



PLANNING COMMISSION

Regular Meeting Minutes
September 13, 2023

Chairman Saylor called the regular meeting to order at 7:00PM. Present were Commissioners Collins (joined virtually at 7:05pm), Kirkpatrick, Fialka, Guerrero, Hamm, Caplinger and Sargent. Commissioner Doherty was excused. Staff in attendance included Planning Director Clint Spencer, City Attorney Richard Tovey, City Recorder Lilly Alarcon-Strong (joined virtually at 7:15pm) and Planning Assistant Heather La Beau.

Minutes

Commissioner Caplinger moved, and Commissioner Kirkpatrick seconded to approve the minutes of the August 16, 2023, regular meeting. Motion passed. Commissioners Fialka and Hamm abstained.

Hearings- Annexation Crowther 4N2815CV TL 1907 – 910 W Angus Ave

There were no conflicts of interest and Chairman Saylor opened the hearing at 7:02pm and read the following guidelines.

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 criteria established in 157.05 of the Hermiston Code of Ordinances. The applicant wishes to annex an approximately .72 acre parcel located at 910 W Angus Ave. The applicant is Nathan Crowther. The applicable substantive criteria relied upon by the City in rendering the decision to recommend approval of annexation are contained in §150.05 of the Hermiston Code of Ordinances.

Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.

Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received, adopt findings of fact, and make a recommendation to the city council on annexation.

Planning Director Spencer presented the staff report. The septic system on the property has failed and annexation is required to allow connection to the municipal sewer system. The property is proposed to annex with an (R-1) Low Density Residential zoning designation.



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Testimony

Nathan Crowther 910 W Angus Ave- He and his wife have lived there for 39 years. They paid to stub the utilities when the school was constructed. Their septic system failed in July and hope the annexation is approved.

Chairman Saylor closed the hearing at 7:10pm.

Findings of Fact & Conditions of Approval

1. The City has received consent to annexation from the property owner for approximately 0.72 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on August 23 and 30, 2023. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on August 23, 2023.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on September 13, 2023. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on September 6 and 13, 2023. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on September 25, 2023. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
 - a. The city has received consent from the property owners within the affected area
 - b. An election has been deemed not necessary since consent from more than half the owners has been received
 - c. The property is contiguous with the existing city limits
 - d. All statutorily required notices have been published and posted
9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
12. Sewer is available to service this property in SW 9th St. Sewer service was extended to the property by the Hermiston School District concurrent with improvement of SW 9th Street. At the time of connection, the applicant is responsible for all connection fees.



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13. Water is available to service this property in SW 9th St. Water service was extended to the property by the Hermiston School District concurrent with improvement of SW 9th Street. At the time of connection, the applicant is responsible for all connection fees.

Draft Findings on Zoning Designation

1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Low Density Residential (L).
2. The proposed Low Density Residential (R-1) zoning designation corresponds with the underlying comprehensive plan map designation.

Draft Condition of Approval

1. Applicant shall sign a street improvement agreement agreeing to future improvement of W Angus Ave adjacent to the frontage of the property.

Commissioner Fialka moved, and Commissioner Sargent seconded to make the project file a part of the record. Motion passed. Commissioner Hamm moved, and Commissioner Kirkpatrick seconded to adopt the findings of fact as written. Motion passed. Commissioner Hamm moved and Commissioner Caplinger seconded to impose the condition of approval. Motion passed. Commissioner Fialka moved, and Commissioner Hamm seconded to recommend approval of the annexation. Motion passed.

Planner Comments and Unscheduled Communication

Introductions were exchanged for the benefit of the new planning commissioner, Christa Guerrero.

Additional topics discussed included hiring of new code enforcement officer, October agenda items, the Carpenter property on W Elm Ave and the following projects:

- ODOT's SW 11th St sidewalks
- Multi-family units
- Good Shepherd Hospital

Adjournment

Chairman Saylor adjourned the meeting at 7:26PM.