

HERMISTON PLANNING COMMISSION

Regular Meeting

February 12, 2020

Chairman Saylor called the meeting to order at 7:06PM. Commissioners Caplinger, Doherty, Sargent, and Sheffield were present. Commissioners Hamm, Fialka, Rebman and Erz were excused. Staff in attendance were Planning Director Clinton Spencer and Heather La Beau.

Minutes

Minutes of the January 8, 2020 regular planning commission meeting were approved.

Hearing- Zoning Amendment 157.055 and 157.153 Junkyards

The planning commission is holding a hearing to consider amending the Hermiston Code of Ordinances section Title XV Chapter 157 of Hermiston Code of Ordinances. An amendment is proposed to add Junkyard to Section 157.055(A) Uses permitted outright in a Light Industrial (M-1) zone, and add Section 157.153 Secondhand Dealers and Junkyards. The Secondhand Dealers and Junkyards portion of code is being repealed from Chapter 113 and added to Chapter 157. The applicant is the City of Hermiston. Chairman Saylor asked if there were any conflicts of interest, seeing none, the hearing was opened at 7:08PM and the guidelines were read.

Planning Director Spencer presented the staff report and passed on Commissioner Fialka's comment that the he is more comfortable with the inclusion of junkyards in the M-2 zone or as a conditional use within the M-1 zone.

Commissioners discussed the need for a definition of secondhand dealers. There is concern if not defined in the code, it may affect antique dealers and similar businesses with used merchandise. The commissioners would also like to remove a sentence from section 157.190 that is no longer applicable.

Commissioner Caplinger moved and Commissioner Sargent seconded to table the item and continue the hearing at the March 11, 2020 planning commission meeting. Motion passed.

Hearing- Annexation 4N2802BA Tax Lot 400 498 E Punkin Center Road

The Planning Commission is holding a hearing to consider a request for annexation to the City of Hermiston. The Planning Commission will consider the request and make a recommendation based on the criteria established in §150.05 of the Hermiston Code of Ordinances. The applicant wishes to annex approximately 20 acre tract of land located on the south side of E Punkin Center Rd and east of NE 4th St. The applicant is MLTP Properties, LLC. Chairman Saylor asked if there were any conflicts of interest. Seeing none, the hearing was opened at 7:21PM and the guidelines were read.

Planning Director Spencer presented the staff report. If the annexation is approved, the applicant plans to develop the property with a single-family subdivision, multi-use trail, and public park.

Testimony

Luke Pickerill 62958 NE Layton Ave Ste #5 Bend OR 97701-Mr. Pickerill is the owner of Monte Vista Homes. Mr. Pickerill presented slides (attached) showing the Legacy community being proposed. Legacy is proposed as a Planned Unit Development to include an 8 foot- wide multi-use trail and a one acre city park. Several designs were considered, including an early design which included multi-family around the park. It was determined a single-family community was a better choice for the whole community. Mr. Pickerill explained the cost of 2.5 feet of sideyard in terms of additional expense to the development. As a multi-family development, which is an outright use, the property could be many hundreds of units and as a single family development, the density could be as high as 120 lots. The Legacy proposal does not ask for any additional density. Homes abutting the multi-use trail will have a fence along the trail frontage. Fence maintenance will be the homeowner's responsibility.

Kalinda Harris 412 NE Covey Court- Ms. Harris is excited about the development and growth, her concern is the traffic. The 6th St cul-de-sac is where the children play and ride bikes. Her and neighbors are worried about an increase in traffic as many children do not pay attention. Ms. Harris would like speed

bumps to be placed around the park and questioned if cameras would be used in the park. She suggested safety signs be placed around the park. Safety is a concern. She would like the homes behind her lot to be single story, as she does not want people seeing into her backyard.

Dain Fitch 526 E Punkin Center Rd- Mr. Fitch is concerned a water line is proposed to be installed on his property. There is not. He asked what kind of fencing would be put in and stated his concern regarding two story homes living on top of him.

Jeff Stroben 544 E Punkin Center Rd- Mr. Stroben has some of the same concerns as the others. Headlights, traffic, parking and run-away cars are a safety concern. He asked about barriers and fencing. He does not want to look at other backyards. Mr. Stroben would prefer an R-1 zoning with bigger lot sizes. He stated the increased traffic diminishes his quality of life. He objects to the density as it is not the same as the surrounding neighborhood. Mr. Stroben questioned how far past the property Punkin Center would be widened and if a traffic study would be completed. He feels the traffic has not been addressed.

Planning Director Spencer responded with the required city standards of improving the property frontage and pavement tapers on each end of the improvement based on speed design. A traffic study was not required as part of the application.

Rebuttal

Luke Pickerill- Mr. Pickerill has no problem installing speed bumps, however the city does not allow them on public streets. Monte Vista will be building the infrastructure, the city parks department is responsible for installing the park. It is unclear if the City allows "children at play" signs. Staff will research. The concept to run the streets as proposed is for future connectivity. The city's comprehensive plan determines the zone. Monte Vista is working with the existing code. The lots will be large enough to hold a three car garage, he does not see parking being a concern. Mr. Pickerill stated they do not specify a specific floor plan to go on specific lots. The majority of homes they build in Hermiston are single story. Of the eight floor plans offered, only two are two story. The proposal for the reduced lot frontage is a way to have a trail and park, it does not increase the density.

Planning Director Spencer responded to a question regarding street terminations. Reflective barriers will be placed and a sign installed stating that the road is planned to extend farther in the future.

Janice Sinner 548 E Punkin Center Rd- Ms. Sinner asked for clarification on the single story and two story houses and on the renderings depicting the side yards.

Toni Edmiston 526 E Punkin Center Rd- Ms. Edmiston would like single story homes only around her property. She requests no two story homes along her existing property line.

Chairman Saylor closed the hearing at 8:14PM.

Findings of Fact

IN A MATTER BEFORE THE CITY OF HERMISTON BURDEN OF PROOF STATEMENT for the E Punkin Center Annexation

APPLICANT:

MonteVista Homes
62958 NE Layton Ave
Bend, OR 97701

OWNER:

Thomas Templeton
18102 SE 11th St.
Vancouver, WA 98682

ENGINEER: Tim Weishaupt, P.E.
Sun Country Engineering & Surveying
920 SE Armour Road
Bend, OR 97702

LOCATION: The subject property is approximately 20 acres located on the south side of E Punkin Center Road, just east of NE 4th street, within the Urban Growth Boundary. The site has not been assigned an address, but is identified as Tax Lot 400 on Umatilla County Tax Map 4N2802BA.

REQUEST: Approval of an Annexation into the City of Hermiston as Multiple -family Residential (R-3).

I. APPLICABLE CRITERIA:

City of Hermiston Development Code

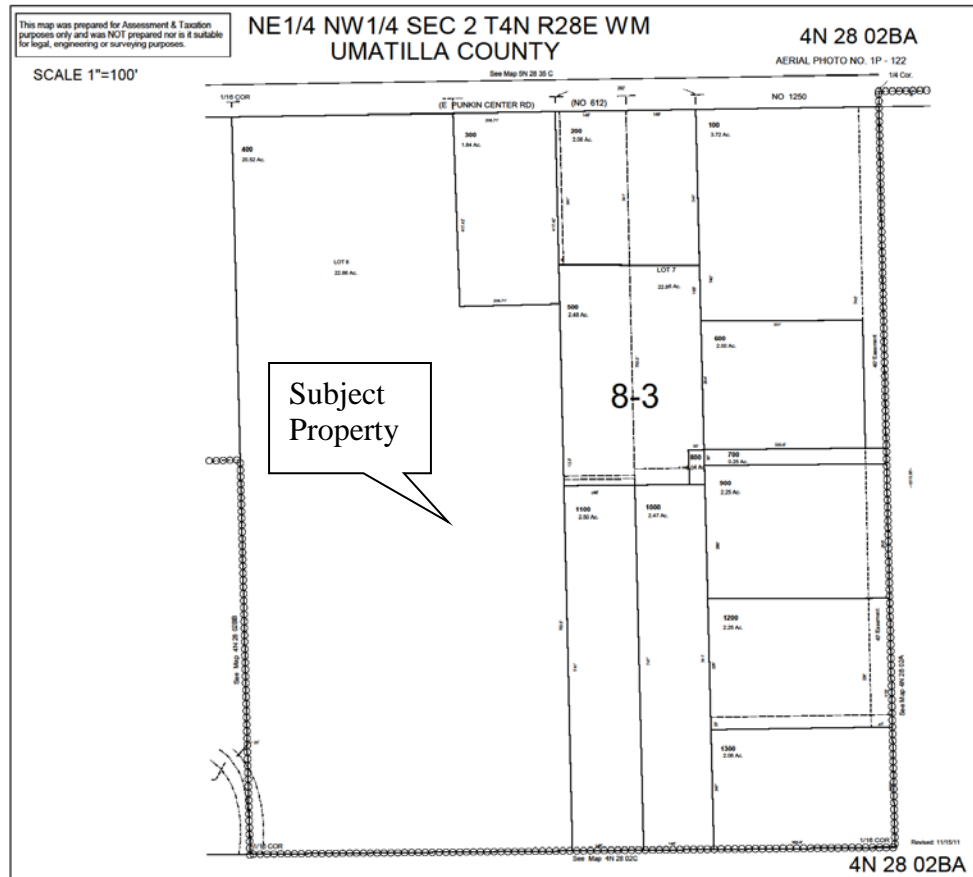
- Title XV-Land Usage

APPLICABLE STANDARDS:

- Chapter 150 Annexation Procedures

II. GENERAL INFORMATION

1. **LOCATION:** The subject property is approximately 20 acres located on the south side of E Punkin Center Road, just east of NE 4th street, within the Urban Growth Boundary. The site has not been assigned an address, but is identified as Tax Lot 400 on Umatilla County Tax Map 4N2802BA
2. **ZONING:** The subject property is within the urban Growth Area of the City of Hermiston in the County of Umatilla, and zoned in the City of Hermiston Comprehensive plan as Multiple -family Residential (R-3).



Source: *Umatilla County Tax Map 4N2803BA*



Source: Google Earth image 2019

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is a relatively flat along Punkin Center Road, gently rolling and falling off in the southwest corner to 4th street. The site is vacant and covered with native grasses and brush. The parcel lies adjacent and south of Punkin Center Road, and

has two developed streets stubbed to it from adjacent developments. Bella Lane connects the property to NE 4th street to the southwest, and NE 6th Street terminates in the southeast corner of the property. Properties adjacent south and southwest lie within the City of Hermiston, and are developed with single family homes on residential lots within the Bella Vista Addition and Quail Ridge subdivisions. Lands to the east and west are larger undeveloped parcels within the Urban Growth boundary, also designated R3 on the Comprehensive Plan. Lands north across Punkin Center Road are outside of the Urban Growth Boundary, zoned RR-2 within Umatilla County.

4. **PROPOSAL:** Approval of an Annexation into the City of Hermiston as Multiple-family Residential (R-3) zone.

III. **REVIEW CRITERIA:**

CONFORMANCE WITH CITY OF HERMISTON DEVELOPMENT CODE:

150.01 APPLICATION PROCEDURE.

A property owner or the owner's authorized agent may initiate a request by filing an application with the City Planner using forms prescribed for this purpose. The application shall include a legal description of the property, a plot plan showing any existing improvements thereon and a narrative statement by the owner describing the proposed land use and future development for the property. The owner shall pay a fee as established by the City Council at the time the application is filed.

(Ord. 1477, passed 8-15-83; Am. Ord. 1987, passed 3-22-99)

RESPONSE: The applicant has filed a City issued application, including a legal description and tentative map of the proposed end use of the subject property. This narrative, along with the attached submitted materials and commensurate fee, satisfy the criteria of the section.

150.02 LAND USE MATTERS.

Before the City Council may act on an application for annexation, the application shall be reviewed by the Planning Commission for a recommendation as to land use matters consistent with the City Comprehensive Plan.

(Ord. 1477, passed 8-15-83; Am. Ord. 1987, passed 3-22-99)

150.03 PUBLIC HEARINGS ON ANNEXATIONS.

After the City Council has received the Planning Commission's recommendation as to land use matters consistent with the City Comprehensive Plan and the City Council elects to dispense with submitting the question of the proposed annexation to the electors of the city, the City Council shall fix a day for the public hearing so the electors of the city may appear and be heard on the question of annexation.

(Ord. 1477, passed 8-15-83; Am. Ord. 1987, passed 3-22-99)

150.04 PUBLIC NOTICE.

In addition to any other public notice required by law, notice of the public hearing shall be published in a newspaper of general circulation once each week for two successive weeks prior to the hearing date and notices of the hearing shall be posted in four public places in the city for a like period.

RESPONSE: The above sections are procedural, and thus will be satisfied with processing of the application.

150.05 CRITERIA.

After its public hearing and receipt of the recommendation from the Planning Commission, the City Council shall ensure the application meets the following criteria:

(A) The proposal is consistent with all applicable state annexation law requirements.

RESPONSE: The proposed annexation of the subject property is aligned with the City of Hermiston Comprehensive Plan, acknowledged as compliant by the State of Oregon, and codified in Code Section 156.02 of Title XV.

Notice of public hearing for the planning commission hearing was published in the Hermiston Herald on January 22 and 29, 2020. Notices were also posted in four public places in the city for a like period.

A notice of proposed land use action was physically posted on the property on January 22, 2020.

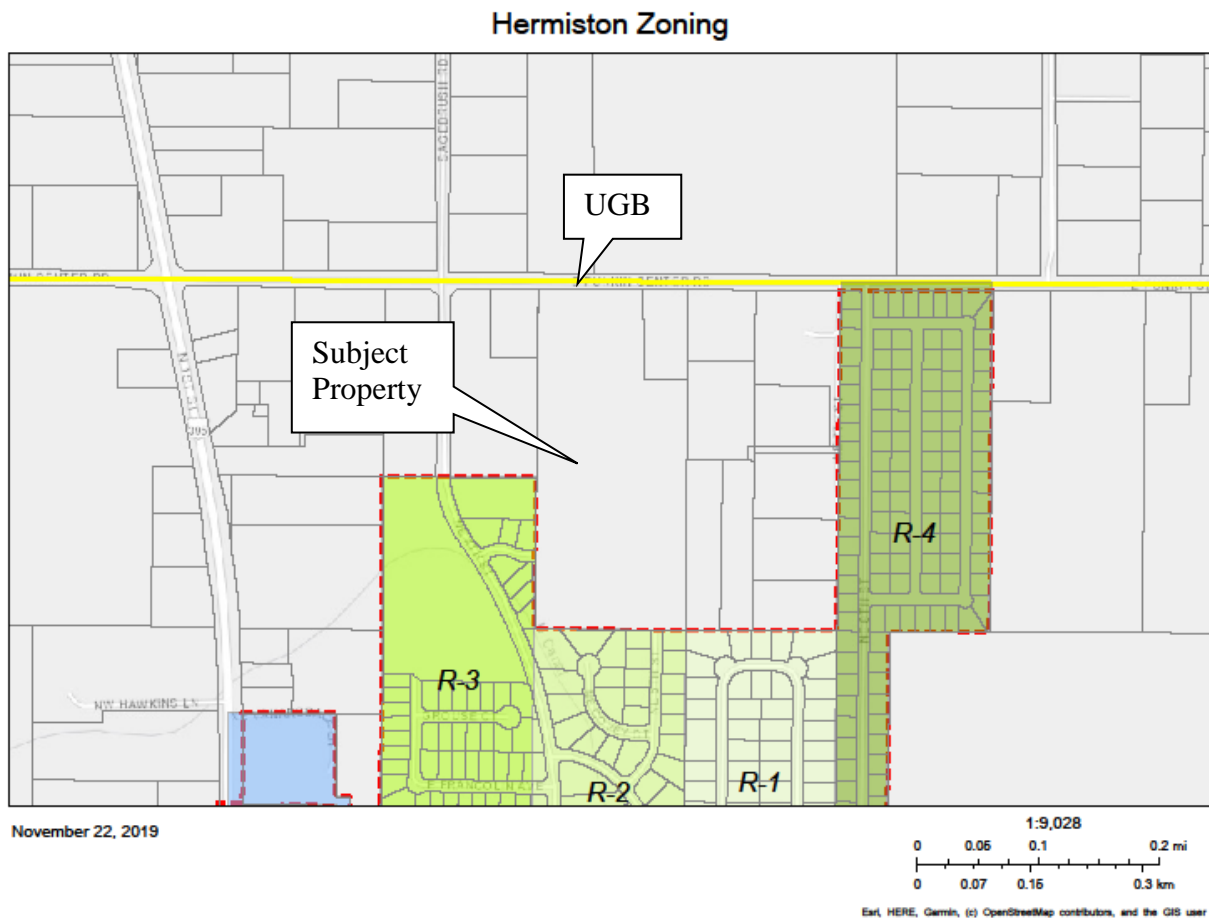
Notice of public hearing for the city council hearing was published in the Hermiston Herald on January 29 and February 5, 2020. Notices were also posted in four public places in the city for a like period.

The planning commission held a public hearing on the annexation proposal on February 12, 2020.

The city council held a public hearing on the annexation proposal on February 24, 2020.

(B) The property is contained within the urban portion of the Urban Growth Boundary (UGB) as identified in the Comprehensive Plan.

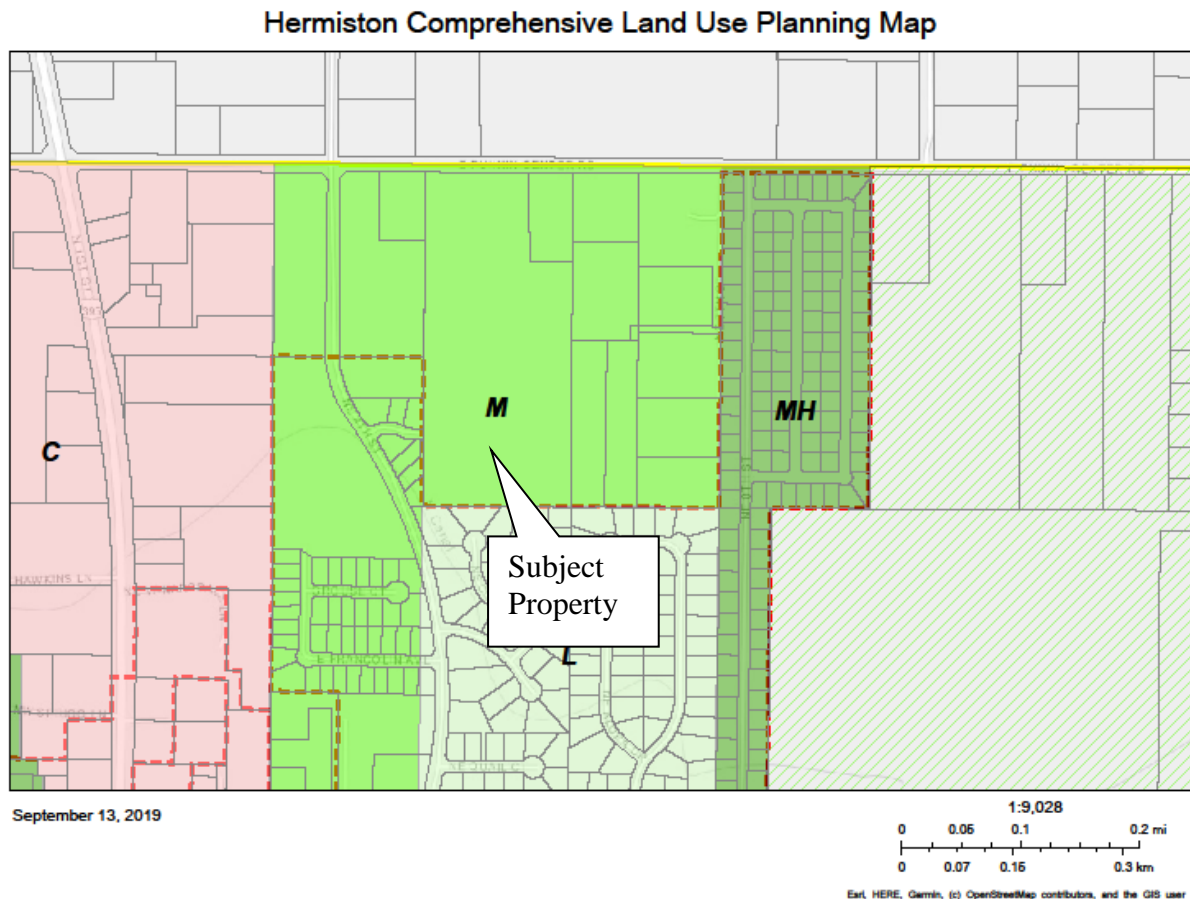
RESPONSE: The subject property is identified on the Comprehensive Plan map as in the Urban Growth Boundary.



Source: *City of Hermiston GIS 2019*

(C) The proposed zoning is consistent with the underlying Comprehensive Plan land use designations.

RESPONSE: This application proposes that the subject property is annexed into the City Limits as Multiple-family Residential (R-3) zoning, consistent with that indicated on the Hermiston Comprehensive Plan Map



Source: *City of Hermiston GIS 2019*

(D) Finding of fact is developed in support or denial of the application.

RESPONSE: Proposed findings in support of annexation of the subject property to the City of Hermiston will be further established in process, including, but not limited to:

1. Policy 4- The proposed annexation area is within the "urban" status area of the Comprehensive Plan, contiguous to the existing City Limits and annexation contributes to Orderly Urban Growth in a compact and efficient manner.
2. Policy 5- The proposed annexation facilitates the goal for compact growth by adding these 20.6 acres of developable lands for medium density housing in the immediate vicinity of existing City infrastructure and services. The applicant has submitted a Tentative Plan Map depicting the proposed resultant lots and infrastructure extensions to serve such, and is willing to bear costs of such extensions in order to develop the subject property consistent with the Zone.
3. The proposed development and annexation are compatible and harmonious with existing zoning in the vicinity.
4. City of Hermiston Sewer and Water service lines already exist in the roadways adjacent to the subject property.
5. The subject property is bordered on the north line by a major collector class roadway, which will be improved to City standards with development, thereby contributing to the Transportation System Plan.

(E) All city services can be extended readily and the property owner(s) is willing to bear costs associated with extensions of sewer, water and roads except for major facilities - sewer pump station or major water main - necessary to facilitate later growth.

RESPONSE: Based on the submitted Tentative Plan Map of the subject property, the applicant is willing and able to fund the necessary infrastructure to support the project, which will include provisions for extension of utilities, sewer and water main lines, and roadway improvements both within and immediately surrounding the proposed development. No major facilities have been identified as necessary or required for the development of the site, or to facilitate future growth, over and above those proposed.

CONCLUSION- REQUEST for APPROVAL:

Based on the plans and supporting documents submitted with this application, the approval criteria of Chapter 150 Annexation Procedures of Title XV, City of Hermiston Code being addressed in this narrative, the applicant requests annexation of the subject property into the City of Hermiston.

Commissioner Doherty reiterated that the annexation approval criteria states “**The proposed zoning is consistent with the underlying Comprehensive Plan land use designation**”. There was discussion to amend finding 150.05 (C) response #3.

Commissioner Caplinger moved and Commissioner Doherty seconded to adopted the findings of fact as amended. Motion passed. Commissioner Doherty moved and Commissioner Caplinger seconded to recommend annexation of the property to the city council. Motion passed.

Hearing- Conditional Use 4N2802BA Tax Lot 400 Legacy Planned Unit Development

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 seeks to create a Planned Unit Development (PUD) consisting of 100 single family lots and a one-acre city park. The request is defined as a conditional use and requires approval from the planning commission subject to the provisions for a conditional use permit. The property, located at 498 E Punkin Center Rd, is owned by Thomas Templeton. The property lies in a Medium Density Residential zone. It is also described as 4N 28 02BA, Tax Lot 400. There were no conflicts of interest declared and Chairman Saylor opened the hearing at 8:24PM and read the guidelines.

Planning Director Spencer presented the staff report. The applicant is proposing a walking trail and city park to create a superior development in exchange for allowing reduced lot width to 50 feet for approximately 30 percent of the lots.

Commissioners discussed the size of the park as well as the System Development Charge credits.

Testimony

Steve Wilson 62958 NE Layton Ave Ste #5 Bend OR 97701- Mr. Wilson is the Director of Sales and Marketing for Monte Vista Homes. No driveways are allowed off a major collector. When designing the subdivision the roads are placed with consideration of future connectivity. As cities grow, a parcel becomes more valuable than the existing home and the land is redeveloped. There will not be driveway approaches on one side of each of the north/south streets so there will be excess parking. Street parking is available around the park perimeter. Mr. Wilson works with the homebuyers to meet the needs of the community at an affordable level. The homes are designed for the narrow lots so they can build homes with the desired amenities and quality at a price that people can afford.

Brandi Sinner 544 E Punkin Center Rd- Brandi would like the C street extension to be removed. She stated drunk drivers have taken out fencing on Punkin Center Road. She would like a portion of her west property line be fenced for privacy.

Luke Pickerill 62958 NE Layton Ave Ste #5 Bend- Spoke to the need for future connectivity and the diminished land value for future development if the extension is removed. The target is to build three

homes a month and have the development completed in three years. Theater Park is the first project Monte Vista has purchased and developed before the city. Every other project they have purchased after the process was already complete with conditions of approval. They have worked to avoid any Highland Summit issues.

Jeff Stroben 544 E Punkin Center Rd- Mr. Stroben said he did not object to the development. A major concern he has is blowing dust and garbage from the construction site ending up in his yard. He cannot tolerate sand in his yard. He feels the traffic issue has not been properly addressed. When questioned, he specified the inflowing and outflowing traffic from Hwy 395 and Punkin Center, the hill at 4th and Punkin Center not having adequate turn lanes, and left turns out of the development onto Punkin Center as the concerns not being addressed.

Dain Fitch 526 E Punkin Center Rd- Mr. Fitch inquired if there would be fencing around his property.

Toni Edmiston 526 E Punkin Center Rd- Ms. Edmiston stated they are cleaning up the property.

Commissioners discussed limiting certain lots to single story homes, street layout, traffic flow, the timing of completing public improvements, and wall and fencing requirements.

Chairman Saylor closed the hearing at 9:39PM.

Findings of Fact

IN A MATTER BEFORE THE CITY OF HERMISTON BURDEN OF PROOF STATEMENT for the Legacy Subdivision, a Planned Unit Development

APPLICANT:

MonteVista Homes
62958 NE Layton Ave
Bend, OR 97701

OWNER:

Thomas Templeton
18102 SE 11th St
Vancouver, WA 98682

ENGINEER:

Tim Weishaupt, P.E.
Sun Country Engineering & Surveying
920 SE Armour Road
Bend, OR 97702

LOCATION:

The subject property is approximately 20 acres located on the south side of E Punkin Center Road, just east of NE 4th street, within the Urban Growth Boundary. The site has not been assigned an address, but is identified as Tax Lot 400 on Umatilla County Tax Map 4N2802BA.

REQUEST:

Approval of a 100 lot subdivision in (3) Phases within the Multiple-family Residential Zone (R-3), concurrent with annexation.

II. APPLICABLE CRITERIA:

City of Hermiston Development Code

- Title XV-Land Usage

APPLICABLE STANDARDS:

- ## II. GENERAL INFORMATION

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- This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.
- NE 1/4 NW 1/4 SEC 2 T4N R28E WM
UMATILLA COUNTY
- 4N 28 02BA
AERIAL PHOTO NO. 1P - 122
- SCALE 1"=100'
- See Map 0N 28 35 C
- 1/16 COR (E. PUNKIN CENTER RD) (NO 812) NO 1250 1/4 COR
- 400 20.00 Ac.
- LOT 6 20.00 Ac.
- 300 1.04 Ac.
- 200 3.00 Ac.
- 100 3.72 Ac.
- 600 2.00 Ac.
- 500 2.40 Ac.
- LOT 7 22.00 Ac.
- 8-3
- 1100 2.00 Ac.
- 1000 2.47 Ac.
- 900 2.20 Ac.
- 1200 2.20 Ac.
- 1300 2.00 Ac.
- 1/16 COR 1/4 COR
- See Map 0N 28 35 C
- Revised: 1/15/01
- 4N 28 02BA
- SUBJECT PROPERTY**

Source: *Umatilla County Tax Map 4N2802BA*



Source: Google Earth image 2019

7. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is a relatively flat along E Punkin Center Road, gently rolling and falling off in the southwest corner to 4th street. The site is vacant and covered with native grasses and brush. The parcel lies adjacent and south of E Punkin Center Road, and has two developed streets stubbed to it from adjacent developments. E Bella Vista Ave connects

the property to NE 4th street to the southwest, and NE 6th Street terminates in the southeast corner of the property.

Properties adjacent south and southwest lie within the City of Hermiston, and are developed with single family homes on residential lots within the Bella Vista Addition and Quail Ridge subdivisions. Lands to the east and west are larger undeveloped parcels within the Urban Growth boundary, also designated M on the Comprehensive Plan. Lands north across E Punkin Center Road are outside of the Urban Growth Boundary, zoned RR-2 within Umatilla County.

8. **PROPOSAL:** Approval of a 100-lot subdivision in (3) Phases within the Multiple-family Residential Zone (R-3), concurrent with annexation.

III. REVIEW CRITERIA:

CONFORMANCE WITH CITY OF HERMISTON DEVELOPMENT CODE:

DESIGN STANDARDS

154.15 RELATION TO ADJOINING STREET SYSTEM.

- (A) The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets.
- (B) The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents, and curves appropriated for the traffic to be carried, considering the terrain.
- (C) Off-set streets should be avoided.
- (D) The angle of intersection between minor streets and major streets should not vary by more than 10 degrees from a right angle unless special intersection design is provided.
- (E) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.
- (F) If the subdivision abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street may be required.
- (G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall be allowed only when one or more of the following conditions exist:
 - (1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.
 - (2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.
 - (3) Where street connection would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.
 - (4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

(5) Cul-de-sac streets shall be as short as possible and should not exceed a length of 400 feet. A cul-de-sac shall terminate with a turn-around.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99)

RESPONSE: As depicted on the preliminary plat submitted with this application, the proposed street network consists of a grid pattern based upon the foundation of E Punkin Center Road, an existing east-west Collector street. The grid pattern is extended southward and provides for continuation into undeveloped lands to the east and west. Extension and connectivity is achieved with connection to E Bella Vista Ave in the southwest sector of the development and NE 6th Street in the southeast corner. The proposed street network assures safe and adequate circulation in the transportation system as all intersections are adequately spaced and aligned. Vertical grades in the proposed street locations are minimal, and safe efficient design can be accomplished in compliance within standards and specifications. No dead-end cul-de-sacs are proposed. The existing development to the south (Quail Ridge Ph. 3) prevents pedestrian and vehicular connectivity in this area, as no connection points were reserved. Proposed street names will be cleared for duplication and submitted for approval prior to filing of the Final Plat.

154.16 STREET AND ALLEY WIDTH.

(A) The width of streets and alleys shall be adequate to fulfill city standards as provided for in the Transportation System Plan (TSP). The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

(B) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99) Penalty, see § 154.99

RESPONSE: As depicted on the Preliminary Plat submitted with this application, the proposed street sections correspond to the Standards adopted in the TSP and Public Works Standards and Specs of the City of Hermiston. Improvements include the construction of a local street grid network, and one-half Major Collector street along the frontage of E Punkin Center Road.

As proposed, "A" Street provides an offset section with a mixed use path on the east side, connecting Punkin Center Road, a Major Collector class roadway, to the proposed Park located on the southern end of the project.

Further discussion can be found in section 157.110-116

154.17 EASEMENTS.

(A) *Width requirements.* Easements of at least six feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where

necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

(B) *Along streams.* Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

(C) *For irrigation.* Whenever any irrigation system is located and/or proposed to be created in an area which is being subdivided, the subdivider shall provide an adequate easement as approved by the Planning Commission and the Hermiston Irrigation District.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

RESPONSE: As depicted on the Preliminary Plat submitted with this application, easements for public utilities are proposed along the frontage of all lots, as may be necessary for the installation of such. No stream or irrigation easements apply to the subject property.

154.18 BLOCKS.

(A) In residential zones, block lengths shall not exceed 600 feet in length between intersecting through streets, except where topography or existing development creates conditions requiring longer blocks.

(B) Where block lengths exceed 600 feet, the Planning Commission may require a six- to ten-foot-wide paved bicycle/pedestrian access way through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99) Penalty, see § 154.99

RESPONSE: As depicted on the Preliminary Plat submitted with this application, the proposed street grid generally forms blocks of ~400 feet by ~260 feet in length. The proposed 6th Street extension between Bella and "C" street exceeds 600 feet by approximately half a standard block. This provides a stub street extension to each separate vacant parcel along the east line of the project at even intervals to facilitate future development. NE 5th Street also exceeds 600 feet from "D" Street to Punkin Center Road in order to align with the internal block spacing and provide a stub to the adjacent parcel west in a strategic location splitting the vacant developable area of the parcel evenly. An exception is requested, as further described in Section 154.75 below.

154.19 LOTS.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.

(D) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

RESPONSE: As depicted on the Preliminary Plat submitted with this application, the proposed arrangement of subdivision lots is similar in form and design to the surrounding residential subdivisions. Side lot lines are proposed perpendicular to the rights of way and double frontage lots are only proposed along the short block fronting E Punkin Center Road in order to prevent direct access to the Collector street. The dimensional properties of the proposed lots are proportional and meet the width to depth ratios in this section. The minimum interior lot width as proposed is 50 feet, which is less than the minimum width in this section and the zone, to provide a wide range of market product, and dedicate lands within the project toward a public park. Therefore, an exception to lot width is requested under the conditional use and analysis is included in this application (see section 154.75). Further discussion can also be found in section 157.110-116. Corner lots are widened to sufficient width in order to accommodate additional setbacks and lot corners are filleted with a 20' radius curve to facilitate sidewalk and ramp construction on street intersections.

(F) Where a flag lot is proposed, the following design standards shall apply:

(1) The access portion shall be at least 25 feet wide.

(2) Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.

(a) When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.

(b) No fencing shall be installed in a shared access which inhibits the right of access for either parcel.

(3) The access portion of an access lane shall be paved to a width of at least 20 feet.

(4) The access shall include sufficient easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles.

(5) The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.

(a) When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.

(b) When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.

(c) The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.

(d) The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.

(6) No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street must be created.

(Ord. 858, passed 4-14-75; Am. Ord. 2180, passed 7-25-11) Penalty, see § 154.99

RESPONSE: As depicted on the Preliminary Plat submitted with this application, flag style lots are not proposed in this application. Frontages provided are sufficient to construct individual driveway access to each lot.

154.20 CHARACTER OF DEVELOPMENT.

(A) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the proper protection and maintenance of the development in the future; provided, however, that the deed restrictions or covenants shall not contain (reversionary) clauses wherein any lot shall return to the subdivider because of violation thereon of the terms of the restrictions or covenants.

RESPONSE: As submitted with this application, a draft of protective Covenants proposed to be filed with this subdivision will satisfy this section.

(B) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

(Ord. 858, passed 4-14-75)

RESPONSE: As shown on the preliminary plat, the proposed development includes a one (1) acre parcel for a public park and a shared use trail through the proposed subdivision. Preliminary agreements for the construction of and transfer to the Hermiston Parks & Recreation Department have been drafted and included with this application to ensure the continuous maintenance and operation of the facility.

154.21 PARKS, SCHOOL SITES AND THE LIKE.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendation of the City Comprehensive Plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

(Ord. 858, passed 4-14-75)

RESPONSE: As shown on the preliminary plat, the proposed development includes a one (1) acre parcel for a public park and a shared use trail through the proposed subdivision. Preliminary agreements for the construction of and transfer to the Hermiston Parks Department have been drafted and included with this application. The applicant proposes to transfer the tract by dedication to the Hermiston Parks & Recreation Department.

154.22 ACCESS MANAGEMENT.

Access spacing policies set forth in the City Transportation System Plan and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(Ord. 2004, passed 12-13-99)

RESPONSE: The subject property lies adjacent and south of E Punkin Center Road, classified as a Major Collector on the Transportation System plan (update 2014). The proposed Preliminary Plat indicates on new connection to E Punkin Center approximately 500 feet east of NE 4th Street, presently a two way stop controlled intersection. Table 6 of the TSP and Section 6.0014 off the Public Works Design standards requires a minimum of 300 feet between intersections on Collector class roadways. Therefore, the spacing of the proposed street intersections is compliant with the TSP and City Standards.

The proposed development includes frontage for 1 driveway approach per lot. Per Table 6-1 of the Public Works Design Standards, each residential lot on a collector or local street is allowed 1 approach of 12-24 feet width (or 28' maximum for three car garages). However, the proposed block layout allows for one row of double frontage lots along E Punkin Center Road where access can be limited to the local street and restricted from the collector street. As a condition of approval, the city will limit access to E Punkin Center Road to street connections only.

SUBDIVISIONS PRELIMINARY PLAT

154.35 PRELIMINARY PLAT REQUIREMENTS.

- (A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat.
- (B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section.
- (C) The preliminary plat shall show:
 - (1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;
 - (2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;
 - (3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;
 - (4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;
 - (5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;
 - (6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;
 - (7) North point, scale and date;
 - (8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and
 - (9) All the above information unless waived by the Planning Commission.

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

RESPONSE: As depicted on the Preliminary Plat Map submitted with this application, the required information is provided, in conjunction with this narrative and materials provided.

SUBDIVISIONS FINAL PLAT

154.45 SUBMISSION TO CITY COUNCIL.

The final plat shall be submitted to the City Council in a form as prescribed by the statutes of the state and as acceptable to the city. In addition to the requirements of the law, the subdivider shall provide the city with three prints on transparencies acceptable to the City Planner, and three prints thereof, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat; provided, however, that these transparencies need not be submitted until the final plat has been approved by the City Council.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.46 FINAL PLAT REQUIREMENTS.

The final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;
- (I) All necessary curve data;
- (J) The location of all survey monuments and bench marks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;

- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and
- (O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.
- (Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

RESPONSE: This section is procedural, and will be satisfied with the land use approval, and subsequent submission of the required materials. This section is not applicable to the review of the preliminary plat nor the planned unit development consideration.

REQUIRED MINIMUM IMPROVEMENTS

154.60 PERMANENT MARKERS.

All subdivisions, major partitions and minor partitions are required to be surveyed in accordance with ORS [92.050](#) through [92.080](#).

(Ord. 858, passed 4-14-75; Am. Ord. [1769](#), passed 9-28-92) Penalty, see § [154.99](#)

RESPONSE: This section is procedural, and will be satisfied with the land use approval, and subsequent submission of the required materials.

154.61 GENERAL IMPROVEMENTS.

As a condition to the approval of the final plat, the city shall require installation of certain grading, drainage, curb and gutter, sidewalk and street paving and all service utilities. A developer's agreement shall be drafted guaranteeing installation of said improvements to standard city specifications. In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities.

(Ord. 858, passed 4-14-75; Am. Ord. [1041](#), passed 3-14-77) Penalty, see § [154.99](#)

154.62 WATER LINES.

Where the city public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be planned for connection to the water supply. In all other areas a private water supply shall be provided in accordance with regulations and recommendations of the State Department of Environmental Quality and under the supervision of and approval by same. Fire hydrants shall also be installed in all subdivisions within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.63 SANITARY SEWERS.

Within the city limits, and in all areas beyond the city limits, but lying within the potential sewerage limits as shown by the Comprehensive Plan, the preliminary plat shall show the sanitary sewer layout for the area being subdivided. This layout shall comply with regulations of the State Department of Environmental Quality and shall be approved by the City Engineer.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.64 DRAINAGE.

(A) All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural water course.

(B) All major and minor partitions of land shall meet the requirements of the National Flood Insurance Act of 1968 and as amended, as applied to lands within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.65 SIDEWALKS.

(A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family homes and duplexes if there is an existing sidewalk within 500 feet on the same side of the street.

(B) In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction.

(C) If an interim street standard is being constructed which does not include bike lanes or sidewalks, a paved shoulder at least six feet wide shall be provided as an interim walkway.

(D) The provisions of sidewalks may be waived where the street serves fewer than 50 trips per day (based on ITE standards) and cannot be continued or extended to other properties.

(E) Standards for the design, width, and location of sidewalks are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

154.66 BIKEWAYS.

(A) The city's adopted Bicycle Plan is included in the Transportation System Plan, and adopted as part of the Comprehensive Plan by reference.

(B) In the case of arterial or collector streets, bike lanes shall be built during their construction, and considered during their reconstruction.

(C) Standards for the design, width, and location of bike lanes are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

RESPONSE: As shown on the submitted Preliminary Plat, provisions have been made for the installation of public sewer, water, utility, and street improvements in conformance with this section. With approval of this land use action, engineered plans will be submitted for approval, and with such, the applicant can construct the necessary and required infrastructure to serve the development.

ADMINISTRATION AND ENFORCEMENT**154.75 VARIATIONS AND EXCEPTIONS.**

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the City Council may vary or modify requirements so that the subdivider may develop the property in a reasonable manner but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved.

(Ord. 858, passed 4-14-75)

RESPONSE: In consideration of the physical and dimensional properties of the subject parcel, and the potential future development pattern of vacant or underdeveloped properties, the applicant requests exceptions to the following sections.

1. 154.18 BLOCKS - Due to the block spacing pattern and potential development pattern of the vacant parcels adjacent east and west of the subject parcel, the applicant requests an exception to the 600' block length. Street and utility stubs have been provided to all vacant lands adjacent to the subject property.
2. 154.19(c) LOTS, 157. 027(C)(4) MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3)- Due to the physical properties of the subject parcel, and in consideration of the planned unit development and dedicated public lands, the applicant requests a variance from the minimum lot width of 60' for interior lots to 50' minimum width (up to 10%). As shown on the tentative plat, several proposed lots have widths from 50 to 60 feet at the frontage.

The applicant has also submitted a separate narrative supporting the variance, detailing the feasibility of constructing affordable labor force housing in the community, and the benefits these represent. As a developer and builder, the applicant has the experience and capability of providing the product proposed within the project on lots that are overall consistent with Code, yet simply require less frontage per lot, which reduces cost per lot for public improvements, and thereby improves the affordability for the end user. The narrative is attached and incorporated herein by reference.

RESIDENTIAL ZONES**157.025 SINGLE-FAMILY RESIDENTIAL ZONE (R-1).**

(A) *Uses permitted outright.* In a R-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling;
- (2) Residential care home;
- (3) Home occupations;
- (4) Accessory structures;
- (5) Family day care provider;
- (6) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § 157.145. This requirement shall not be construed as abrogating a recorded restrictive covenant; and

(7) Utility facilities as defined in § 157.143.

157.026 DUPLEX RESIDENTIAL ZONE (R-2).

(A) *Uses permitted outright.* In a R-2 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-1 zone; and
- (2) Two-family dwelling.

157.027 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3).

(A) *Uses permitted outright.* In a R-3 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-2 zone;
 - (2) Bed and breakfast, boarding, lodging or rooming house;
 - (3) Multiple-family dwelling; and
 - (4) Residential care facility.
- (C) *Lot size.* In a R-3 zone, the lot size shall be as follows:
- (1) The minimum lot area for single-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
 - (2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
 - (3) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
 - (4) The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
 - (5) The minimum lot depth shall be 80 feet.

RESPONSE: The subject property is zoned Multiple Family Residential (R-3). The proposed use is permitted outright. As shown on the tentative plan, lot sizes vary from 5,000 sf up to 13,000 sf. Lots widths vary from 50 feet to 60 feet wide, and the typical lot depth is 100 feet. An exception is requested in section 154.75, and discussed further in section 157.110.

(D) *Setback requirements.* Except as provided in § 157.140, in a R-3 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;
- (2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and

(3) The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.

(E) *Height of buildings.* In a R-3 zone, no buildings shall exceed a height of 35 feet.

(F) *Lot coverage.* In a R-3 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.

RESPONSE: The proposed subdivision provides lots of sufficient size and dimension to construct the proposed housing within the parameters of this section. The criteria in this section will be further analyzed with building permit application, where actual structures are proposed, and those particular dimensions can be identified for compliance.

PLANNED UNIT DEVELOPMENTS

157.110 PURPOSE.

(A) The purpose of a planned unit development is to permit greater flexibility in land use regulations thereby allowing the developer to use a more creative approach in the development of land. Density requirement setbacks and other land use regulations may be adjusted to allow for a more desirable living environment. Preservation of natural features, harmonious variety of uses, the economy of shared services and facilities, and a development more compatible with the surrounding area are a few of the common benefits attained from a planned unit development.

RESPONSE: The proposed planned unit development strives to provide a balanced mix of housing types, styles, and affordability with added amenities for the greater community by dedicating a public park and constructing a mixed-use pathway to E Punkin Center Road, a major collector class roadway. Commensurate connections to the existing adjacent developments that have roadways and sidewalks stubbed to the development will provide convenient and direct access to these amenities for the surrounding area. Street and sidewalk stubs are also provided to vacant adjacent properties for future developments to access or even extend these features.

By incrementally adjusting the thresholds for minimum lot width and block length exceptions for improved overall geometry and efficiencies, zone density can be achieved in addition to the public amenities provided.

(B) The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations.

RESPONSE: The proposed planned unit development provides community amenities with zone standard densities and a mix of housing options and opportunities not readily achievable with standard lot-by-lot development. Smaller lot widths and deeper lots allow for a quality product at a more affordable level than the larger lots, which can offer greater options to a wide range of the market, such as 3 car garages, accessory structures and dwelling units, and larger homes.

(C) In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the Comprehensive Plan and underlying zoning.

(Ord. 1840, passed 2-28-94)

RESPONSE: The proposed planned unit development utilizes the flexibility within this section to provide a walk-able neighborhood and provide additional open space in the form of a public park. Offering a mix of housing product in combination with a mixed-use path and a public gathering space adds quality and value to the development and the community. The proposal can provide these benefits at no additional or undue cost or delay or decrease in density achieved, by applying the special requirements and standards proposed in this application.

157.111 OWNERSHIP.

The tract or tracts of land included in a proposed PUD may be in one ownership or control, or the subject of a joint application by owners of all the property included. The holder of a valid written real estate option contract shall be deemed the owner of the land for the purpose of this section. The Planning Commission may require satisfactory evidence of the contract of purchase.

(Ord. 1840, passed 2-28-94)

RESPONSE: The subject property is presently held by single entity ownership, and is under contract with the applicant. Documentation of such can be provided as may be required by Planning Commission.

157.112 GENERAL REQUIREMENTS.

The following general requirements will apply to planned unit developments:

(A) A planned unit development shall be allowed in all zones except R-1 as a conditional use according to the procedures set forth for those uses. In all residential zones, or comparable zones in the county, minimum site area shall be two acres to qualify for a PUD. For all other zones, the minimum shall be five acres.

RESPONSE: The subject property is subject of a concurrent Annexation and Zone Change to the Comprehensive Plan zoning designation of Multiple-Family residential (R-3) Zone. The parcel is approximately 20 acres, and therefore, a minimum site area criterion is met.

(B) As a condition of approval of a PUD, the Planning Commission may require the following:

- (1) A performance bond or other securities acceptable to the city to ensure that a PUD is completed as submitted;
- (2) An economic impact statement if the PUD is of a sufficient size and economic complexity;
- (3) An environmental impact study if the PUD is large enough to have critical impact upon the land and environment;
- (4) Areas for parks or playgrounds, sized according to prevailing statewide and local government standards, shall be permanently reserved within the PUD or provided for off-site;
- (5) Streets be designed and constructed according to city standards and dedicated to the city;
- (6) Easements for the orderly extension, maintenance, repair or replacement of public utilities; and

(7) Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of PUD approval. This guarantee may be satisfied by creation of a nonprofit home owners' association to ensure maintenance of the area, or by development of the space to city specifications and acceptance of it by the city, in which case it would be available for general public use.

RESPONSE: The proposed Planned Unit Development does not impose a burden on the public by approval, and does not warrant assurance. The project is not complex and has no critical impacts to warrant economic or environmental impact studies. The proposed park area is to be dedicated on the final plat to the Hermiston Parks and Recreation Department. The proposed street sections provide the required roadway section and widths required for construction and will be dedicated to the public with each phase plat. All public utilities are proposed in the public rights of way. Any necessary or required easements otherwise will be granted as appropriate. There are no proposed private common elements that would require maintenance as the proposed trail and park will be dedicated to the public. The applicant believes the criteria of this section are satisfied.

(C) Whenever a planned unit development is subject to Chapter 154 of this code, the procedures and regulations of that chapter shall apply.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

RESPONSE: This application is subject to Chapter 154, and the criteria of such are addressed in this document and the submitted materials.

157.113 PERMITTED USES.

(A) *Residential zones.*

(1) The principal use of the land shall be residential.

(2) Related commercial uses designed primarily for the service and convenience of the residents of the planned unit development may be allowed by approval of the Planning Commission.

(3) Community service uses designed for the residents of the planned unit development or for servicing the adjacent area may be allowed by approval of the Planning Commission.

(4) Accessory buildings and uses.

(5) Increased residential density tied to specific performance criteria will be encouraged in those areas that are near developed service centers.

RESPONSE: The subject property is zoned Residential (R-3). The proposal includes no commercial use. The development proposes a public park of one acre within the development with dedication, and that the use can be allowed by the Commission with this application. No accessory buildings, structures, or uses are proposed on the site with this application. However, approval here should include those uses in conjunction with this application should the park development require any such with construction of park development. There is no specific performance criteria tied to the density proposed, as the geometry of the subdivision and creation of the mixed use path and park is fundamental to the approval and the site lies nearly 1/3 mile from the Highway 395 corridor, the nearest service center.

157.114 DEVELOPMENT PROCEDURES.

(A) *Application.* A letter of intent to develop a planned unit development along with a conditional use permit application shall be filed with the City Manager. The applicant shall pay application fee as established by resolution of the City Council.

(B) *Stage review.* There shall be a three-stage review process when approving a PUD application:

- (1) Pre-preliminary conference (Stage 1);
- (2) Preliminary approval (Stage 2); and
- (3) Final approval (Stage 3).

(C) *Fees.* The following fees as provided or otherwise approved by Council resolution shall accompany each stage of review:

- (1) Pre-preliminary conference (no fee).
- (2) Preliminary approval (\$100).
- (3) Final approval (\$75).
(Ord. [1840](#), passed 2-28-94)

157.115 PRELIMINARY CONFERENCE.

Stage 1 of development consists of the following:

(A) Before preparing a preliminary plan map and preliminary plan program, the applicant of a proposed planned unit development shall meet with the city staff at a conference scheduled at a time most convenient for both parties. At the conference, the developer shall provide basic information, such as a schematic drawing, showing the general relationship contemplated among all public and private uses and existing physical features, and written statements regarding the source of water supply, method of sewage disposal, dwelling types, lot layout, public and private access, nonresidential uses, and provisions for maintenance of landscaped areas, parks and open spaces. In return, the city staff shall provide the developer applicable standards and regulations.

(B) If the staff and applicant reach a satisfactory agreement, the applicant may proceed to Stage 2, preliminary approval.

(Ord. [1840](#), passed 2-28-94)

RESPONSE: The applicant has prepared preliminary plan maps and presented the proposal to staff via electronic mail and phone conference on several occasions through the design process.

157.116 PRELIMINARY APPROVAL.

Stage 2 of the development consists of the following:

(A) The applicant shall submit to the Planning Commission four copies of the preliminary plan map for the proposed PUD. The plan map shall show the following information:

- (1) Legally described property lines;
- (2) Section lines;
- (3) Existing streets, buildings, watercourses, tree masses, sanitary and storm sewers, water mains, culverts and other existing underground facilities.
- (4) Location and size of the nearest water main and sewer outlet;
- (5) Title of the proposed PUD and the name of the developer;
- (6) Ownership of adjoining parcels within 300 feet of the proposed PUD;
- (7) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be developed;
- (8) North point, scale and date; and
- (9) Location and size of all proposed streets, buildings, sanitary sewer or other sewage disposal facilities, water mains, storm water facilities, sidewalks, parks, open spaces and signs.

(B) A preliminary plan program or outline of the following shall accompany the preliminary plan map:

- (1) Proposed ownership and maintenance of streets;
- (2) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common space, or required dedications or reservations of public open spaces and any dedications of development rights;
- (3) A list of the types of buildings proposed;
- (4) The amount of land area to be devoted to the various types of buildings and a calculation of the average residential density per net acre;
- (5) The nature of all proposed signs;
- (6) All landscaping plans;
- (7) Plans or written statements regarding grades of proposed streets, width and type of pavement, type of sanitary sewer or other sewage disposal facilities and any grading plans; and
- (8) A stage development schedule if the final development plan is to be developed in stages.

RESPONSE: The applicant has prepared and submitted the above listed materials and information on the tentative plan map in conjunction with this document, application, and supporting materials.

The applicant proposes public streets as indicated on the tentative plan. Open space/park is also proposed to be publicly owned and operated. A draft copy of Covenants, Conditions, and Restrictions for the development has been provided for review. Several standard house plans and elevations contemplated for the project are included for reference.

The subject property is 20.65 acres, proposed to yield 100 single family lots in three phases, slated to be completed three years from construction plan approval, a rate of one phase per year. Approximately 6 acres will be roadway dedication, and 1 acre is proposed to be dedicated as a neighborhood park. This results in a gross density of 4.85 units per acre, or 7.3 units per net acre.

(C) Upon receiving the preliminary plan map and program, the Planning Commission shall review the proposed planned unit development and shall seek to determine that all of the following conditions are met:

(1) The planned unit development will be consistent with the Comprehensive Plan of the city. specifically, this includes:

- (a) Information indicating how the housing provided in the PUD relates to Hermiston area housing need indicators (described in Goal 10 of the Comprehensive Plan and periodically updated after that). All PUD proposals may, consistent with the density allowed by underlying zoning, propose housing concepts including townhouses, condominiums owned multifamily units, mixtures of housing types and lot sizes, multiplex construction, manufactured dwellings or other kinds of dwellings manufactured off-site;
- (b) Description of the municipal service and utilities needed at initial and later phases of PUD occupancy, and whether it is consistent with the city's then current designation of "sewer eligible" areas;
- (c) Indication that the arterial streets required off-site are provided already, or planned and funded by appropriate city or county agencies. Sufficient access will be required to meet vehicular movement and storage generated by the proposed development. Continuity with future streets in adjoining developments and dedication of sufficient arterial street right-of-way for the proposed development and other developments generally anticipated in comprehensive plan maps;
- (d) Assurance that if density of the development in the PUD'S initial stages does not warrant public sewer or water connections, that the layout allows for later increases of density to a level that makes connections financially feasible; and
- (e) Deed restrictions to support future assessments to provide services necessary for urban densities of development

(2) The planned unit development can be developed in harmony with the surrounding area and between uses within the PUD itself. Specifically:

- (a) Height, bulk and density of buildings not radically different from those anticipated on adjacent or facing properties. Exceptions could be made if the PUD were in a transitional area between higher-intensity district and a lower-intensity residential district;

- (b) Preservation of natural and cultural assets within the area; and
- (c) Density bonuses of 15% are granted as an incentive to go through the PUD process. Maximum 5% additional bonuses may be granted by the Planning Commission for each of the following:
 - 1. Superior design of structure;
 - 2. Landscaping;
 - 3. Public open space;
 - 4. Provision of low cost housing;
 - 5. Enhancement of public enjoyment of natural or cultural assets on site; and
 - 6. Solar energy protection.

(3) The time table for the completion of the PUD is within reason.

(D) If, in the opinion of the planning staff, the foregoing provisions are satisfied, the PUD proposal shall be processed for a public hearing according to 157.205 through 157.210 of this chapter.

(E) After the hearing, the Planning Commission shall determine whether the proposal still conforms to the permit criteria according to this section.

(F) The Planning Commission may approve or place conditions upon approving the preliminary plan map and preliminary plan program as suggested in 157.112 (C)(2), or any other conditions it deems necessary.

(G) The Planning Commission may deny the PUD application or return the PUD to the applicant for revisions.

(H) If the preliminary plan map and preliminary plan program are approved, the applicant may proceed to final approval (Stage 3).

RESPONSE: This section is procedural, and the applicant has prepared and submitted materials and information supporting the criteria of this section in this application. The proposed development provides necessary housing as indicated in the Policies of the Comprehensive plan and contributes to the availability, affordability, and neighborhood quality with a mix of housing opportunities, and amenities including a public park and walking trails.

157.150 TRANSPORTATION IMPROVEMENTS, STANDARDS, AND PROCEDURES.

(A) *Purpose.* The purpose of this section is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation plans.

(B) *Applicability.* The provisions of this section shall apply to all development and subdivisions subject to the Development Standards of 157.160 et seq.

(C) *Notice and coordinated review.* If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provided to the Oregon Department of Transportation (ODOT) and Umatilla County. Notice will help identify agency standards and provide an opportunity for agency input and coordinated review of transportation impacts.

(D) *Zone changes.* In addition to the zone change approval criteria set forth in 157.226(E), all zone changes shall conform to the adopted Transportation System Plan (TSP). Proposed zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities.

(E) *Traffic impact study.* The applicant for a zone change, or a development or subdivision subject to the Development Standards of 157.160 et seq., shall submit a traffic impact study when the proposal affects a transportation facility if it:

- (1) Changes the functional classification of an existing or planned transportation facility;
- (2) Changes standards implementing a functional classification system;
- (3) Allows types or levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or
- (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

RESPONSE: The subject property is adjacent to Punkin Center Road, a Collector class street. The proposed subdivision does not change the functional classification of any transportation facility, standards, result in a reduction in level of service, or generate levels of traffic inconsistent with the functional class of the facilities in the vicinity of the development.

This application proposes 100 single family lots. Analysis of trip generation is as follows:

<u>USE</u>	<u>ITE Rate</u>	<u>Trips/Day</u>	<u>PM Peak</u>
100 Single family detached	9.44/unit	944	99

The proposed development includes a network of local roadways, and connections to E Punkin Center Road, a major collector class roadway, and NE 4th Street, an Arterial class roadway. Therefore, the development is not expected to change the functional classification of any facility, or standards of implementation of the system plan. The development is consistent with the planned zoning designation and functional classification of the transportation network will not reduce the level of service of said facilities to levels below those in the Transportation plan.

(F) *Transportation projects.* The following transportation projects are permitted outright in all zones in the city:

- (1) Normal operation, maintenance, repair, and preservation activities associated with transportation facilities.

- (2) Installation of culverts, pathways, fencing, guardrails, lighting, and similar types of improvements that take place within the public right-of-way.
- (3) Landscaping as part of a transportation facility.
- (4) Acquisition of right-of-way for public roads, highways, and other transportation projects identified in the TSP.
- (5) Transportation projects specifically identified in the TSP.
- (6) Emergency measures as necessary for the safety and protection of property.

RESPONSE: This application proposes improvements to E Punkin Center Road, a Collector Street identified on the City of Hermiston Transportation plan, and therefore, permitted outright.

(G) *Access management.* The following access management provisions shall apply to all development and subdivisions subject to the Development Standards of § 157.160 et seq.:

- (1) Development shall preserve the flow of traffic in terms of safety, capacity, functional classification, and level of services. Access management policies set forth in the city TSP and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.
- (2) Residential driveways shall be located to optimize intersection operation and, where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.
- (3) Properties that front on collector or arterial streets are encouraged to share an access with neighboring properties.
- (4) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan. Umatilla County regulates access to county roads.
- (5) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office developments wherever feasible and shall incorporate the following:
 - (a) A design speed of ten m.p.h. and a maximum width of 20 feet to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.
 - (b) A unified access and circulation plan for coordinated or shared parking areas.
- (6) Pursuant to subsection (5) of this section, property owners shall record the following documents with the Umatilla County Recorder:
 - (a) An easement allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;
 - (b) A joint maintenance agreement defining maintenance responsibilities of property owners.
- (7) The Planning Director or the Planning Commission may modify or waive the requirements of subsections (5) and (6) of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

RESPONSE: This proposed subdivision creates a local road network with single family residential lots. As shown on the Preliminary Plat, residential lots are served by single driveway aprons accessing the local

street network. Those lots double fronting along Punkin Center Road, a Collector class street, will contain access restrictions on the recorded subdivision plat, limiting driveways to the local street frontage.

This application does not propose commercial accesses, or access to a State Highway.

(H) *Street standards.* Standards for streets, sidewalks, bike lanes, planting strips and right-of-way widths are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

(I) *Right-of-way dedication and improvement.* Right-of-way shall be dedicated as part of the development approval process. Improvements shall take place consistent with adopted street standards concurrent with the development or under a development agreement approved by the City Planning Commission or City Council.

(J) *Bike lanes and bikeways.* Bike lanes and bikeways shall be provided in accordance with the adopted TSP. Except as amended or altered by the TSP, bike lanes shall be provided along collector and arterial streets. Bike lanes and bikeways shall be constructed consistent with ODOT bicycle plan standards.

(K) *Sidewalks.* Sidewalks shall be provided along both sides of public streets, consistent with the standards of the TSP. Options are provided for curbside or setback sidewalks.

(L) *Internal connections and bicycle parking.*

(1) Internal pedestrian circulation shall be provided within new commercial, office, institutional and multifamily residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar techniques.

(2) Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be as direct as possible and shall limit out-of-direction travel. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving material.

(3) Opportunities for at least one pedestrian walkway should be provided between adjacent commercial, office, and institutional development.

(4) Bicycle parking shall be provided for new commercial, office, institutional, and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Bicycle parking spaces should be located as near as possible to building entrances used by automobile occupants.

(Ord. 2003, passed 12-13-99)

RESPONSE: This proposed subdivision includes right of way dedications and street improvements to Punkin Center Road, a Collector class street. As shown on the Preliminary Plat, the proposed road section and right of way dedication are consistent with the Public Works Standards and TSP.

CONCLUSION- REQUEST for APPROVAL: Based on the plans and supporting documents submitted with this application, the approval criteria of Chapter 154 Subdivisions and Chapter 157 Zoning of Title XV,

City of Hermiston Code being addressed in this narrative, the applicant requests approval of the 100 lot subdivision as a Planned Unit Development.

Commissioner Caplinger moved and Commissioner Sheffield seconded to adopt the findings of fact with the three noted amendments (responses to 157.19 (C), 157.110, and 157.113). Motion passed.

Conditions of Approval

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.
2. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.
3. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.
4. Applicant shall comply with all provisions of 92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction.
5. All streets shall be designated in accordance with §94.22 of the Hermiston Code of Ordinances as follows:
 - "A" Street shall be designated as NE 5th Street
 - "B," "C," "D," and "E" Streets shall be designated as a NE Avenue
 - The southernmost portion of "A" Street, where the street curves to an east-west shall be designated as a NE Avenue
 - E Bella Ave shall be designated as E Bella Vista Ave
6. The applicant shall commission a geotechnical report for E Punkin Center Road which is a county road with an unknown condition of asphalt and base rock. If the condition of the existing street is determined to be sufficient to meet city standards for a major collector, infill paving, curb, gutter, and sidewalk shall be required. If the condition of the existing street is determined to be insufficient to meet city standards for a major collector, the developer shall rebuild the street to city standards to the centerline. City standards shall include sufficient aggregate base and paving, curb, gutter, sidewalk, and drainage improvements.
7. The applicant shall be responsible for the extension of a new sanitary sewer main from the intersection of NE 5th Street to the west boundary of Lot 6 and the east boundary of Lot 1 in the E Punkin Center right of way at the time E Punkin Center improvements in condition #6 are installed.
8. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
9. The developer shall improve and dedicate to the city a paved, multi-use trail of at least eight feet in width along the east side of NE 5th Street. The Developer shall construct the trail in phases and install each portion of the multi-use trail, associated landscape and irrigation at the developer's expense and concurrent with the public improvements within the underlying phase of the development. The Parks Department shall approve the landscape plan, and

- irrigation plan during the civil engineering process. At such a time when each phase of the trail has been constructed, the City shall assume all maintenance responsibilities for the trail, landscaping and irrigation.
10. The developer shall improve and dedicate a one-acre park as shown on the approved PUD plan. Improvement of the park shall be concurrent with the construction of improvements for the phase containing the park. As shown on the approved development plan, the park is located in phase 6. Should the developer amend the phasing plan, the park shall be improved simultaneously with whichever phase contains the improvement of E Bella Vista Ave.
 11. The city shall reimburse the developer for that specific portion of the trail which encircles the park by way of SDC credits. The city shall collect SDCs for each dwelling constructed in each phase of Legacy Park. At such time that the park trail is completed and approved by the city, the city shall issue a reimbursement of the actual cost of construction for the trail based upon contractor invoices for construction.
 12. The city and developer shall enter into an improvement agreement, which shall run with the land, detailing the responsibility of each party in the development of the park. The improvement agreement shall conform to the provisions of the letter of understanding regarding park improvements and shall specify at a minimum:
 - a. Scope of landscaping to be installed
 - b. Developer's responsibility to provide utility stubs to the site for future use
 - c. City's responsibility to install grass and irrigation
 - d. City's responsibility to install a playground within two years of park dedication
 13. The developer shall install sufficient sewer mainline in the future SE 5th Street right of way to provide sanitary sewer service for phase 1 connecting to existing sanitary sewer service in E Bella Vista Ave or NE 6th Street. Design of the sewer extension shall be designed in accordance with city public works standards and obtain approval from the city engineer.
 14. Developer shall obtain an access permit from the Umatilla County Road Department for the new street approach of NE 5th Street to E Punkin Center Road.
 15. Lots 1 through 6 shall not have driveway access to E Punkin Center Road. The developer shall place a one-foot wide no vehicular access easement on the plat for phase 1 for Lots 1 through 6 along E Punkin Center Road.
 16. Lots 1, 15, 16, and 64-68 shall be single story houses and shall be fenced on the east property line.
 17. The C Street extension shall be removed and the lots adjusted to the north.
 18. D Street shall be extended to the east.
 19. A two foot retaining wall with wooden fence on top shall be installed on E Punkin Center Road.

Commissioner Caplinger moved and Commissioner Sargent seconded to approve the Conditions of Approval as amended to condition #12 and addition of condition numbers 16, 17, 18 and 19. Motion passed. Commissioner Caplinger moved and Commissioner Sargent seconded to approve conditional use permit for the Planned Unit Development subject to the conditions of approval. Motion passed.

Minor Partition - Walmart 2650 S HWY 395

Planning Director Spencer presented the staff report, including a supplemental memo prepared after receiving a request from Walmart and UEC that condition of approval #1 be removed from the draft conditions. Walmart does not want to move forward with the partition if they have to sign a Street Improvement Agreement.

Testimony

Wendy Neal Umatilla Electric Cooperative 750 W Elm Avenue- Ms. Neal stated the existing substation was built in 1997 and is critical for Hermiston's supply needs. Upgrading the existing substation is important for safety and is the most economical option.

Findings of Fact**§154.15 Relation to Adjoining Street System.**

The property is bordered by E Feedville Road, SE Kelli Blvd, E Penney Ave and S Hwy 395. Parcel 1 has frontage on E Feedville Road and SE Kelli Blvd. Parcel 2 has frontage on E Feedville Road, SE Kelli Blvd, E Penney Ave and S Hwy 395.

§154.16 Street and Alley Width.

No streets or alleys are proposed as part of the partition. The property is currently serviced by E Feedville Road which is a county road 66 feet in width, SE Kelli Blvd which is a city street, and S Hwy 395 which is a state highway. Umatilla County controls the access on county roads and ODOT controls all access on the state highways.

The proposed parcel 1 will border E Feedville Rd and SE Kelli Blvd. Parcel 2 will border E Penney Ave, SE Kelli Blvd, E Feedville Rd and S Hwy 395.

§154.17 Easements.

There are multiple existing easements on the property. A new 20' wide utility is proposed to new parcel 2. The easements are shown on the plat and the easement requirements are satisfied.

§154.18 Blocks.

Block standards in this section are specific to residential development. No block spacing standard is required for this partition.

§154.19 Lots.

The proposed partition will create two lots. Parcel 1 is vacant, contains 2.50 acres, and will have 117.56 feet of SE Kelli Blvd frontage and 179.56 feet of frontage on E Feedville Road. Parcel 2 contains a large warehouse distribution center and is approximately 186.54 acres with approximately 2,314 feet of SE Kelli Blvd frontage, approximately 2,969 feet of E Feedville Road frontage, approximately 637 feet of E Penney Ave frontage and 850.95 feet of frontage on S Hwy 395.

The preliminary plat provides for the creation of two lots meeting the design standards in 154.19.

§154.20 Character of Development.

The property is zoned C-2/M-2. Uses permitted in the C-2 and M-2 zones are listed in 157.041 and 157.056 of the Hermiston Code of Ordinances. There is no minimum lot size in these zones. The applicant proposes the partition to create a separate parcel for Umatilla Electric Cooperative to purchase for expansion of the existing substation on the adjacent parcel. An electrical substation is use permitted outright in the M-2 zone.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any parks or schools in the vicinity of the proposed partition.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

154.61 General Improvements

All streets with the exception of E Penney Ave are paved adjacent to both parcels. E Penney Ave has no improvements and exists as right-of-way only along the frontage of the property. Should the property develop industrially or commercially prior to formation of a LID, then half-street improvements will be required as a condition of development.

§154.62 Water Lines

Water is not available to Parcel 1 and no connections are necessary for the development of a substation. Parcel 2 is currently serviced by municipal water.

§154.63 Sanitary Sewer System.

Sewer is not available to Parcel 1 and no connections are necessary for the development of a substation. Parcel 2 is currently serviced by municipal sewer.

Preliminary Plat

Staff has reviewed the preliminary plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances.

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**

- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **Existing access restrictions are referenced on the plat.**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required.**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required**

Chapter 157: Zoning

§157.041 Outlying Commercial Zone (C-2)/ §157.056 Light Industrial Zone (M-1)

There is no minimum or maximum lot size in this zone. Parcel 1 is 2.50 acres and Parcel 2 is 186.54 acres.

After discussion, Commissioner Caplinger moved and Commissioner Doherty seconded to approve the findings of fact as amended to Section 154.61. Motion passed.

Conditions of Approval

1. Any future access from E Feedville Road shall require approval from Umatilla County.
2. Development on Parcel 1 will trigger public improvements consistent with the development requirements of 157.164 of the Hermiston Code of Ordinances as a condition of site development for the parcel.

Commissioner Caplinger moved and Commissioner Sargent seconded to remove Condition #1 from the draft Conditions of Approval, renumber the conditions, and approve the plat subject to the amended conditions as shown above. Motion passed.

Planner Comments and Unscheduled Communications

The DLCD held a housing initiative session that was informative.

Informational forums will be held next week for the public to receive information regarding the options for the existing City Hall. The City Council is expected to decide on the matter at the next regular council meeting.

Adjourn

Chairman Saylor adjourned the meeting at 10:22PM.



LEGACY

 Monte Vista Homes



About Legacy

- P.U.D.
- Our Goal is to create a neighborhood with a high livability factor and to create a place people will choose to live.
- Beautiful homes, in our upper tier product level, priced, starting at \$260,000.
- 8' wide paved multi use trail, beautifully landscaped.
- A block long city park encircled by a multi use trail and plans for future park expansion.





2019 Council Goals

The Council and staff worked together to meet to refine the ideas developed at the retreat year to advance these goals. These goal statements provide direction to the Council, policies, and communicate to the community towards. The goals are intended to be five-year long-term, with the understanding that goals as needed to reflect current community needs.

The City will also use these goals to guide regional and community partners to seek to advance these priorities and improve the Hermiston.



1. Housing

Invest in Public Infrastructure to Attract Private Investment

Award Contract for N. Hermiston Water Tower/Piping Project / **March 31**
Complete E. Theater Lane Construction Design / **August 30**
Advertise E. Theater Lane Construction / **November 30**

Review and Report to the Council on Available Housing Incentives / **July 1**

2. Economic Development

South Hermiston Business & Industrial Park (SHIP) Development

Complete SHIP Master Plan Concept / **March 31**
Outreach with SHIP properties Regarding Scope for potential Local Improvement District (LID) / **April 30**
Determine SHIP LID Feasibility / **June 30**
Federal Funding Application for SHIP / **September 13**

Retail Development

Develop and Adopt N. 395 URA Plan / **December 31**
Adopt N. 395 URA Feasibility Report / **June 30**
Begin development of N. 395 URA Plan / **July 1**
Adopt N. 395 URA Plan / **December 31**

3. Eastern Oregon Trade + Event Center (EOTEC)

Establish Parameters for Advisory Committee / **April 30**
Adopt Full Council Developed Strategic Plan (including Priority Projects, Funding Support Levels and Goals, Stakeholder Involvement) / **July 1**

4. Health, Wellness and Aquatic Center

Research a Parks and Recreation District Concept and Process / **November 1**
Develop Funding Strategies and Potential Partners / **December 31**



City of Hermiston
Where Life is Sweet

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Livable Hermiston

The City of Hermiston, in conjunction with the Hermiston Futures Task Force, engaged the community about what "livability assets" could either be created, if they don't currently exist, or could be enhanced, if they already exist in some form in the community. More than 2,000 residents were engaged as a part of this process.

Through that process, the committee identified the following "livability assets" as the top projects that the community should focus on over the next 10 to 20 years. It is not expected that the community will be able to achieve these goals in the near future, but should retain these as aspirational goals and be prepared to move forward on them when opportunities present themselves.

[Read the FULL REPORT \(PDF\)](#)

Top Assets Identified

Downtown Revitalization

Implementing the existing Urban Renewal Plan, focusing dedicated urban renewal funding and other resources on developing a "Festival Street," and other projects which will attract visitors to the downtown.

Parks/Trails/Open Space

The committee's goal in developing more parks is regional equity, with adequate park space near all residents of the community. With Hermiston at only 70% of national standards for park acreage, there's room for more parks and recreation facilities. With many of the existing parks located on the West side of Hermiston, the Committee suggests looking for future opportunities on the East side.

Indoor Aquatics Center

A multi-use facility that extends Hermiston's aquatic activities year-round. This facility may also include a family/youth activity center component.

Youth/family activity center

A Boys & Girls Club, YMCA, or similar type of center to host affordable programs and activities for youth and their families that are also open to the entire community. This can be developed as a stand-alone facility, but the Committee strongly recommends it be combined with the aquatics center.



MonteVista Homes
Dedicated to The American Dream! www.montevidahomes.com

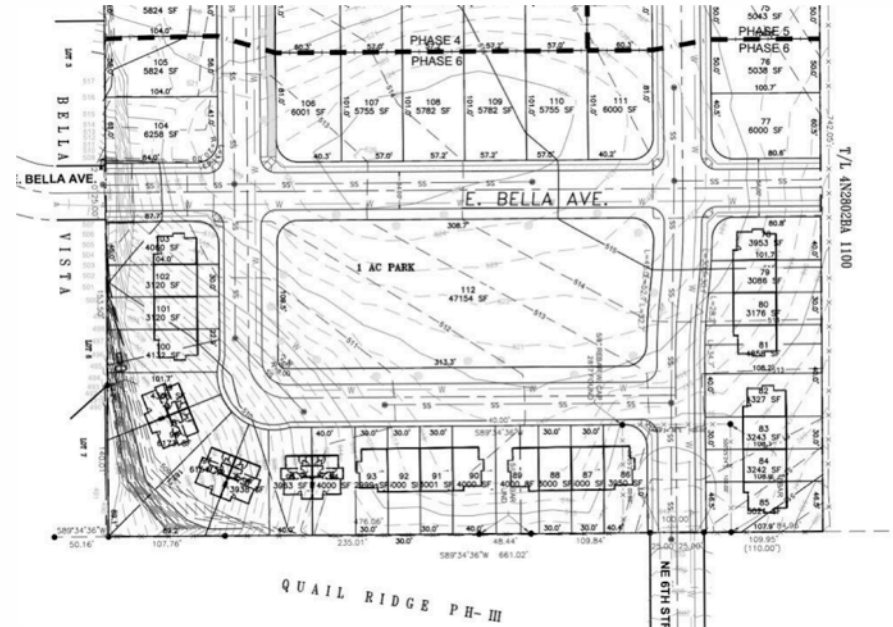




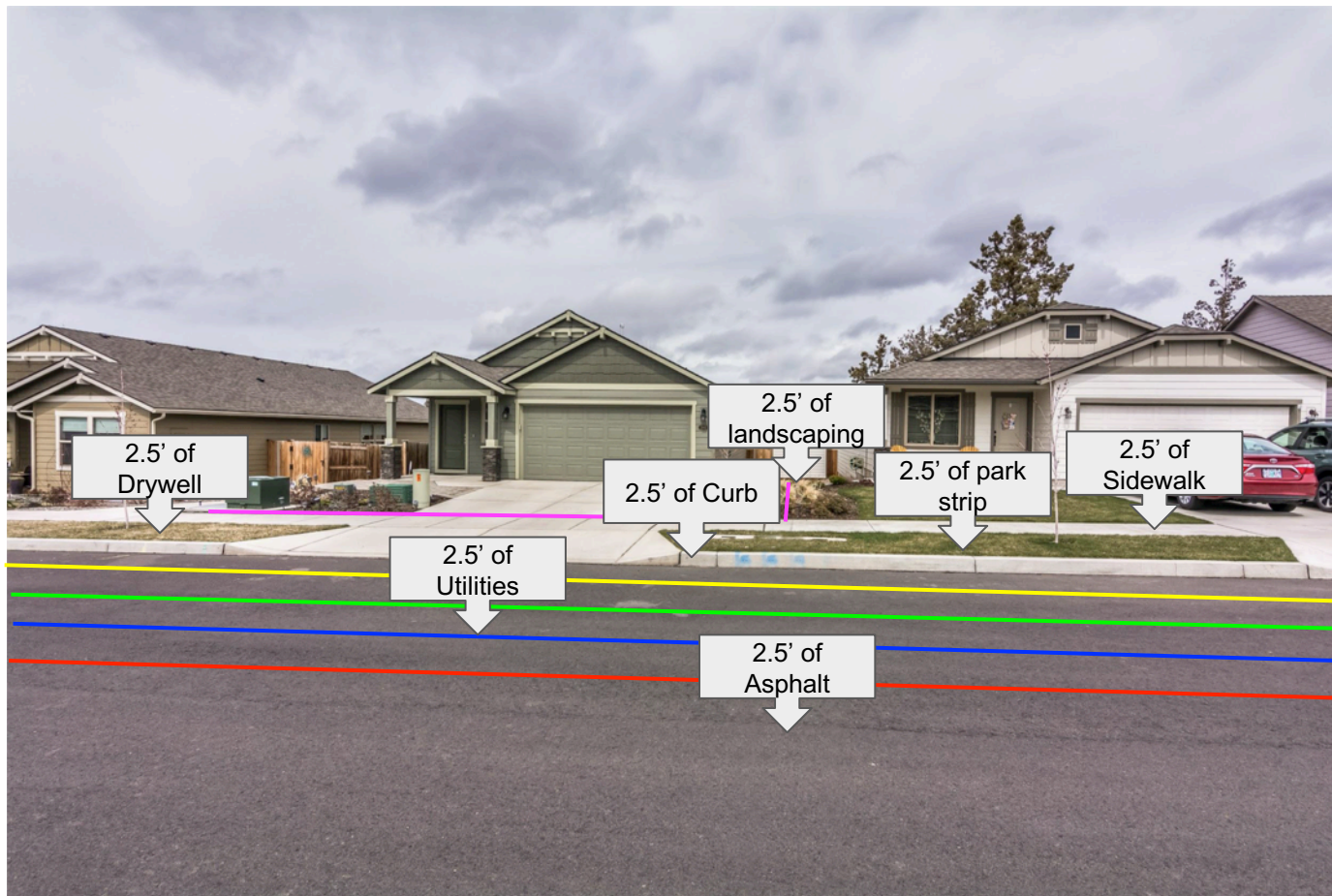
Community Park

Community Design

- This is not the first design, we have spent considerable effort attempting to put forth a design that meets the goals of the city along with the requests from its residents.
- Multifamily layout was an early concept.
- Park concession has already occurred, where we gave up two additional lots.







Place Makes a Difference!

Place triggers action. People's love of place and sense of place leads to a desire to fight for their place. The impact on public health, civic pride and economic well-being is imperative to building thriving communities.

Place is also unique. Every community, large or small, has a distinctive character. Natural and man-made physical elements, social makeup, and combinations of public and private institutions both create and constrain opportunities for expanding and maintaining quality of life.

Legacy will be an amenity driven neighborhood that will not only serve the existing surrounding communities but will be a place people will choose to call “home”.



R-3: MULTIPLE-FAMILY RESIDENTIAL ZONE

WHAT CODE ALLOWS:

- Multifamily is an outright use.
- 2,000 square feet per unit.
- Could be many hundreds of units in a multifamily layout.
- R3 allows single family lots of 5,000 square feet.
- Could be 110-120 lots in a single family layout.

OUR PROPOSAL:

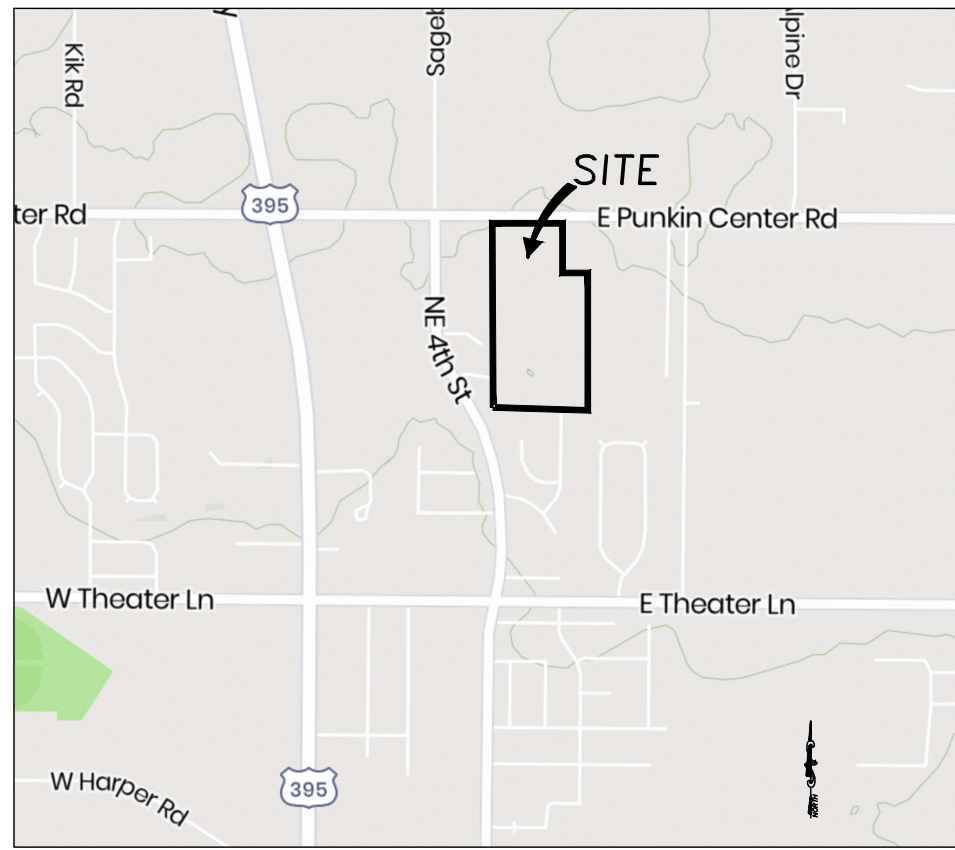
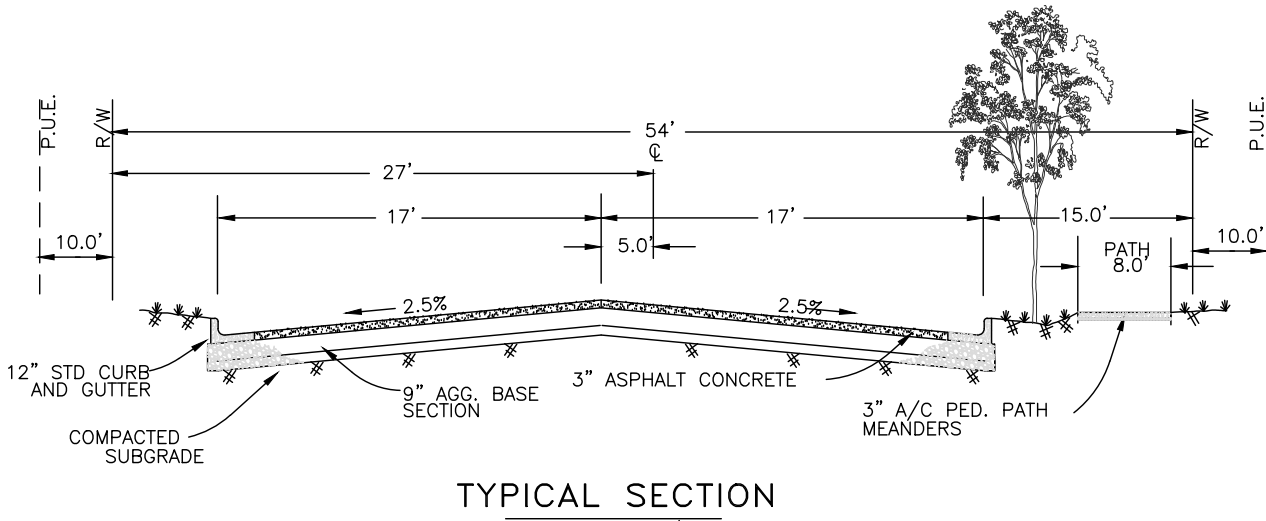
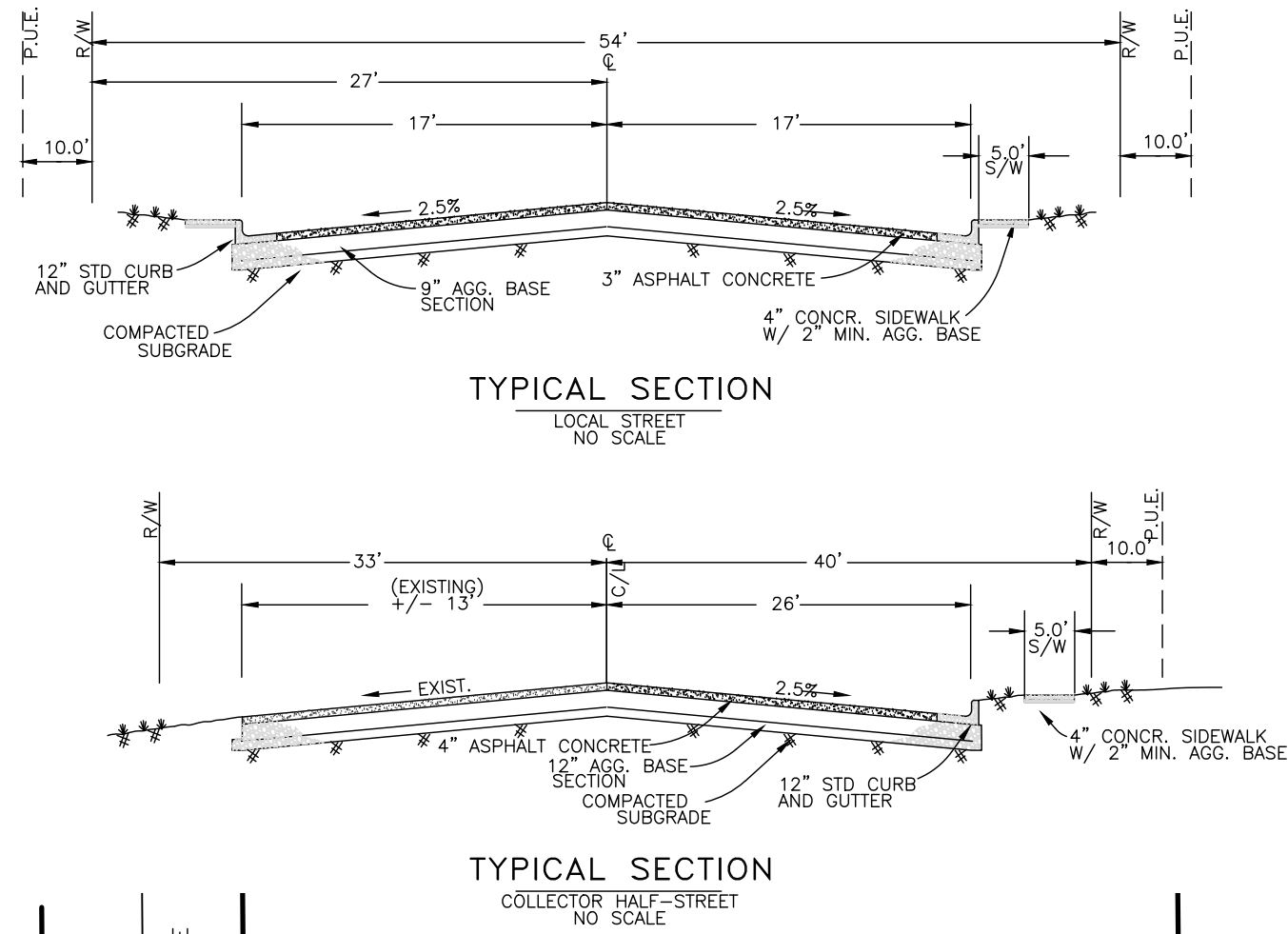
- Meets R3 code for density - 5,000 square foot lots.
- **NO ADDITIONAL DENSITY REQUESTED**
- Dedicating an acre of improved land - giving up 8 lots
- Building and dedicating a multi use trail -
- Creating a place people will want to choose to call home.



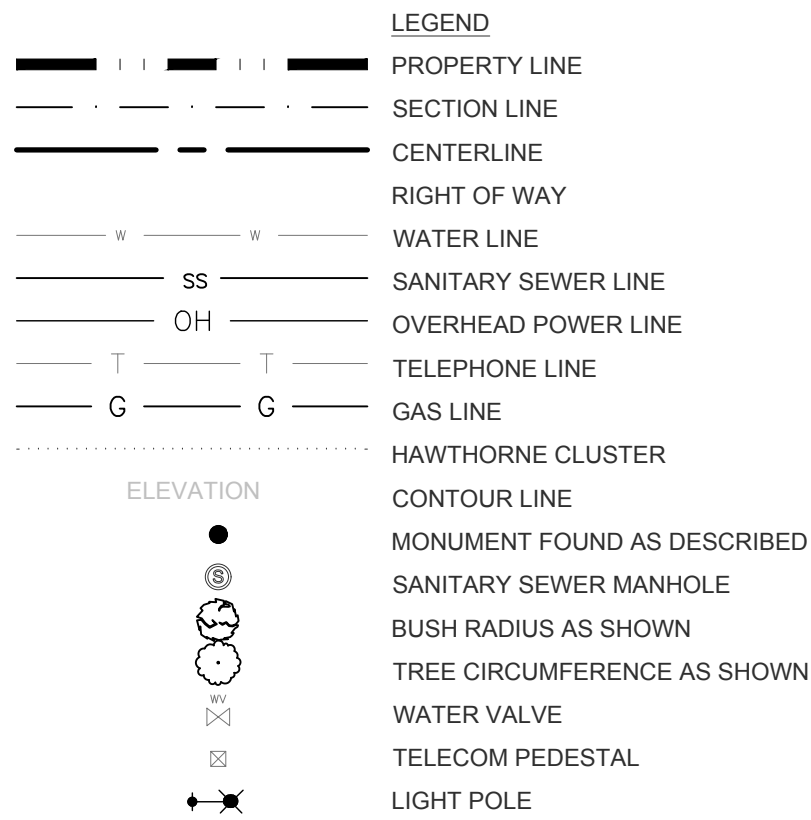


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www.montevidahomes.com

Tim C:\Users\Tim\AppData\Local\Temp\AcPublish_11560\9078-01d.dwg Mon Feb 10, 2020 - 8:15am



VICINITY MAP
NOT TO SCALE



PRELIMINARY PLAT 'LEGACY'

FOR PLANNED UNIT DEVELOPMENT
LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 02,
TOWNSHIP 04 NORTH, RANGE 28 EAST, W.M.,
UMATILLA COUNTY, OREGON

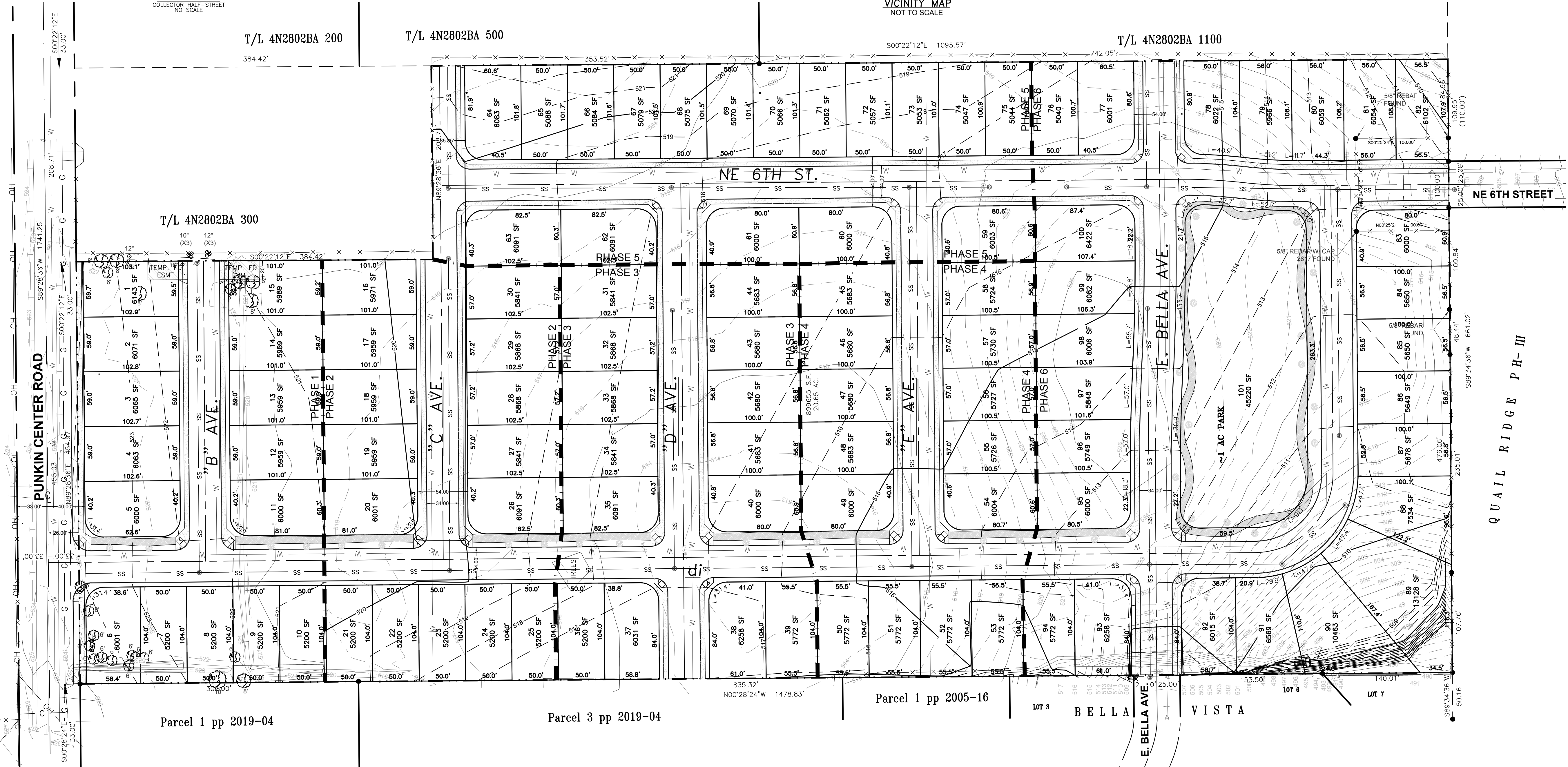
PROPERTY DATA:
SITE ADDRESS:
TAX LOT:
GROSS AREA:
ZONE:
GENERAL PLAN:
WATER:
SEWER:
POWER:
PHONE:
GAS:
SCHOOL:
CITY OF HERMISTON
IRRIGATION:
NONE

4N2803BA-400
20.65 ACRES
R-3
CITY OF HERMISTON
UMATILLA ELECTRIC CO-OP
EOT
CASCADE NATURAL GAS
HERMISTON
CITY OF HERMISTON
NONE

APPLICANT:
MONTEVISTA HOMES
62958 NE LAYTON AVENUE, SUITE #5
BEND, OR 97701

OWNER:
Thomas Templeton
18102 SE 11th St.
Vancouver, WA 98683

SURVEYORS/ENGINEERS:
SUN COUNTRY ENGINEERING
AND SURVEYING
920 SE ARMOUR RD.
BEND, OREGON 97702
(541) 382-8882



SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE 382-8882

Developer: MONTEVISTA HOMES
62958 NE LAYTON AVENUE, SUITE #5
BEND, OR 97701

Title: LEGACY, HERMISTON

Drafting	SCE	NO.	DATE	REVISIONS	sht.	1
Design	SCE					
Scale	1" = 60'					
Date	8 Feb, 2020				of	1
W.O. No.	9078					

To: Planning Commission
From: Clinton Spencer, City Planner
Subject: Walmart/UEC Partition Supplemental Information
Date: February 12, 2020



**Planning
Department**

Wendy Neal, Land Use Specialist for UEC, has submitted additional testimony regarding the conditions of approval for the Walmart/UEC partition plat at the intersection of E Feedville Rd and SE Kelli Blvd. Ms. Neal notes the city's requirement that a street improvement agreement be signed for Parcel 2 binding the parcel to future street improvements on E Feedville Road, SE Kelli Blvd, and E Penney Ave in Condition #1. The agreement potentially obligates the owner of Parcel 2 for over a mile of future street improvements. After reviewing the staff recommendation, Walmart expressed concern over the potential costs of future improvements and the uncertain nature of when/if such improvements may be required. UEC and Walmart request that the condition be removed or the partition plat will not move forward and UEC will be unable to rebuild the substation on SE Kelli Blvd.

The request to remove Condition #1 highlights a little-used provision in ORS 92 governing subdivision of land. ORS 92.025 allows parcels over 80 acres to be exempt from being surveyed and shown on a partition plat. This is why Parcel 2 is not fully represented on the partition plat before the planning commission. The parent parcel is of such large size that it is not required to be surveyed under state law.

The city has two separate requirements regarding street improvement requirements in the code which are applicable to the plat and development. The *general improvements* section of the subdivision code in Chapter 154 states,

"As a condition to the approval of the final plat, the city shall require installation of certain grading, drainage, curb and gutter, sidewalk and street paving and all service utilities. A developer's agreement shall be drafted guaranteeing installation of said improvements to standard city specifications. In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities."

The applicant's memo references the *development standards* in Chapter 157 which state,

“(D) (1) The applicant shall be required to participate in a future improvement district to construct and dedicate all public facilities, such as water, wastewater, drainage, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with city standards and provide easements or deeds to the city for all public facilities.

(2) However, where it is determined that delaying the design and construction of any or all facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the city may require the developer to construct and dedicate all improvements as a condition of development.”

These provisions relate directly to construction, rather than partitioning. The requirement to directly improve or agree to future improvements is related to construction rather than the creation of new lots.

The subdivision ordinance contains provisions for waiving development standards in 154.75, *“Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice.”*

The planning commission should weigh the request to waive the street improvement agreement requirement for Parcel 2. As noted in this supplemental memo, Parcel 2 is a 185-acre parcel which may constitute unusual size. It is the fourth largest parcel in the city. Parcel 2 has over 2,000 feet of frontage on each of two streets (Feedville and Kelli) representing potential development costs of over a million dollars in the event a LID is formed which may constitute a substantial hardship.

From: [Clinton Spencer](#)
To: [Heather LaBeau](#)
Subject: FW: Walmart Partition Plat Survey Conditions of Approval
Date: Tuesday, February 11, 2020 10:20:14 AM

Can you make a pdf of this email?

From: Wendy Neal <Wendy.Neal@umatillaelectric.com>
Sent: Monday, February 10, 2020 9:20 AM
To: Clinton Spencer <cspencer@hermiston.or.us>
Subject: Walmart Partition Plat Survey Conditions of Approval

STOP and VERIFY - This message came from outside of the City of Hermiston.

Hi Clint,

The conditions of approval for the WalMart Minor Partition triggered the public improvement requirements 157.164 of the Hermiston Code of Ordinances as a condition.

Umatilla Electric Cooperative approached WalMart to purchase the additional 2.5 acres, in order to re-build the Feedville Substation. In order to continue to provide reliable service to the Hermiston area, UEC needs to rebuild the substation and expand the facility. WalMart is providing the which property to UEC at a very fair price, and has been very cooperative and supportive. Parcel 2, the WalMart parcel is still 186.54 acres, and is not being developed.

The public improvement requirement would cost WalMart a considerable amount of money, therefore they are declining to sell the property to us with the stipulation.

I appreciate the City of Hermiston evaluating the circumstances of this partition plat. Please let me know if you need anything else from me.

Wendy Neal
Umatilla Electric Cooperative
Land Use Specialist
Direct 541.289.1522 | Mobile 541.561.3798

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HERMISTON IRRIGATION DISTRICT



366 East Hurlburt Avenue
Hermiston, OR 97838-2445
Office: 541-567-3024
Fax: 541-564-1069
Mobile: 541-571-7698
E-mail: Manager@hermistonid.org

January 31, 2020

City of Hermiston
Planning Commission
180 NE 2nd St.
Hermiston, OR 97838

**Re: Wal-Mart Store East, LP
Partition Request for 4N28D 106**

Planner Spencer,

I have reviewed the partition for the above referenced property. My research has shown that this property is not within the District boundary, there are no water rights on this property nor do I believe that we will be able to service this property at any time in the future, and there are no known federal or District easements adjacent to or through this property.


HID has no objection to or restrictions on this request. Thank you for the opportunity to review and comment on this application.

Respectfully,

Karra Van Fossen
Water Right Specialist

AK



A Touchstone Energy® Cooperative 

WENDY NEAL
LAND USE SPECIALIST

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