



PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

Commissioner Caplinger, acting as temporary Chair, called the meeting to order at 7:00PM. Present were Commissioners Doherty, Hamm, Burns, Sargent, Collins, and Kirkpatrick. Staff in attendance included Planning Director Clinton Spencer, City Attorney Richard Tovey and Heather La Beau. Youth Advisor Elizabeth Doherty was excused and Youth Advisor Jeannine Heredia was absent.

Minutes

Commissioner Hamm moved and Commissioner Burns seconded to approve the minutes of the September 14, 2022, regular meeting. Motion passed unanimously.

Hearing- Annexation- Nobles 4N2804D Tax Lots 1100, 1101, 1102, & 1103- NW Sjoren Lane

There were no conflicts of interests declared. Commissioner Caplinger opened the hearing at 7:01PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. The annexation proposal is for 3.64 acres of land with a comprehensive plan designation of Medium Density/Mobile Home Residential (MH). A feasibility analysis to determine the ability of the properties to be served by municipal services has been completed. It is possible to connect and extend a small sewer service. Water service is also feasible.

Testimony

Kelly Nobles-1050 Stephens Ave Umatilla

Mr. Nobles thanked the commissioners for their time. There are currently three single family dwellings and one duplex for a total of five units on the four lots. Mr. Nobles stated he has seen the neighbor's letters and agrees with some of the code issues and he intends to address those. He has owned the property for several years and has some small conversations with the neighbors, but not the conversations mentioned in the letters. Those were probably with his father, the previous owner. However, the code issues are not a part of the annexation application. He has received approval for adding an Accessory Dwelling Unit (ADU) on the two lots to the west using septic systems and well water. He has spent two years working with the state and DEQ. Mr. Nobles feels like it would better serve the properties, community and environment to annex the properties and connect to municipal water and sewer services. He stated that ADUs, like homeless shelters, are needed but no one wants to be next to them. He will proceed with adding the ADUs whether or not the properties are annexed. The ADUs will still need to meet design standards and code requirements.

Terri Allstot- 1215 NW Academy Lane

Ms. Allstot received the City's notice and has visited with Mr. Nobles. They know he already has permission to place the additional two homes, which will be adjacent to the backside of their property. She submitted a letter of testimony.

Brian Allstot-1215 NW Academy Lane



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Mr. Allstot submitted several photographs of the view from the back of his property and stated the properties over the years have not been kept up and have not been improved. He suggested the commissioners take a drive and see what he's talking about amongst the other neighbors who try to take care of their places. While he has nothing against low income people or mobile homes, he is hesitant of new development. It is the unknown that scares him, he would like to see some form of policing.

Stewart Swena- 1300 NW Sjoren Lane

Mr. Swena lives adjacent to the property and has similar concerns as those previously voiced, property upkeep and the effect of that on property values. Neighbors have similar concerns. They see the need for low cost housing.

Ladonna Swena-1300 NW Sjoren Lane

Mrs. Swena stated there is a long history of the way it's been. She says they were promised all sorts of things that have never seen to happen. They know the neighbors that live next to them and they feel sorry for them as they are not equipped to take care of the property. She has lived in mobile home before, it's just the ones brought in were in poor condition and fixed up, but were not kept that way.

Kelly Nobles

In rebuttal, Mr. Nobles stated he appreciates the Swena's but has never had a conversation with them so he is not sure what broken promises there are as he has not made any. The Swena's tree fell over and damaged the fence a year/year and a half ago and has never been repaired. Mr. Nobles is happy to address the concerns but again reiterated they are not part of the annexation criteria and he has not had conversations with the neighbors. If the properties were annexed, the City's code enforcement officer has jurisdiction. He has worked with both Hermiston and Umatilla code enforcement in the past and he finds them helpful. Another dwelling on the vacant pasture would be a change for the better. The environmental concerns with septic systems and wells was a consideration for the annexation proposal.

When asked about the existing structures maintenance and lack of grass, Mr. Nobles stated if the properties were in the City then code enforcement would be able to enforce. The yards do have grass around the house, but not in the 60' of right-of-way, with the exception of one lot that has too many vehicles parked in the area to have grass.

Commissioner Caplinger closed the hearing at 7:41PM.

Findings of Fact

1. The City has received consent to annexation from the property owner for approximately 3.64 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 September 21 and 28, 2022. Notices were also posted in four



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- 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 September 21, 2022.
 4. Affected agencies were notified.
 5. A public hearing of the planning commission was held on October 12, 2022. 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 October 5 and 12, 2022. 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 October 24, 2022. 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 NW 11th Street. At the time of connection, the applicant is responsible for construction of a new municipal sewer line in NW Sjoren Lane. All civil plans shall be approved by the City Engineer.
 13. Water is available to service this property in NW 11th Street. At the time of connection, the applicant is responsible for construction of a new municipal water line in NW Sjoren Lane. All civil plans shall be approved by the City Engineer.



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14. Street infrastructure is sufficient upon development based on existing Street Improvement Agreements for tax lots 1100 and 1103 and new Street Improvement Agreements for tax lots 1101 and 1102, conditioned upon this annexation.

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 Medium Density/Mobile Home Residential (MH).
2. The proposed Multi-Structure Residential (R-4) zoning designation corresponds with the underlying comprehensive plan map designation.

Conditions of Approval

1. The applicant shall dedicate 50 feet of land for use as a public street (the future extension of NW Sjoren Lane) across the southern boundary of Tax Lots 1101 and 1102.
2. The applicant shall sign a street improvement agreement for NW Sjoren Lane agreeing to future installation of a half street improvement including curb, gutter, sidewalk, and paving for Tax Lots 1101 and 1102.

Commissioners discussed the concerns of neighboring landowners, livability, neighborhood compatibility, zoning, code violations, density, water rights, and street improvements.

Commissioner Hamm moved and Commissioner Burns seconded to make the project file a part of the record. Motion passed unanimously. Commissioner Hamm moved and Commissioner Burns seconded to adopt the findings of fact as amended (addition of #14). Motion passed unanimously. Commissioner Doherty moved and Commissioner Hamm seconded to recommend approval of the annexation to the city council subject to the approval conditions. Motion passed unanimously.

New Business- Replat- Hermiston Mini Storage LLC 4N2802D Tax lot 1200 & 4N2802CD Tax lot 501

Planning Director Spencer presented the staff report. The replat to reconfigure the lots is necessary for the development of the septic system.

Findings of Fact

Design Standards

§154.15 Relation to Adjoining Street System.

The properties are bordered by E Elm Ave only. Each lot has frontage on E Elm Ave which is a state highway.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is currently serviced by E Elm Ave which is a state highway 66 feet in width. The Oregon Department of Transportation controls access to all state highways.



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§154.17 Easements.

There is an existing easement for the Hermiston Drain along the entire north boundary of the properties. A 20' wide sanitary sewer easement is being dedicated along the north boundary of Parcel 2 of Partition plat 2021-18 and continuing through the adjacent parcel to the east along its eastern boundary. An additional 20' private sewer easement is being dedicated along the southern border of Parcel 2 of Partition plat 2021-18.

§154.18 Blocks.

No block spacing standard is required for this partition.

§154.19 Lots.

There are no lot size or dimensional standards in the NCO or M-1 zones. The newly created lot is 2.308 acres.

§154.20 Character of Development.

The property is split zoned NCO and M-1. Uses permitted in the NCO zone are listed in 157.043 of the Hermiston Code of Ordinances. The 40' wide M-1 zoned portion is generally unbuildable due to existing and proposed easements.

§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

E Elm Ave provides all access for this site.

§154.62 Water Lines

Water has been extended along the south boundary of Parcel 1 Partition Plat 2021-18 and is available for extension and connection to this parcel.

§154.63 Sanitary Sewer System.

Sewer is at the intersection of NE 4th Street and E Elm Ave. This property proposes to be serviced by a private septic system.

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**



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- (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. **No restrictions are proposed and none 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.**

Finding: All items required for the final plat are shown on the final plat.

Chapter 157: Zoning

§157.043 Neighborhood Commercial Overlay Zone (NCO)

There is no minimum lot size in the NCO zone. The NCO portion of the property is 2.42 acres in size. Uses permitted in the NCO zone are listed in 157.043 of the Hermiston Code of Ordinances.

§157.055 Light Industrial Zone (M-1)



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There is no minimum lot size in the M-1 zone. The M-1 portion of the property is .38 acres in size. Uses permitted in the M-1 zone are listed in 157.055 of the Hermiston Code of Ordinances.

Commissioners discussed split zoning, sewer options to serve the property, landscaping requirements, and existing and proposed easements.

Commissioner Hamm moved and Commissioner Sargent second to make the project file a part of the record. Motion passed unanimously. Commissioner Sargent moved and Commissioner Hamm seconded to adopt the findings of fact. Motion passed unanimously. Commissioner Burns moved and Commissioner Hamm seconded to approve the final plat subject to the conditions of approval. Motion passed unanimously.

Planner Comments and Unscheduled Communications

Planning Director Spencer welcomed everyone to the new City Hall Building.

The November meeting will include a workshop for discussing a two track development process.

While the lot sizes proposed for Prairie Meadows are small, there are options to help alleviate parking concerns such as alleys with rear yard garages and offsite parking areas.

The city council awarded a \$40,000 façade grant for Mr. Smith & Ms. Stanton's property located at 395 E Main St.

There were expressions of gratitude for Commissioner Caplinger temporarily serving as the chair.

Adjourn

Commissioner Caplinger adjourned the meeting at 8:09 PM.

Heather LaBeau

From: Swena Family <swenafamily@gmail.com>
Sent: Tuesday, October 11, 2022 4:57 PM
To: Planning
Subject: Sjoren Lane Annexation

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

10/11/22

To Members of the Planning Commission and City of Hermiston Oregon:

We have been living on Sjoren Lane since 1994. The lots next to us were empty for many years except for some cows that would escape the broken-down fence now and then. The home at the corner of 11th and Elm had renters. When 2 very old dilapidated mobile homes were moved onto the property we did not know what was happening. Septic and wells were put in, and promises were made that the premises would be fixed up and the yards landscaped. That did not happen.

We had a gravel road. The upkeep of it was done by the neighbors. Only once do I recall the owner of the property helping with dust abatement. Later I was told that Mr. Nobel was behind the request. He put in some money to appease the requirements of working with the neighbors so the land division he wanted could be passed. Later, the neighbors worked together and put in a paved lane. Mr. Noble did not assist in the cost of the lane or the upkeep of it.

The fence we put in between lot number 1102 and our field was damaged by a renter's dog pulling out the vinyl slats and the trees growing into it. Contact was made by phone several times and the renter was talked with. Repairs were promised but did not happen. A tree fell on it from our side and we are trying to get it fixed. The fences on the rental properties and buildings have been in disrepair for years. Promises have been made and not kept. The neighborhood would be much noisier and congested if more homes were put in.

Does the city really want to annex this kind of development? Many of the neighbors do not. Some of the neighbors have been out of town and unaware of what is proposed, including us.

Yes, cities grow and develop but do we want ours to develop like this?

Ladonna Swena

1300 NW Sjoren Lane

Hermiston OR, 97838

October 11, 2022

James B and Teri A Allstott
1215 NW Academy Lane
Hermiston, OR 97838

Dear Planning Department; Clint Spencer, Planning Director,

This letter is in reference to the purposed annexation of property on NW Sjoren Lane by KC Nobles Enterprises LLC.

We are opposed of this request as it borders the back side of our property and has not been properly maintained throughout the years past. We are against more Medium Density Mobile Homes due to the lack of maintenance or yard up keep/green space. Observations of the last 25 years showed a lack of improvements of the property or grounds, including the homes currently on site.

We will be present at the hearing on Wednesday, October 12, 2022 in hopes that you will be in open to hearing more information on this matter.

Sincerely,



James B and Teri A Allstott

Heather LaBeau

From: chaclupny <chaclupny@gmail.com>
Sent: Wednesday, October 12, 2022 12:22 PM
To: Planning
Subject: Annexation of Nobles properties into the City of Hermiston

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

Dear Planning Committee:

Thank you for the privilege of commenting on the future annexation of the Nobles properties. My name is Charles E. Clupny. My family and I live at 1225 NW Sjoren Lane inside the Urban Growth Boundary but in the County area.

Last night I received a phone call from a neighbor concerned about the proposed action. I am only now commenting because we have been gone from our home for a month. I found out last night late a letter was received from the City of Hermiston. We have not received your letter to review since it was mailed after we left Hermiston. In addition, no Hermiston news was available to us if it was printed in the local paper.

These issues aside I would like to express that I am not opposed to the annexation sought by Mr. Nobles. My concerns arise out of the property owners past and future actions in developing his properties. Since the letter copy I was able to review from the neighbor dated October 12, 2022 indicated curb, street and the addition of multiple family homes I am concerned about the timeline and or requirements the City will agree to with Mr. Nobles. If past actions are followed, I am concerned that the new dwellings (used or new) may be the only items that may be completed in the near future. The quality of those structures may be something less than the surrounding landowners would like to have in their current neighborhood.

I apologize for my format but this issue was a surprise to me when received late at night per a phone call. I look forward to reading your letter upon my arrival in Hermiston on October 16th.

I am not able to be at the planning meeting tonight, October 12, 2022. My plan is to attend the City Council meeting scheduled for October 24, 2022.

Thank you again for the opportunity to comment.

Sincerely,
Charles E. Clupny

Sent from my U.S.Cellular© Smartphone

Heather LaBeau

From: melissa198301@gmail.com
Sent: Wednesday, October 12, 2022 8:19 AM
To: Planning
Subject: Proposed land action Sjoren LN

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

I live on 1505 NW 11th St.

I would like to vote No for annexing in these properties to the city.
it is going to cause more difficulty of trying to turn on and off NW 11th st to Sjoren LN
not to mention the impacted that will happen during all the construction that will have to happen if this get approved. An how it will affected the other properties around it.

I get that people want to make improvements. But living in the country is nice and not having all that extra traffic and issues wouldn't be preferred..
thank you for your time in this matter

Melissa Hughs
1505 NW 11 th st
Hermiston OR 97838

HERMISTON IRRIGATION DISTRICT



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

September 28, 2022

City of Hermiston
Planning Director Clinton Spencer
180 NE 2nd St
Hermiston, OR 97838

**Re: KC Nobles Enterprises LLC
Annexation – 4N2804D 1100, 1101, 1102, 1103**

Dear Mr. Spencer,

Thank you for the opportunity to review and comment on this annexation. Our review of the properties has revealed that these properties are located within the boundary of Hermiston Irrigation District. All four properties have water rights with HID and those water rights are allocated as listed below and shown on the attached map:

<u>Tax Lot</u>	<u>Water Right</u>
1100	0.90 acres
1101	0.80 acres
1102	0.80 acres
1103	0.30 acres

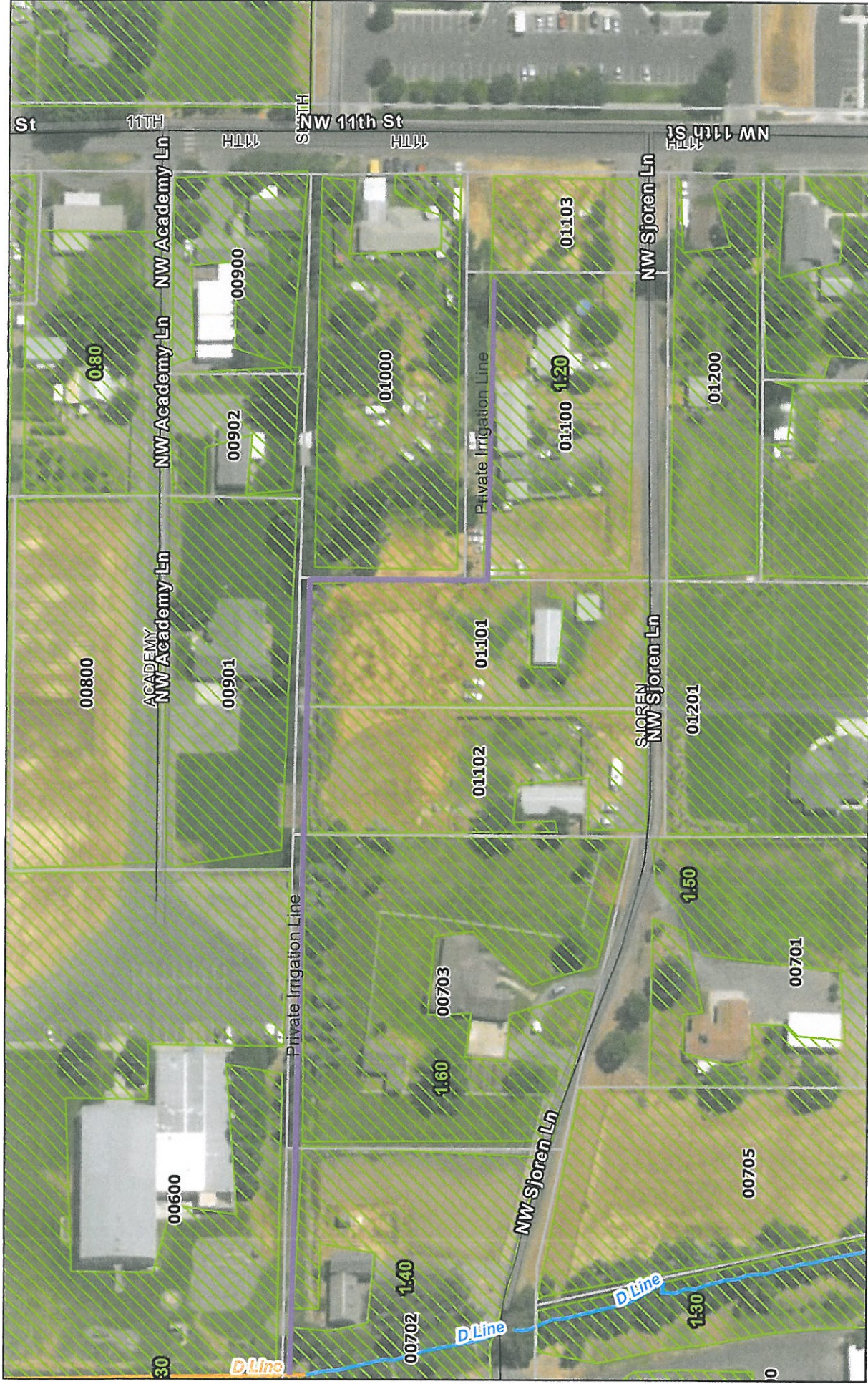
There are no HID or USBR easements on any of the properties listed in this annexation. There are however, private irrigation easements as shown on the attached map and identified on Umatilla County Partition Plat No 2021-37.

HID has no objection to or restrictions on this request for annexation.

Respectfully,

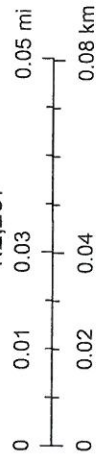
Annette Kirkpatrick
District Manager

KC Nobles Enterprises LLC Annexation 4N2804D 1100, 1101, 1102, 1103, 1103

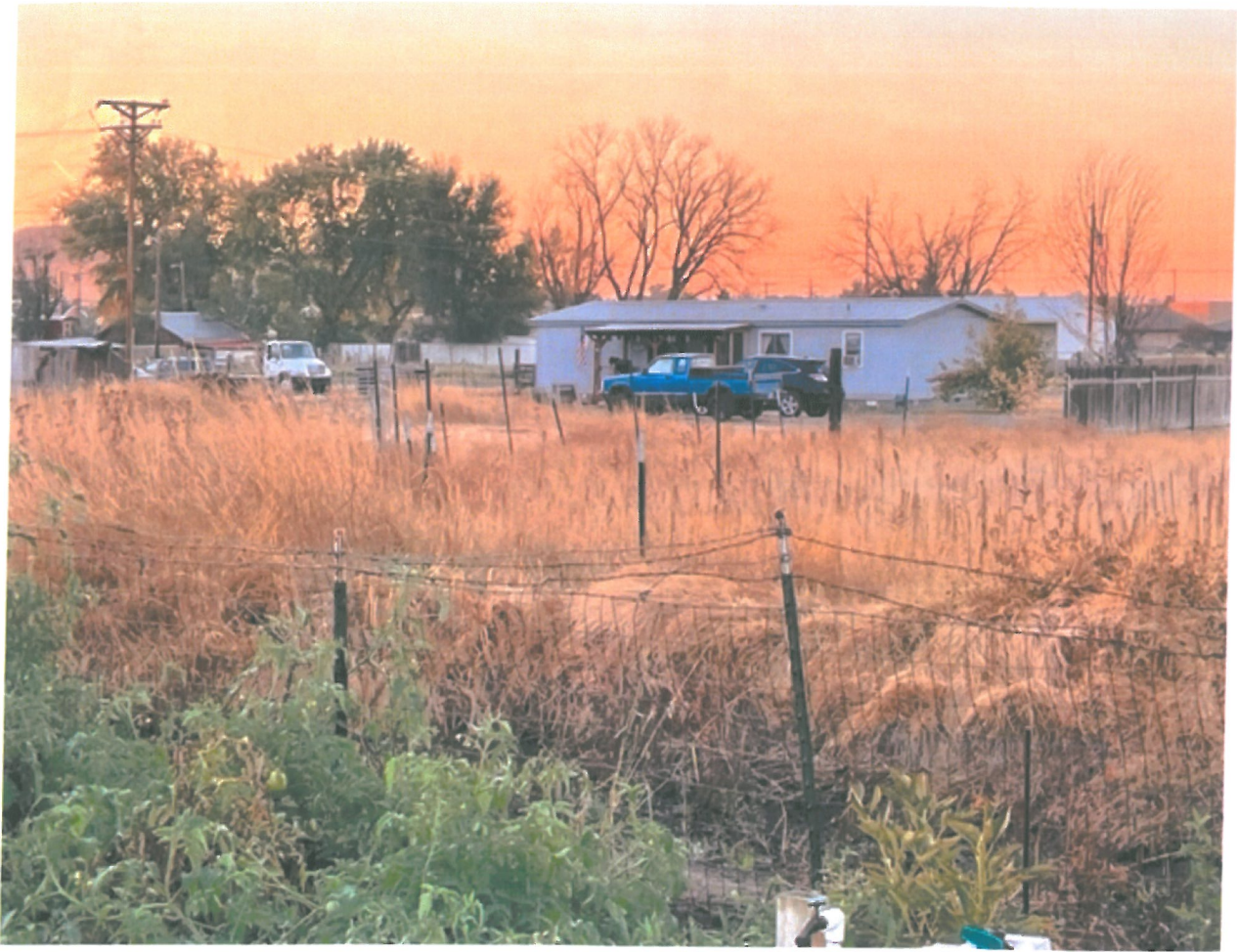


9/28/2022, 9:40:15 AM

1:2,257



- Override 1
- DistrictBoundary
- CountyRoads
- Pipeline
- ▨ WaterRights
- Taxlots
- Canals



Sent from my iPhone



