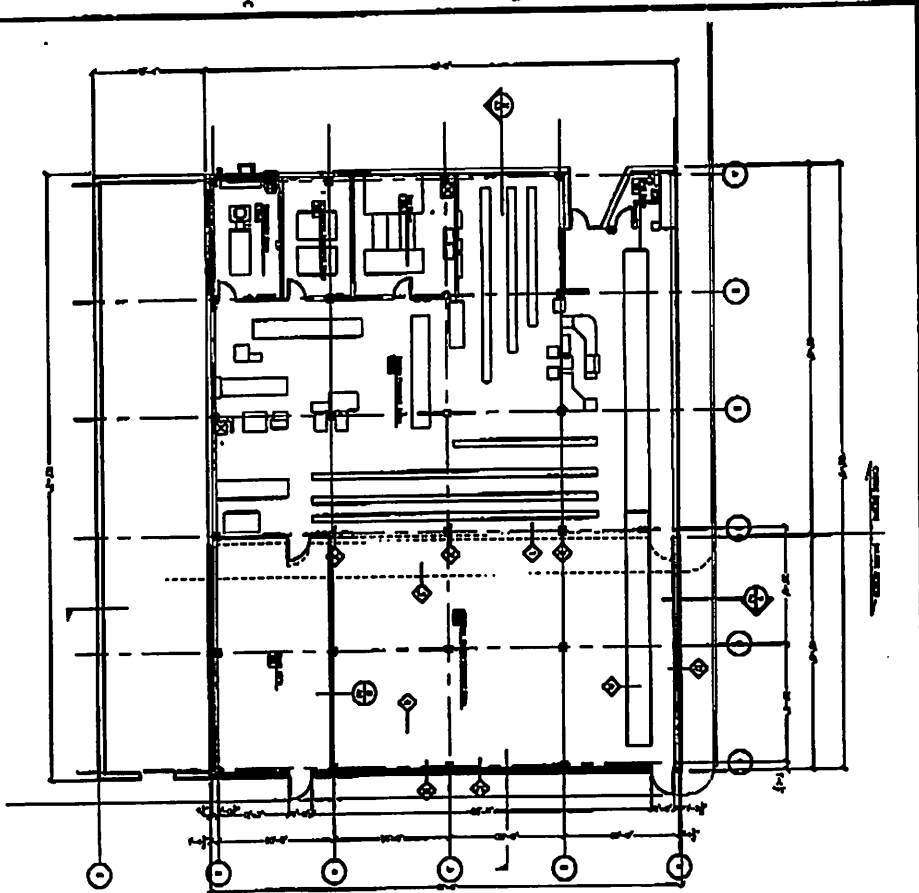
Applicant's Signature: [Handwritten Signature] Date: 3-14-01

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of the month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than four weeks prior to the public hearing date. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, OR 97138, or telephone (541)567-5521. The City's fax number is (541)567-5530

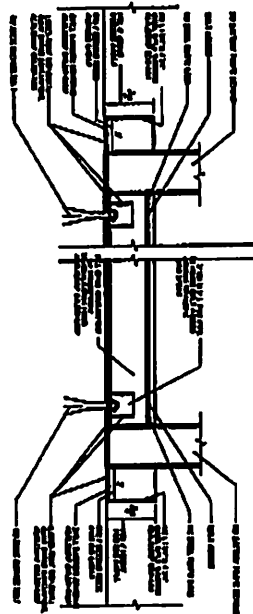
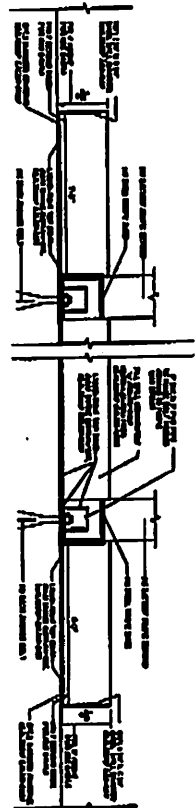
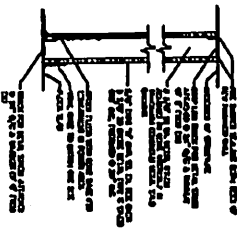
Office Use Only

Date Filed: _____ Received By: _____ Meeting Date: _____
 Fee: \$300.00 Date Paid: _____ Receipt No: _____



- DEMOLITION NOTES**
- REMOVE WALL, DOOR, WINDOW, FLOOR, CEILING, AND FINISHES
 - REMOVE CEILING IN ROOM
 - REMOVE CEILING IN ROOM
 - REMOVE CEILING IN ROOM

- PLAN NOTES**
- 2 x 4 WOOD STUDS @ 16" O.C. TO SUPPORT CEILING
 - 2 x 4 WOOD STUDS @ 16" O.C. TO SUPPORT CEILING
 - 2 x 4 WOOD STUDS @ 16" O.C. TO SUPPORT CEILING
 - 2 x 4 WOOD STUDS @ 16" O.C. TO SUPPORT CEILING



DOOR SCHEDULE

NO.	TYPE	FINISH	SWING	LOC.
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

ROOM FINISH SCHEDULE

NO.	ROOM	FINISH
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

SCALE
 1/4" = 1'-0"
 1/8" = 1'-0"
 1/16" = 1'-0"

NOTES
 1. SEE GENERAL NOTES TO THESE DRAWINGS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

50% DRAWINGS

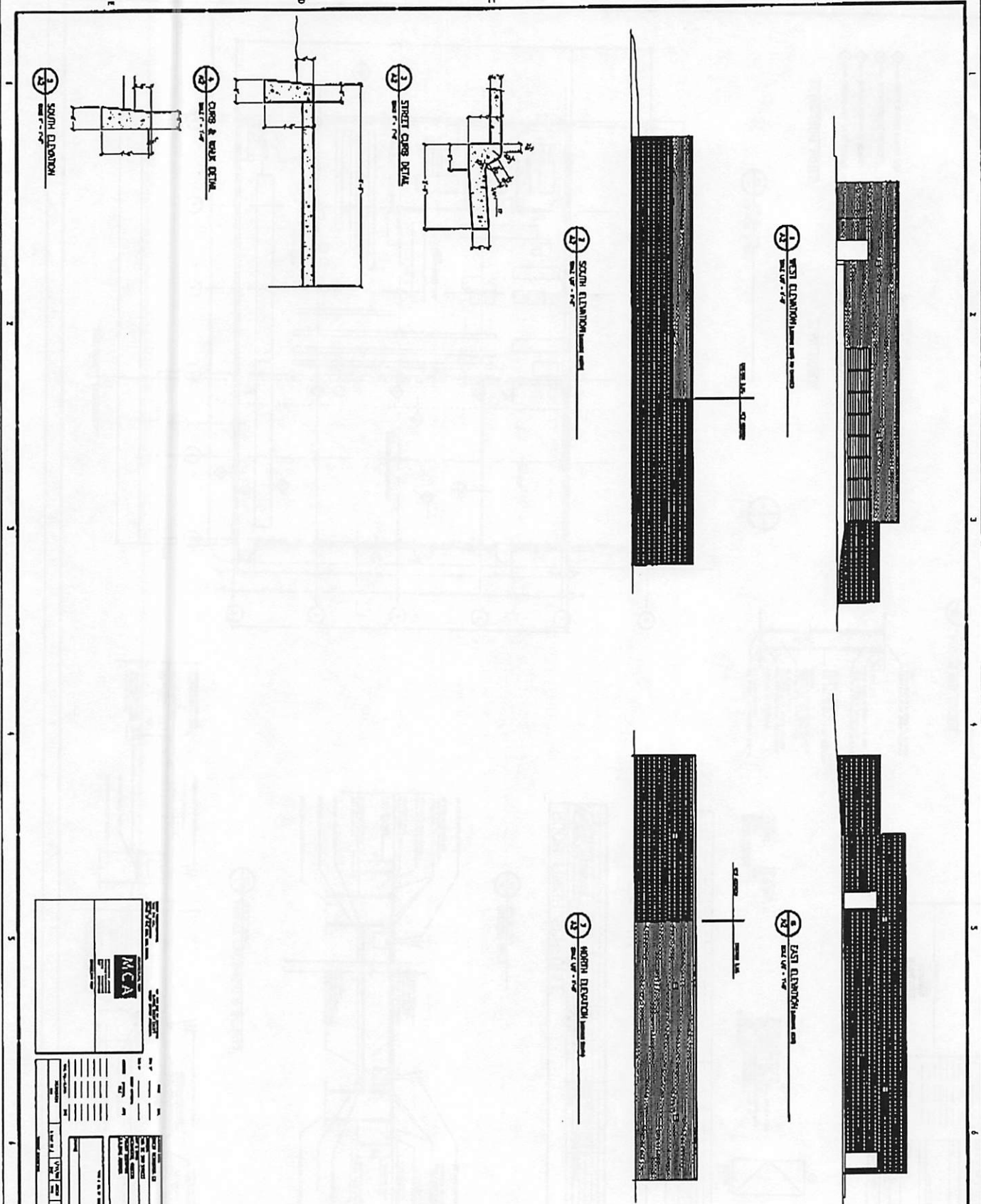
MCA ARCHITECTS
 105 SE 2ND STREET
 HERMISTON, OREGON 97103
 (503) 865-1111
 FAX (503) 865-1112
 WWW.MCA-ARCHITECTS.COM

SITE PLAN & TITLE SHEET
 A1

HERMISTON CO. BUILDING ADDITION
 105 SE 2ND STREET
 HERMISTON, OREGON 97103

Qwest

MCA



50% DRAWINGS -

MCA

ARCHITECTS

105 SE 3RD STREET
HERMISTON, OREGON 97101
TEL: 503-865-1111
FAX: 503-865-1112

PROJECT: HERMISTON C.O. BUILDING ADDITION
DATE: 03/14/01
DRAWN BY: [Name]
CHECKED BY: [Name]

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	03/14/01
2	ISSUED FOR CONSTRUCTION	03/14/01
3	ISSUED FOR RECORD	03/14/01

HERMISTON C.O. BUILDING ADDITION

105 SE 3RD STREET
HERMISTON, OREGON 97101

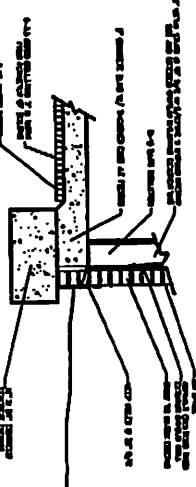
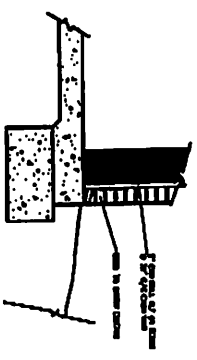
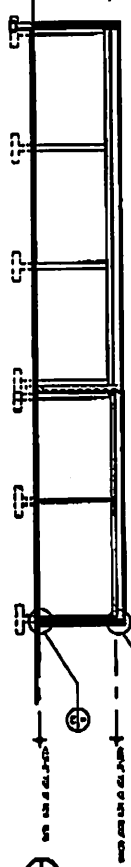
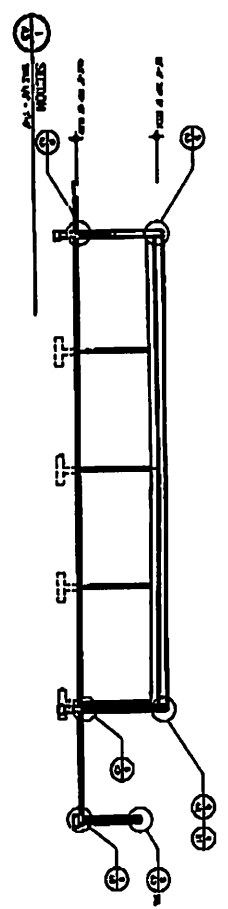
Qwest

MCA

ARCHITECTS

200 WEST ALVING
PORTLAND, OREGON 97201
TEL: 503-226-0626
FAX: 503-226-0627

A2

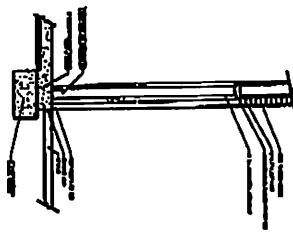


SECTION 1 EAST WALL DETAIL

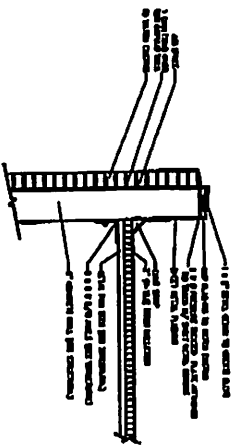
SECTION 2 NORTH WALL DETAIL

SECTION 3 SOUTH WALL DETAIL

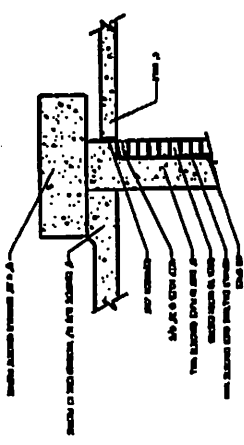
SECTION 4 EAST & SOUTH WALL DETAIL



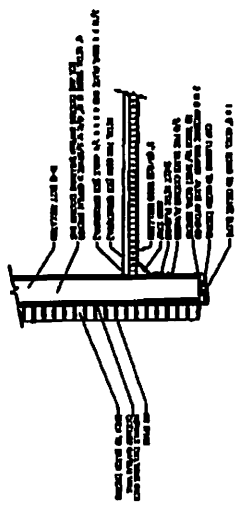
SECTION 5 EAST & SOUTH WALL DETAIL



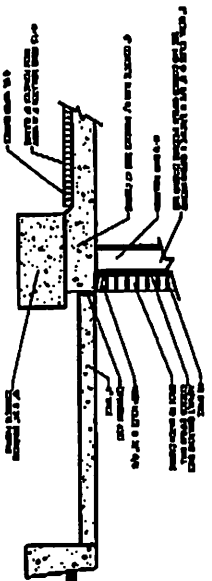
SECTION 6 EAST & SOUTH WALL DETAIL



SECTION 7 EAST & SOUTH WALL DETAIL



SECTION 8 EAST & SOUTH WALL DETAIL



SECTION 9 EAST & SOUTH WALL DETAIL

<p>PROJECT: HERMISTON CO. BUILDING ADDITION</p> <p>DATE: 03/14/01</p> <p>SCALE: AS SHOWN</p>	<p>DESIGNED BY: [Name]</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>APPROVED BY: [Name]</p>
<p>CLIENT: HERMISTON CO.</p> <p>ADDRESS: 105 10 2ND STREET, HERMISTON, OREGON 97103</p>	<p>PROJECT NO: 008/009</p> <p>SHEET NO: 008/009</p>

50% DRAWINGS -

<p>A3</p>	<p>SITE PLAN & TITLE SHEET</p>
-----------	------------------------------------

HERMISTON CO. BUILDING ADDITION
 105 10 2ND STREET
 HERMISTON, OREGON 97103

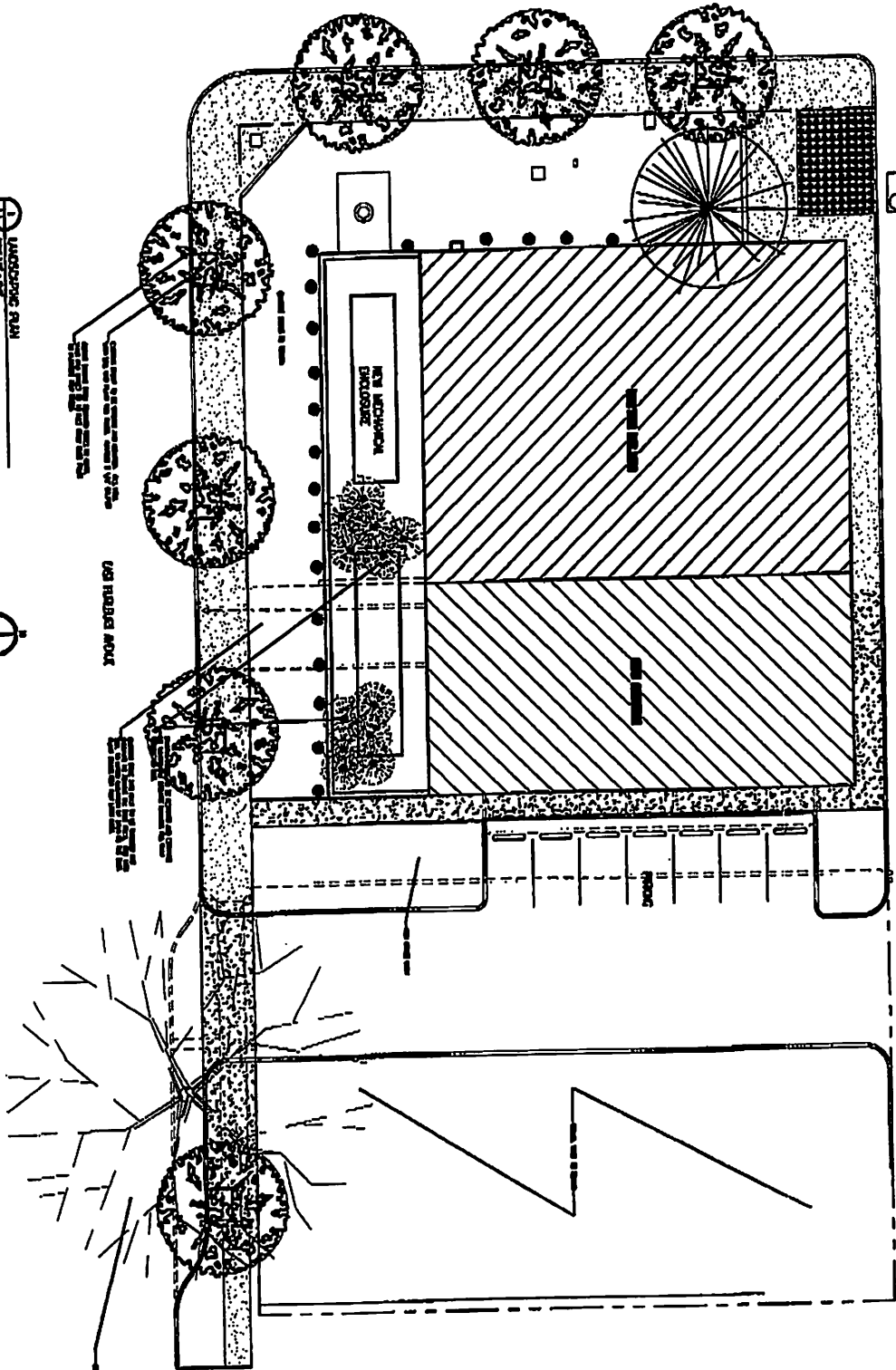


EXISTING IMPROVEMENTS
NEW IMPROVEMENTS

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

LANDSCAPE PLAN



50% DRAWINGS -

MCA ARCHITECTS
 1000 N. 10TH STREET
 HERMISTON, OREGON 97130
 (503) 228-0626
 FAX (503) 228-0627
 WWW.MCA-ARCHITECTS.COM

PROJECT NO. 009/009
 SHEET NO. 17

DATE: 03/14/01
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SITE PLAN & TITLE SHEET

HERMISTON C.O.
 BUILDING ADDITION
 805 1/2 3RD STREET
 HERMISTON, OREGON 97130



AFFIDAVIT OF PUBLICATION

#43.73

State of Oregon)
) ss.
County of Umatilla)

I, Claudia Stewart, being first duly sworn depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at Hermiston in the aforesaid county and state; that the

Legal #2607, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for One successive and consecutive weeks in following issues:
March 27, 2001



Subscribed and sworn to before me this 28th day of MARCH, 2001


Notary Public for Oregon

My commission expires 11-30-2003

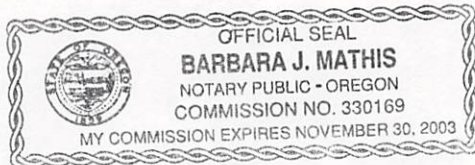
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Hermiston Planning Commission will hold a public hearing on the 11th day of April, 2001, at or after 7:00 p.m. in the council chambers of the City Hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request for a conditional use permit from Qwest.

Qwest proposes to construct an addition to their existing telecommunications switching station located at 105 SE 3rd Street. The request is defined as a conditional use and requires approval from the planning commission subject to the provisions for a conditional use permit prior to obtaining a building permit. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CA Tax Lots 7600, 7700, 7800, 7900 and 8000.

All interested persons may attend. Questions, comments or correspondence should be addressed to the City of Hermiston Planning Department, 180 NE 2nd Street, Hermiston, OR 97838.

/s/ Robert D. Irby,
City Recorder
Published: March 27, 2001.
#2607.

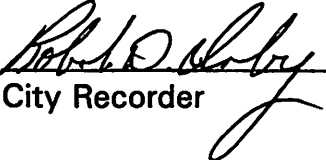


NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Hermiston Planning Commission will hold a public hearing on the 11th day of April, 2001, at or after 7:00 p.m. in the council chambers of the City Hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request for a conditional use permit from Qwest.

Qwest proposes to construct an addition to their existing telecommunications switching station located at 105 SE 3rd Street. The request is defined as a conditional use and requires approval from the planning commission subject to the provisions for a conditional use permit prior to obtaining a building permit. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CA Tax Lots 7600, 7700, 7800, 7900 and 8000.

All interested persons may attend. Questions, comments or correspondence should be addressed to the City of Hermiston Planning Department, 180 NE 2nd Street, Hermiston, OR 97838.



City Recorder (Robert D. Irby)

PUBLISH: March 27, 2001





Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Dear Property Owner:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven E. Sokolowski', is written over a horizontal line.

Steven E. Sokolowski
City Planner

Kurt & Susan Bendixsen
Reed & Aileen Oldroyd
1575 S 1st Street
Hermiston, OR 97838
Nancy C. Brown, Trustee
PO Box 245
Hermiston, OR 97838

Mailing List for Qwest Conditional Use

Mailed 02/25/03

<u>Name</u>	<u>Address</u>	<u>Tax Lot</u>
Kurt & Susan Bendixsen Reed & Aileen Oldroyd	1575 S 1st Street Hermiston, OR 97838	11CB 5100, 5200
Nancy C. Brown, Trustee	PO Box 245 Hermiston, OR 97838	11CB 5000
Charlotte Schroth	PO Box 64 Hermiston, OR 97838	11CB 5300
Isabelle Terjeson	525 SE 4th Street Hermiston, OR 97838	11CB 5400, 8500, 8600, 8700, 8900
PriceWaterhouse Coopers	PO Box 192202 San Francisco, CA 94119	11CB 6400
East Oregonian Publishing Co	PO Box 1089 Pendleton, OR 97801	11CB 6500
Robert & Billie Luke	PO Box 183 Hermiston, OR 97838	11CB 6600
Delbert & Sarah Couch	373 E Main Street Hermiston, OR 97838	11CB 6700
Linda Miller	1075 W. Madrona Hermiston, OR 97838	11CB 6800
Diane & Lamond Collier	81249 Alpine Drive Hermiston, OR 97838	11CB 6900
Sherrell Chevrolet Inc.	PO Box 209 Hermiston, OR 97838	11CB 8400
Lucio Dominguez & Rosa Umana-Dominquez	395 E Hurlburt Hermiston, OR 97838	11CB 8300
Roger & Karen Bounds	PO Box 148 Hermiston, OR 97838	11CB 8800
Audrey Morris	280 E Hurlburt Ave. Hermiston, OR 97838	11CB 2100
C. Holt	820 SW 4th Street Hermiston, OR 97838	11CB 2200, 2300
	2800 E Lake St.	

US Bank Corporate Prop.	Minneapolis, MN 55406	11CB 2600, 2601
Douglas & Linda Grunke	PO Box 261 Paterson, WA 99345	11CB 3100
USA Bureau of Land Mgmt	PO Box 2965 Portland, OR 97208	11CB 13200
Sam & Christine Godwin	PO Box 225 Hermiston, OR 97838	11CB 3300
Harry Visschers Beatrice Durand	331 E Newport Ave Hermiston, OR 97838	11CB 3400
Gary & Bonita Luisi	PO Box 153 Hermiston, OR 97838	11CB 3600, 3800
Gary & Bonita Luisi	375 W McKenzie Ave. Hermiston, OR 97838	11CB 3700
Eldon & Diane Marcum	33101 Stage Gulch Rd. Stanfield, OR 97875	11CA 10400
Dick Ferranti	408 E Main St. Hermiston, OR 97838	11CA 10300, 10200, 10301, 10500
Schroth Realty	PO Box 89 Hermiston, OR 97838	11CA 4700
Toni D. Skinner	222 E Main St. Hermiston, OR 97838	11CB 9000
Larry & Maxine Carrick	793 Diagonal Blvd. Hermiston, OR 97838	11CA 10600
Lilly & Lee Chinn	PO Box 7046 Hermiston, OR 97838	11CA 11401
Robert & Rheba Linder	1317 S Ott Rd. Hermiston, OR 97838	11CB 9500
David W. Hadley Arcella Adams	130 SE 3rd Hermiston, OR 97838	11CB 9800
Umatilla County	216 SE 4th Pendleton, OR 97801	11CA 11500
US West Communications Corp Tax Dept Suite 700-N	6300 S. Syracuse, Ste 700 Englewood, CO 80111	11CB 7600
Samuel Whitlock	28200 Hwy 730	11CB 8100

	Umatilla, OR 97882	
Albert & Inez Frost	80752 Hwy 395 N Hermiston, OR 97838	11CB 8200
Kenneth & Margaret Brown	PO Box 566 Hermiston, OR 97838	11CB 7000
Steven Hopkins	620 NSE Kelly Ave. Gresham, OR 97030	11CB 7200
Gary & Julie Mercer	348 E Main St. Hermiston, OR 97838	11CB 7300
Richard & Donna Sherrell	PO Box 209 Hermiston, OR 97838	11CB 7400, 7500
Daniel Hill	285 E Hurlburt Ave. Hermiston, OR 97838	11CB 9801
John Shull	298 E Hurlburt Ave. Hermiston, OR 97838	11CB 12000
Joseph & Kathryn Patrick	120 SE 4th Street Hermiston, OR 97838	11CB 7100

Charlotte Schroth
PO Box 64
Hermiston, OR 97838

Isabelle Terjeson
525 SE 4th Street
Hermiston, OR 97838

PriceWaterhouse Coopers
PO Box 192202
San Francisco, CA 94119

East Oregonian Publishing Co
PO Box 1089
Pendleton, OR 97801

Robert & Billie Luke
PO Box 183
Hermiston, OR 97838

Delbert & Sarah Couch
373 E Main Street
Hermiston, OR 97838

Linda Miller
1075 W. Madrona
Hermiston, OR 97838

Diane & Lamond Collier
81249 Alpine Drive
Hermiston, OR 97838

Sherrell Chevrolet Inc.
PO Box 209
Hermiston, OR 97838

Lucio Dominguez &
Rosa Umana-Dominquez
395 E Hurlburt
Hermiston, OR 97838
Roger & Karen Bounds
PO Box 148
Hermiston, OR 97838

Audrey Morris
280 E Hurlburt Ave.
Hermiston, OR 97838

C. Holt
820 SW 4th Street
Hermiston, OR 97838

US Bank Corporate Prop.
2800 E Lake St.
Minneapolis, MN 55406

Douglas & Linda Grunke
PO Box 261
Paterson, WA 99345

USA Bureau of Land Mgmt
PO Box 2965
Portland, OR 97208

Sam & Christine Godwin
PO Box 225
Hermiston, OR 97838

Harry Visschers
Beatrice Durand
331 E Newport Ave
Hermiston, OR 97838
Gary & Bonita Luisi
PO Box 153
Hermiston, OR 97838

Gary & Bonita Luisi
375 W McKenzie Ave.
Hermiston, OR 97838

Eldon & Diane Marcum
33101 Stage Gulch Rd.
Stanfield, OR 97875

Dick Ferranti
408 E Main St.
Hermiston, OR 97838

Schroth Realty
PO Box 89
Hermiston, OR 97838

Toni D. Skinner
222 E Main St.
Hermiston, OR 97838

Larry & Maxine Carrick
793 Diagonal Blvd.
Hermiston, OR 97838

Lilly & Lee Chinn
PO Box 7046
Hermiston, OR 97838

Robert & Rheba Linder
1317 S Ott Rd.
Hermiston, OR 97838

David W. Hadley
Arcella Adams
130 SE 3rd
Hermiston, OR 97838
Umatilla County
216 SE 4th
Pendleton, OR 97801

US West Communications
Corp Tax Dept Suite 700-N
6300 S. Syracuse, Ste 700
Englewood, CO 80111
Samuel Whitlock
28200 Hwy 730
Umatilla, OR 97882

Albert & Inez Frost
80752 Hwy 395 N
Hermiston, OR 97838

Kenneth & Margaret Brown
PO Box 566
Hermiston, OR 97838

Steven Hopkins
620 NSE Kelly Ave.
Gresham, OR 97030

Gary & Julie Mercer
348 E Main St.
Hermiston, OR 97838

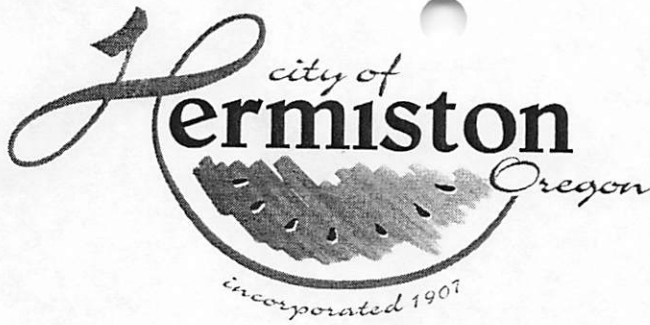
Richard & Donna Sherrell
PO Box 209
Hermiston, OR 97838

Daniel Hill
285 E Hurlburt Ave.
Hermiston, OR 97838

John Shull
298 E Hurlburt Ave.
Hermiston, OR 97838

Joseph & Kathryn Patrick
120 SE 4th Street
Hermiston, OR 97838

William Kuhn
Annetta Spicer
410 E Hurlburt
Hermiston, OR 97838



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Bob Perry
Umatilla County Planning Department
216 SE 4th Street
Pendleton, OR 97801

Dear Bob:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.


The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

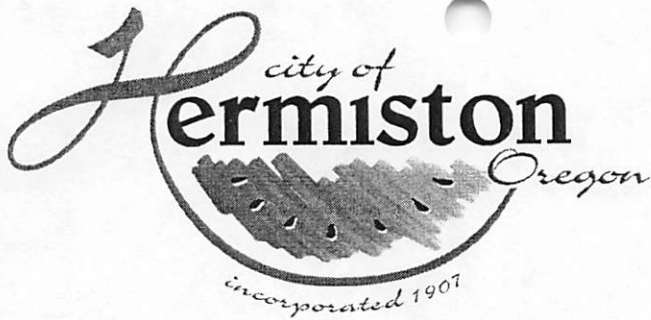
Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,

Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Chuck Wilcox
Hermiston Irrigation District
366 E Hurlburt Ave
Hermiston, OR 97838

Dear Chuck:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

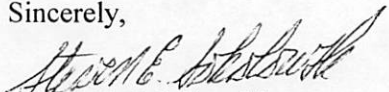
Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

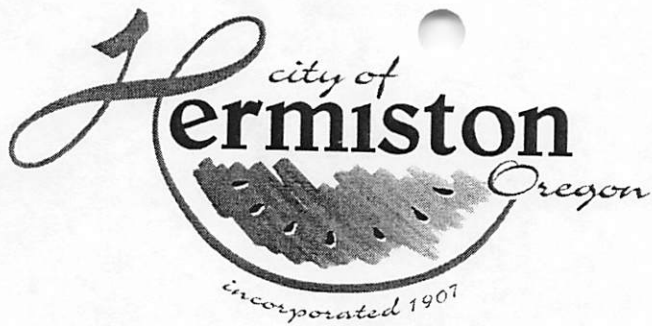
Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,


Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Chuck Wilcox
Hermiston Irrigation District
366 E Hurlburt Ave
Hermiston, OR 97838

Dear Chuck:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

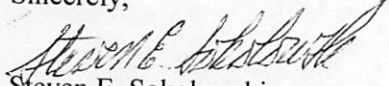
Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

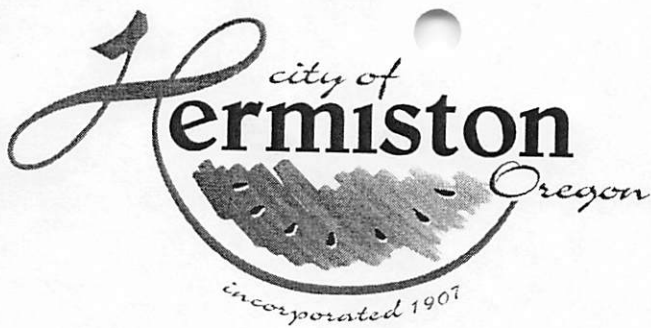
Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,


Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

George Ruby
Oregon Dept of Transportation
1327 SE 3rd Street
Pendleton, OR 97801

Dear George:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per § 157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

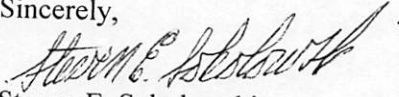
Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within § 157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

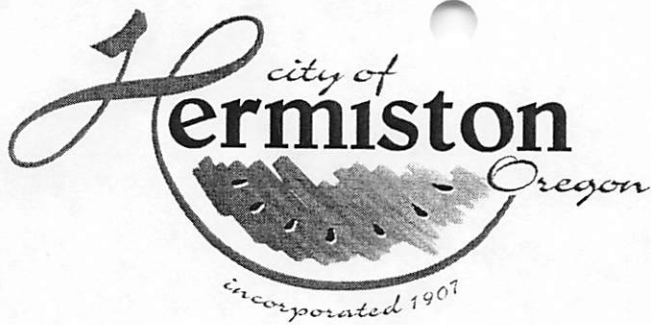
Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,


Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Hal Phillips
Umatilla County Road Dept
3920 Westgate
Pendleton, OR 97801

Dear Hal:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

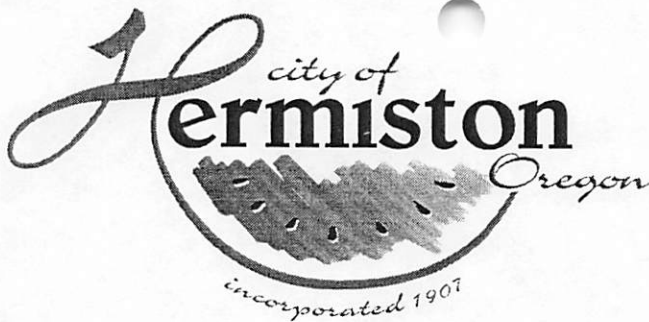
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven E. Sokolowski', is written over a horizontal line.

Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Manfred Jaehnig
Cultural Resources Protection Program
Confederated Tribes of Umatilla
PO Box 638
Pendleton, OR 97801

Dear Mr. Jaehnig:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

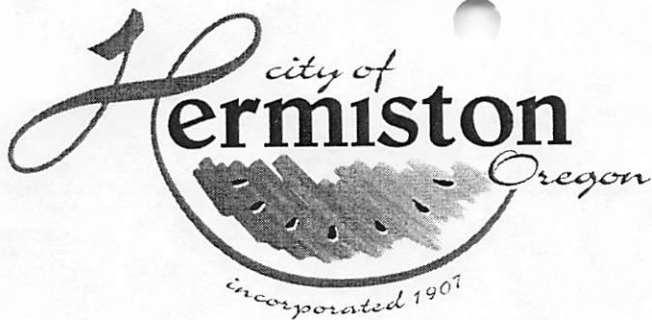
Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,

Steven E. Sokolowski
City Planner



Planning Department
180 N.E. 2nd Street
Hermiston, OR 97838-1860
Phone (541) 567-5521 • Fax (541) 567-5530
E-mail: planning@hermiston.or.us

March 27, 2001

Barb Hill
Bureau of Reclamation
32871 Diagonal Road
Hermiston, OR 97838

Dear Ms. Hill:

The Hermiston Planning Commission will hold a public hearing on Wednesday, April 11, 2001 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the expansion of the Qwest telecommunications switching facility on behalf of Qwest. Qwest proposes to construct a 3,270 square foot addition to their existing telecommunications switching facility located at 105 SE 3rd Street. This request is a conditional use per §157.040(B)(12) of the Hermiston Code of Ordinances and requires approval from the planning commission. The property lies in a Central Commercial (C-1) zone and is described as 4N 28 11CB Tax Lots 7600, 7700, 7800, 7900 and 8000.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

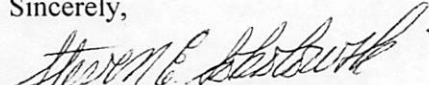
Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within §157.208 of the Hermiston Code of Ordinances. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the code of ordinances, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., April 11, 2001 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,


Steven E. Sokolowski
City Planner



FACSIMILE

TO: Clint City of Hermiston 541 567-5530
CC:
FROM: Jeff Wright MCA
DATE: March 14, 2001
JOB NO.: 01-111
JOB NAME: Qwest Hermiston CO
Addition

NO. PAGES INCLUDING COVER SHEET: 9

ATTACHMENTS

Conditional use permit application and reduction of plans

REMARKS

This is to confirm our conversation yesterday regarding the Conditional Use Permit application. I will be in Hermiston tomorrow after I complete a 9:00 meeting in Pendleton. I will be bringing the reduced plans in a 11 x 17 format, Completed application, and the payment. If you have any questions please call me today at my office (503) 226-0622 or tomorrow on my cell phone (503) 701-2373