



# PLANNING COMMISSION

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## Regular Meeting Minutes

October 9, 2024

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

### **Minutes**

Commissioner Kirkpatrick moved, and Commissioner Saylor seconded to approve the minutes of the September 11, 2024, regular meeting as written. Motion passed.

Chairman Fialka welcomed the newest Youth Advisor Council member, Aspyn Inners, as well as returning member, Catherine Doherty.

### **Hearing-Conditional Use Neasham 4N2811CD Tax Lot 1001 – 611 E Highland Ave**

There were no conflicts of interest or ex parte contact declared. Chairman Fialka opened the hearing at 7:02PM and read the following hearing guidelines.

The planning commission is holding a hearing to consider a request to allow a salon in a Medium-High Density Residential (R-3) zone. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances for a conditional use permit. The applicant wishes to change the use of the property from a residential dwelling to a full-service salon. The property is located at 611 E Highland Ave. The applicant is Ciera Neasham.

The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances. 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 ORS197.797(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 and may render a decision.

Planning Director Spencer presented the staff report. The property previously operated under a conditional use permit as a salon but has been out of that use for longer than one year, therefore a new conditional use permit to operate as a salon is required. Street improvements were previously installed and there is adequate off-street parking for the property as a salon use.



# PLANNING COMMISSION

Regular Meeting Minutes  
October 9, 2024

There was no testimony and Chairman Fialka closed the hearing at 7:09PM.

## Findings of Fact

### **The proposal is in conformance with the Comprehensive Plan and Zoning Code.**

1. The property is located at 611 E Highland Avenue and is described as 4N 28 11CD Tax Lot 1001.
2. The property is approximately 0.12 acres in size. The existing building covers approximately 1,511 square feet.
3. The property lies within the Medium-High Density Residential zone and allows uses permitted conditionally in the R-1, R-2, and R-3 zones subject to issuance of a conditional use permit.
4. A beauty salon containing less than 2,500 square feet is a use subject to a conditional use permit in the R-2, R-3, and R-4 zones per §157.026(B)(2) of the Hermiston Code of Ordinances.
5. A public hearing was held on October 9, 2024, in accordance with 157.207(A) of the Hermiston Code of Ordinances.
6. Notice of public hearing was prepared and published on September 25, 2024, in accordance with the notice requirements of 157.229 of the Hermiston Code of Ordinances.

### **The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission.**

7. The property has seven paved parking spaces and one handicapped parking space bringing the total parking provided on-site to eight parking spaces.
8. Three on-site parking spaces are required for a 1,500 square foot service store per §157.176 of the Hermiston Code of Ordinances.
9. The existing property is approximately 7,500 square feet, exceeding the minimum lot size of 5,000 square feet in the R-3 zone.
10. The existing property is approximately 75 feet wide and 100 feet deep, exceeding the minimum lot width of 60 feet and minimum lot depth of 80 feet in the R-3 zone.
11. Total lot coverage of all structures on the site is approximately 19%, which is below the maximum lot coverage of 45% in the R-3 zone.

### **Public facilities are of adequate size and quality to serve the proposed use.**

12. The building is connected to existing water and sanitary sewer lines adjacent to the property. No upgrade to these lines is required to service the change in occupancy.
13. E Highland Avenue is classified as a minor arterial on the city's transportation system plan. A minor arterial is well suited to accommodate the level of trip generation a beauty salon will generate.
14. Public improvements installed on the frontages of SE 6<sup>th</sup> Street and E Highland Avenue are compliant with city standards for street improvements. No further upgrades are required.

### **The proposed use will prove reasonably compatible with surrounding properties.**

15. The property sits within the R-3 zone which is a medium-high density residential zone which permits a variety of residential uses as well as limited commercial uses.



## PLANNING COMMISSION

### Regular Meeting Minutes

October 9, 2024

16. The property is adjacent to single-family and multi-family uses. Low intensity commercial uses such as a beauty salon are well suited for this type of neighborhood due to the limited traffic generation, limited noise creation, and limited hours of operation.
17. Small-scale commercial uses work well in high-density and mixed-use neighborhoods due to their ability to capitalize on existing foot and vehicle traffic.
18. The property is bounded by two streets and by a six-foot, sight-obscuring fence on the remaining two sides. Visual impacts from the parking lot on adjacent residential uses is limited by the existing fencing and by the parking location at the rear of the building rather than street-oriented parking.

After some discussion, Commissioner Hamm moved, and Commissioner Collins seconded to make the project file a part of the record. Motion passed. Commissioner Collins moved and Commissioner Hamm seconded to adopt the findings of fact. Motion passed. Commissioner Kirkpatrick moved and Commissioner Saylor seconded to approve the conditional use permit. Motion passed.

#### **Replat- Ludcon Ventures LLC 4N2811CB Tax Lots 11700 & 11702 – 230/240 SE 2<sup>nd</sup> St**

Planning Director Spencer presented the staff report. This replat is proposed to combine two lots that were created through the middle housing replat in 2022. An investor wishes to purchase the property as one lot with a duplex, instead of two lots with attached single-family housing. The attached single-family housing is currently under construction on the lot. The existing conditions of approval from 2020 and 2022 land use approvals remain in effect on the site.

#### Findings of Fact

##### Design Standards

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

The property is bordered by E Hurlburt Ave and SE 2<sup>nd</sup> Street. Each street is fully improved adjacent to the site. No additional streets are proposed. Each lot has at least 25 feet of frontage on a public street.

##### §154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is serviced by E Hurlburt Ave and SE 2<sup>nd</sup> St each of which has a right-of-way width of 70 feet.

##### §154.17 Easements.

No easements are shown on the plat. No easements are required.

##### §154.18 Blocks.

No additional block access is required.

##### §154.19 Lots.

Lot 1 is 6,382 square feet and Lot 2 is 3,093 square feet. There is no minimum lot size in the C-1 or DCO commercial zoning. Each lot abuts a public street for a distance of at least 25 feet as required by §157.141 of the Hermiston Code of Ordinances.

##### §154.20 Character of Development.

Each lot is presently developed with commercial uses. No additional construction is proposed as a result of partitioning. Uses permitted in the DCO zone are listed in §157.042 of the Hermiston Code of



# PLANNING COMMISSION

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Regular Meeting Minutes  
October 9, 2024

Ordinances.

## §154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed replat. The site is located within 500 feet of McKenzie Park, Teen Adventure Skate Park, and the Hermiston High School.

## 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 are fully improved adjacent to the entire site. No additional improvements are required.

### §154.62 Water Lines

Each lot is serviceable from an existing 6" water line in SE 2<sup>nd</sup> Street. The building at 240 SE 2<sup>nd</sup> Street on Lot 2 may require a new water meter to be installed as a result of replatting.

### §154.63 Sanitary Sewer System.

Each lot is serviceable from existing sewer lines in E Hurlburt Ave and SE 2<sup>nd</sup> Street. Sanitary sewer service may require relocation as a result of replatting.

## 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**



# PLANNING COMMISSION

## Regular Meeting Minutes

October 9, 2024

- (J) The location of all survey monuments and benchmarks 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

#### §157.040 and 0.42 Central Commercial and Downtown Commercial Overlay

Lot 1 is 6,382 square feet and Lot 2 is 3,093 square feet. There is no minimum lot size in the C-1 or DCO commercial zoning. There are no minimum lot width or depth requirements in the city's commercial zoning. Uses permitted in the DCO zone are listed in §157.042 of the Hermiston Code of Ordinances.

#### Conditions of Approval

1. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has signed the final plat.
2. The property owner shall confer with public works staff and shall install new sewer and water connections as required after each structure is placed on a separate lot.

Commissioner Collins moved and Commissioner Hamm seconded to make the project file a part of the record. Motion passed. Commissioner Saylor moved and Commissioner Misner seconded to approve the findings of fact. Motion passed. Commissioner Hamm moved and Commissioner Guerrero seconded to approve the final plat with the conditions of approval. Motion passed.

#### Planner Comments and Unscheduled Communication

Commissioners introduced themselves to the Youth Advisors while welcoming them to the group. The Youth Advisors were encouraged to provide feedback and ask questions during the discussions and to reach out to the commissioners and staff with any other questions or concerns.

Planning Director Spencer updated the commissioners on recent site plan approvals of an additional 5,000 square foot of retail space on W Theater Lane/N First St and the redevelopment of the former Ford dealer property.



# PLANNING COMMISSION

---

Regular Meeting Minutes  
October 9, 2024

## **Adjournment**

Chairman Fialka adjourned the meeting at 7:33PM.