



# PLANNING COMMISSION

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## Regular Meeting Minutes

July 10, 2024

Chairman Fialka called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Hamm, Kirkpatrick, Misner, Collins and Caplinger. Commissioners Saylor and Guerrero were excused. Staff in attendance included Planning Director C.F. Spencer, City Attorney Richard Tovey, and Planning Assistant Heather La Beau.

### Minutes

Commissioner Kirkpatrick moved, and Commissioner Caplinger seconded to approve the minutes of the June 12, 2024, regular meeting. Motion passed.

### Hearings- Annexation & Comprehensive Plan Map Amendment Reyes 4N2812C Tax Lot 308 – 1088 E Newport Ave

Chairman Fialka opened the hearing at 7:01PM. There were no conflicts of interest or ex parte contact declared. The following hearing guidelines were read.

The planning commission is holding a hearing to consider a request for a comprehensive plan map amendment and annexation to the City of Hermiston. The planning commission will consider the request and make a recommendation based on the criteria established in §156.08 and §150.05 of the Hermiston Code of Ordinances. The applicant proposes the comprehensive plan map amendment and annexation of approximately 2.01 acres of land located on the southwest corner of E Newport Ave & SE 11<sup>th</sup> Street. The applicants are Felipe & Mayra Reyes.

The applicable substantive criteria relied upon by the City in rendering the decision to amend the Comprehensive Plan Map and annex the property are contained in §156.08 and §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 197.797(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.797(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 comprehensive plan map amendment and annexation.

Planning Director Spencer presented the staff report with the use of PowerPoint slides (attached). The 2 acre parcel is currently vacant and proposed to be annexed with a Medium-High Density Residential designation. Staff recommends the street improvements be determined at time of development. Written testimony was received and given to the commissioners and is attached.



# PLANNING COMMISSION

---

## Regular Meeting Minutes

July 10, 2024

### Testimony

Roger Robinson 1040 E Juniper Ave- Mr. Robinson lives south of the subject property and states that for nine months out of the year, twice a day, SE 10<sup>th</sup> St has a terrible traffic problem due to Highland Hills Elementary School. He does not feel a multifamily development is needed at the location to use the same street as the elementary school and the middle school. The middle school creates a traffic issue at two different times each day nine months out of the year. Mr. Robinson is of the opinion the intelligent thing to do is split the lot in half and place two single family homes on the property, not multifamily dwellings, and apartments. He also has concerns about the need to annex neighboring properties for sewer connections in the future. He doesn't believe all the problems should be caused by one person trying to get rich with multifamily on a vacant lot.

Chairman Fialka responded that the applicant submitted a traffic study based on highest use and the existing infrastructure can handle the additional traffic. When asked, Mr. Robinson responded that the traffic is slightly better since the improvements at the school were completed. The Gettman Road extension includes a future phase to significantly widen 10<sup>th</sup> St, which will greatly improve the traffic situation.

Hayley Thomas 1035 E Tamarack Ave- Ms. Thomas stated her mother purchased the property next to the subject property with a vision to enjoy a country setting with her horses in retirement. Ms. Thomas and her family live on the property with her mother and share the same vision. She states allowing further development and multifamily homes will increase traffic and negatively impact the quality of life for their family, their horses, and other community residents.

Planning Director Spencer clarified the rules regarding the septic systems within 300' of city sewer service and annexation. Annexation is required to connect to city services and a requirement for annexation is to be adjacent to city limits. Some properties would become adjacent with this annexation, some properties already are, and some will not.

Derek Osmin 1079 E Juniper Ave- Mr. Osmin noted that the houses to the north of the property will begin using the improved NE 11<sup>th</sup> St which will greatly increase traffic around his property.

Shannon Hartley 1035 E Tamarack Ave-Mr. Hartley clarified that his property is already adjacent to city limits and sewer in NE 10<sup>th</sup> St. He stated he works in real estate and having multifamily next to the school will not be good for the property values of any of the neighboring homes. Mr. Hartley has lived on the property with his children who are able to play in the street all the time and they would not be able to if Tamarack was developed.

Laura Osmin 1079 E Juniper Ave-Ms. Osmin inquired who was monetarily responsible for the improvements to Tamarack.

Planning Director Spencer responded the developer is responsible for the cost. There was further talk regarding the scope of required street improvements. The scale of improvements cannot be determined without a development plan.

Alan Child 1319 NE Madrona Dr- Mr. Child owns Tax Lot 806 adjacent to the property. He asked the applicant's intent for annexing the property and if there was a proposed plat.



# PLANNING COMMISSION

## Regular Meeting Minutes

July 10, 2024

Planning Director Spencer replied the application indicated there was a potential buyer interested in building fourplexes on the lot. The City has not received a development plan for the property.

Shannon Hartley- Mr. Hartley shared an earlier conversation with the presumed property owner's family member that the lot was purchased with the intent to place a shop on it and later realized it would not be permissible. It seems they are now trying to go the multifamily route.

Commissioners discussed leaving the record open and continuing the hearing to allow the applicant a rebuttal opportunity or closing the hearing and making a recommendation at the current meeting. Chairman Fialka closed the hearing at 7:59PM.

Commissioner Doherty moved, and Commissioner Hamm seconded to make the project file a part of the record. Motion passed. The commissioners determined there were questions surrounding the appropriateness of the proposed zoning in the Findings of Fact and therefore did not adopt Findings of Fact. Commissioner Caplinger moved, and Commissioner Hamm seconded to recommend denial of the comprehensive plan map amendment application to the city council due to deficiencies in the Findings of Fact and questions regarding the appropriateness of the zoning. Motion passed. Commissioner Caplinger moved, and Commissioner Hamm seconded to recommend denial of the annexation of the property to the city council due to the same reasons stated in the previous motion. Motion passed.

Planning Director Spencer announced that the City Council hearing on the matter is scheduled for July 22 at 7pm at City Hall.

### **New Business -Minor Partition Zamudio 4N2802BC Tax Lot 1500 – 309 E Theater Lane**

Planning Director Spencer presented the staff report (PowerPoint attached). This partition creates three lots, approximately .50 acres each. The property has a comprehensive plan map amendment of Medium Density Residential and is not currently in the city limits. Annexation is required to develop the lots.

#### Findings of Fact

#### Design Standards

#### §154.15 Relation to Adjoining Street System.

The property is bordered by E Theater Lane. The three proposed parcels all have E Theater Lane frontage.

#### §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 Theater Lane which is a city street with varying widths. Per the partition plat, E Theater Lane has a width of 30 feet along property frontage.

The three proposed lots border E Theater Lane. Parcel 1 has 98.93 feet of frontage. Parcels 2 and 3 will utilize a shared flag frontage with the width of each parcel's flag being 12.5 feet.

#### §154.17 Easements.

A shared access, utility, and emergency turn around easement shall be required and is shown for the two proposed flag lots. The easement will provide access from E Theater Lane to be shared between the two lots.



## PLANNING COMMISSION

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### Regular Meeting Minutes

July 10, 2024

Cascade Natural Gas has an existing easement 30 feet in width along the west side of Parcel 2.

#### §154.18 Blocks.

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

#### §154.19 Lots.

The proposed partition will create three lots. Parcel 1 is vacant, contains 16,977 square feet, and will have 98.93 feet of E Theater Lane frontage. Parcel 2 is 22,098 square feet of vacant land with 12.5 feet of E Theater Lane frontage. Lot 3 is 23,167 square feet of vacant land with 12.5 feet of frontage on E Theater Lane.

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

#### §154.20 Character of Development.

The property has a comprehensive plan map designation of Medium Density Residential which corresponds to a Medium-High Density Residential (R-3) zoning designation. Uses permitted in the R-3 zone are listed in 157.027 of the Hermiston Code of Ordinances. The applicant proposes the partition for residential development.

#### §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 Theater Lane is partially paved with no additional improvements. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage of E Theater Lane. Street improvements shall be consistent with public works standard ST-10 for minor collector streets.

##### §154.62 Water Lines

Municipal water is available to service the lots through an 8-inch water line in E Theater Lane.

##### §154.63 Sanitary Sewer System.

Municipal sewer is available to service the lots through a 12-inch sewer line in E Theater Lane.

#### 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.



# PLANNING COMMISSION

---

## Regular Meeting Minutes

July 10, 2024

### 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. **No restrictions are proposed or 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.**



# PLANNING COMMISSION

## Regular Meeting Minutes

July 10, 2024

- (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

#### §157.027 Medium-High Density Residential (R-3)

The proposed lots exceed the minimum lot size of 6,500 square feet. Uses permitted in the R-3 zone are listed in §157.027 of the Hermiston Code of Ordinances.

#### §157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to excessively well drained soils. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

#### Conditions of Approval

1. The property lies within an area subject to potential groundwater pollution hazards due to excessively well-drained soils. Therefore, the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuels are prohibited per §157.101(B) of the Hermiston Code of Ordinances. Per §157.101(D) of the Hermiston Code of Ordinances, a developer may receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.
2. At such time that construction occurs on a parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on E Theater Lane. Street improvements shall be consistent with minor collector improvements in ST-10 of the public works standards.
3. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the final plat.
4. Annexation will be required prior to construction of dwellings on any parcel. All parcels are within 300 feet of an existing municipal sewer line and are not eligible for private septic service. The city will not allow connection to municipal sewer or water service for properties in the urban growth boundary without annexation.

After a discussion concerning the city's development standards and density requirements of middle housing at the 25,000-population mark, Commissioner Hamm moved and Commissioner Collins seconded to make the project file a part of the record. Motion passed. Commissioner Caplinger moved, and Commissioner Hamm second to adopt the Findings of Fact as written. Motion passed. Commissioner Hamm moved, and Commissioner Collins seconded to approve the final plat subject to the conditions of approval. Motion passed.





# PLANNING COMMISSION

---

Regular Meeting Minutes

July 10, 2024

## **Planner Comments and Unscheduled Communication**

Commissioners discussed:

- Upcoming affordable housing projects:
  - Horizon
  - Umatilla County Housing Authority
- Economic Opportunities Analysis update on the agenda for August 14 meeting
- Legislative updates
- Gettman Road Extension (GRATE project) continues to work through the land acquisition phase
- Youth Advisor Kate Doherty sent her regrets for not being able to attend tonight's meeting as she is busy with fair activities-both with 4H and as a princess on the fair court. She encourages everyone to come enjoy the fair.
- Commissioners suggested fair goers support the local service organization booths such as Lions Club, Hermiston Girls Soccer, and Hermiston Wrestling

## **Adjournment**

Chairman Fialka adjourned the meeting at 8:31PM.





# Hermiston Planning Commission

July 10, 2024





# Annexation and Comp Plan Amendment Reyes

Subject Property





# Annexation and Comp Plan Amendment Reyes

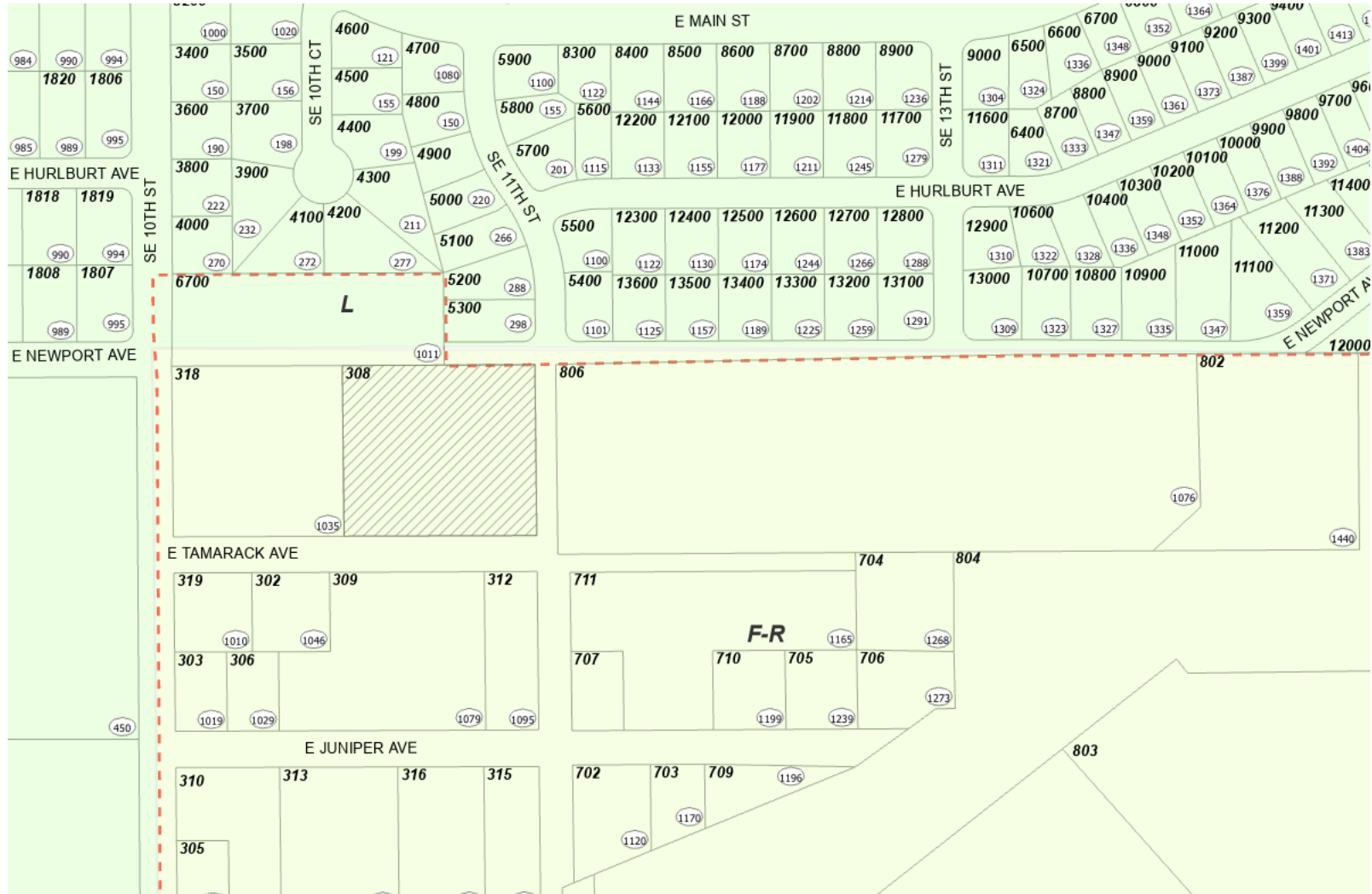
Street View



# Annexation and Comp Plan Amendment Reyes

Existing  
Comprehensive Plan  
and Zoning  
Designation

*Future Residential*  
*FU-10 Future Urban*



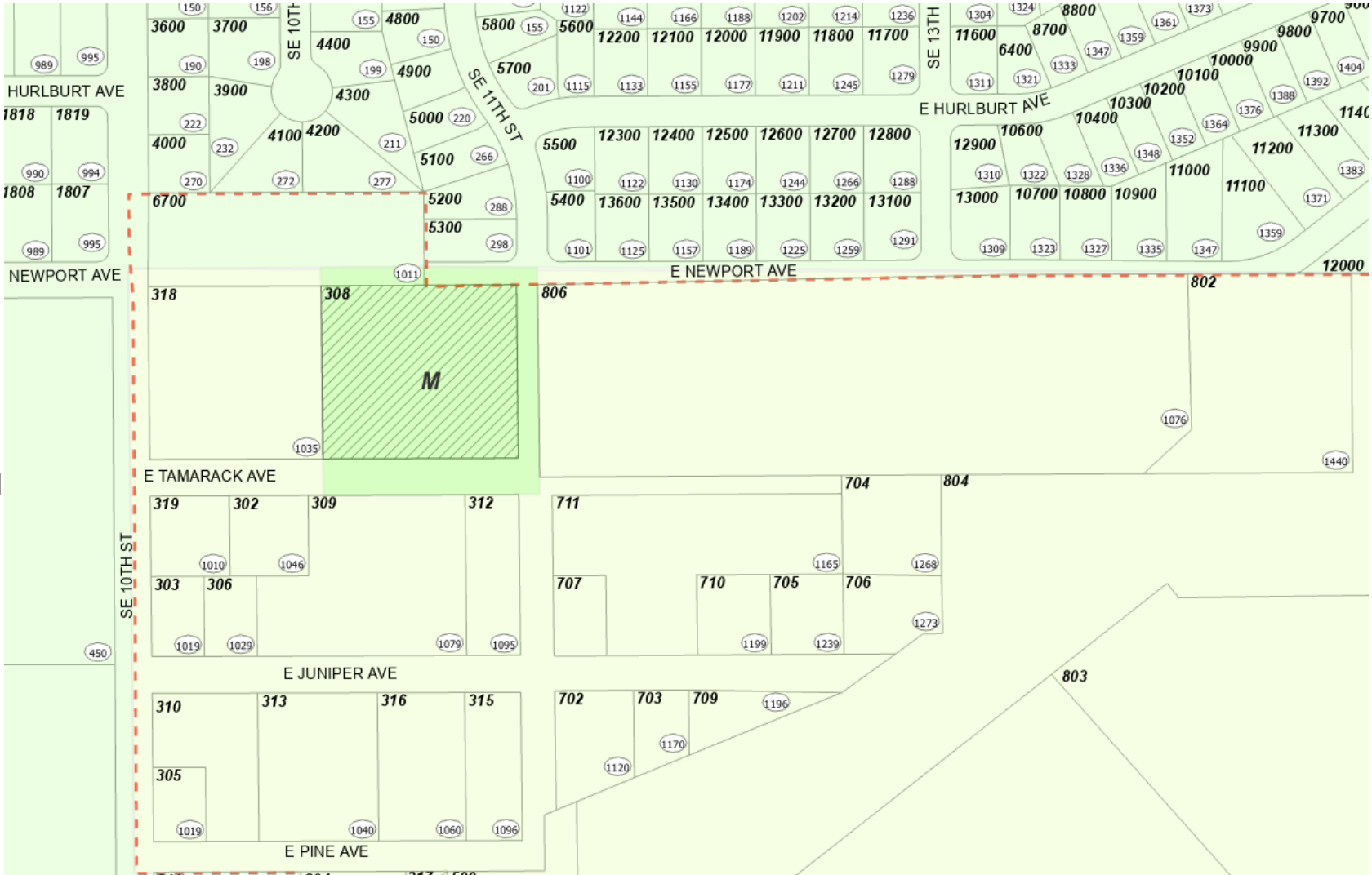


# Annexation and Comp Plan Amendment Reyes

# Proposed Comprehensive Plan and Zoning Designation

## Medium Density Residential

## Medium-High Density Residential (R3)



# Annexation and Comp Plan Amendment Reyes

- **Conditions of Approval**

1. Annexation is contingent upon co-adoption of the comprehensive plan map amendment by Umatilla County under the provisions of the Hermiston Planning Area Joint Management Agreement, dated March 2, 2017. In the event that Umatilla County fails to co-adopt the map amendments, annexation shall fail, and a new comprehensive plan map amendment and annexation application shall be submitted.
2. Portions of the property are identified on Figure 12 of the Hermiston Comprehensive Plan as being subject to ground water pollution hazards due to a high water table. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. Future access to E Tamarack Ave and SE 11<sup>th</sup> Street will be subject to access permitting by the Umatilla County Road Department.
4. In order to provide for future connectivity of E Newport Ave, the city will require dedication of 10 feet of right of way at the time of development on the site.
5. Improvements for E Tamarack Ave and SE 11<sup>th</sup> Street shall be determined at the time of development on the site and shall be proportional to the impact of the proposed development.
6. E Newport Ave shall be improved with half-street improvements to local residential standards at the time of development.





# Zamudio Minor Partition

## Subject Property





# Zamudio Minor Partition

Street View



**HERMISTON**  
OREGON™

[illegible]



# Zamudio Minor Partition

- **Conditions of Approval**

1. The property lies within an area subject to potential groundwater pollution hazards due to excessively well-drained soils. Therefore, the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuels are prohibited per §157.101(B) of the Hermiston Code of Ordinances. Per §157.101(D) of the Hermiston Code of Ordinances, a developer may receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.
2. At such time that construction occurs on a parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on E Theater Lane. Street improvements shall be consistent with minor collector improvements in ST-10 of the public works standards.
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