



# PLANNING COMMISSION

Hermiston City Hall 180 NE 2nd St

*Where Life is Sweet*

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**September 13, 2023 at 7:00 PM**

## **AGENDA**

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*Other ways of viewing or participating in live meetings are available through Webex*

*Meeting ID: 2634 170 0678 Password: yeMe8ZpBb23 (93638972 from phones)*

*Telephone number to join is: 1-650-479-3208 Access code: 2634 170 0678; or submitting comments to meetings@hermiston.or.us*

**1. CALL TO ORDER - 7:00 PM**

**2. MINUTES**

**A.** Minutes of the August 16, 2023 regular planning commission meeting

**3. HEARINGS**

**A.** Annexation- Crowther 4N2815CB TL 1907- 910 W Angus Ave

**4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION**

**5. ADJOURN**

**\*\* AMERICANS WITH DISABILITIES ACT NOTICE\*\***

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# PLANNING COMMISSION

Regular Meeting Minutes  
August 16, 2023

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

## Minutes

Commissioner Caplinger moved, and Commissioner Sargent seconded to approve the minutes of the July 12, 2023, regular meeting. Motion passed.

## Unfinished Business- Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA TL 2700- 945 E Newport Ave

Planning Director Spencer presented the staff report. A tentative oral decision was made at the July planning commission meeting to deny the infill designation. The planning commission must now adopt the findings of fact and finalize the decision.

## Findings of Fact

### **Eligibility Standards 157.215(B)**

1. The property is located within the city limits as required.
2. The property is residentially zoned (R-1) Low Density Residential as required.
3. The property contains an existing single-family dwelling constructed prior to February 28, 1994 as required. The dwelling was constructed in 1951.
4. The property will be used for residential development as required.
5. The planning commission finds that the eligibility standards are satisfied.

### **157.215(G)(1) The property is constrained by internal or external physical features which preclude development conforming to adopted city standards:**

The property is constrained by internal and external physical features which preclude development conforming to adopted city standards:

6. The existing lot is 117,819 square feet or 472% of the minimum lot size. A 117,819 square foot parcel can accommodate fourteen 8,000 square foot R-1 lots or eight lots meeting the 60 foot minimum lot width. However, the existing lot dimensions preclude creation of all the lots meeting the maximum depth to width ratio if all lots are serviced by E Newport Ave.
7. A deviation from the lot depth limitation of three times the depth is necessary to service at least three potential lots fronting on E Newport Ave. Three lots would exceed 240 feet of average depth.
8. While an infill designation would permit lots fronting on E Newport Avenue to exceed 240 feet in depth, the planning commission finds based upon testimony and evidence in the record that it is also possible to service these lots by constructing an extension of E Hurlburt Ave westward from the northeast corner of the property.



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9. An extension of E Hurlburt Avenue as discussed would permit at least two additional lots to be created on the north half of the property and allowing all lots fronting on E Newport Ave to have depths compliant with the subdivision lot standards.
10. The planning commission finds that the property is not constrained by external nor internal features which preclude development conforming to adopted city standards.

**§157.215(G)(2) Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense:**

11. There are existing water and sewer lines in E Newport Ave. Each line meets the city minimum of eight inches in diameter. Eight additional single-family or two-family dwellings are within the service capacity of these lines.
12. E Newport Ave is presently a paved city street. There are no curb, gutter, sidewalk, or drainage facilities installed in the road adjacent to the property. The property is currently bound by a street improvement agreement from March of 2019 for improvements to E Newport Ave.
13. E Newport Ave will require completion of all remaining half-street improvements, (i.e., curb, gutter, sidewalk, infill paving, and storm drainage facilities) consistent with local residential street standards, as a condition of subdivision approval.
14. E Hurlburt Avenue terminates at the northeast corner of the property. The E Hurlburt Ave right of way narrows to a 20-foot-wide public alley across the north boundary of the site. It is feasible to dedicate an additional 30 feet to this alley and create an additional extension of E Hurlburt Ave.
15. Future extension of E Hurlburt Ave will also provide additional access for this site. This extension creates the potential for extension westward of the 8-inch water and sewer lines currently installed in E Hurlburt Ave.
16. The planning commission finds that all public facilities are currently adequate or may be improved to adequate service levels solely through improvement associated with conventional development.

**157.215(G)(3) Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property:**

17. New construction on the newly created parcels shall meet all setback requirements of the R-1 zone.
18. All lots have access and frontage upon E Newport Ave. E Newport Avenue has adequate width and satisfactory paving condition for fire and emergency services to traverse the road.
19. The planning commission finds that granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property.

**157.215(G)(4) Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties:**



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20. Granting of an infill designation will result in the ability to construct eight new single-family or two-family dwellings on E Newport Ave.
21. The surrounding neighborhood is developed as a low-density, single-family development. The average size of lots within a 500-foot radius of the site ranges from 9,000 to 37,000 square feet. The proposed lots within the infill area range from 8,000 to 17,000 square feet. The proposed lot size and density is similar to existing development patterns.
22. Single-family dwellings are similar in character to the established dwellings on E Newport Ave and the surrounding neighborhood. The neighborhood is developed predominately with single-family dwellings.
23. Although the neighborhood developed with single-family dwellings over the previous seventy years, changes to state law and local zoning now allow both single-family and duplex dwellings to be constructed on all residential lots.
24. Development of the site in compliance with Hermiston development standards will necessitate the installation of curb, gutter, and sidewalk on the north side of E Newport Avenue, connecting street improvements at SE 9<sup>th</sup> Street with the current terminus of sidewalk improvements at the east property line of the development site. Extension of pedestrian improvements will aid in the creation of compatible developments and improve safety along the E Newport Ave corridor.
25. The planning commission finds that the granting of an infill designation will result in development that is reasonably compatible with existing neighborhood and adjacent properties.

**157.215(G)(5) Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density:**

26. The infill designation is not necessary to develop the property more aligned with R-1 density. Without an infill designation the property can develop at R-1 density with lots fronting on both E Newport and E Hurlburt Avenues.
27. The planning commission finds that granting an infill designation is not necessary for the potential development of this property.

**Decision:**

Per §157.215(G), the granting of an infill designation may be approved by the planning commission upon determination that all of the infill requirements are satisfied. Based on the evidence in the record and testimony received by the planning commission through the public hearing process, the planning commission finds that three of the eligibility requirements are satisfied (§157.215(G)(2), (3) and (4)) and two of the eligibility requirements are not satisfied (§157.215(G)(1) and (5)).

Therefore, the planning commission denies the infill designation request.



## PLANNING COMMISSION

Regular Meeting Minutes  
August 16, 2023

Commissioner Kirkpatrick moved, and Commissioner Collins seconded to approve the findings of fact as written. Motion passed. Commissioner Doherty moved, and Commissioner Sargent seconded to deny the infill designation. Motion passed.

### **New Business - Parking Amendments**

Planning Director Spencer guided the discussion of proposed changes to the city's parking requirements. The changes include new definitions, additions, and deletions of uses, downsizing, and increasing ratio on various uses.

Items considered included:

- Ensuring adequate parking when a use changes
- Adequate parking during shift-change of industrial uses
- High school parking on residential streets
- State mandated parking limits
- Parking maximum
- Employee counts for determining industrial parking requirements
- Differentiating types of industrial uses
- Restaurant development
- Parking variance
- Standard parking space size
- Compact parking options
- Bicycle parking
- Drive-up queuing standards
- Electric Vehicle charging spaces

Staff will consider the planning commissioners comments and bring back options for the planning commission to consider. After the planning commission meets on the subject a second time, an open house will be scheduled to allow for and encourage public input.

### **Planner Comments and Unscheduled Communication**

There were no comments or unscheduled communication.

### **Adjournment**

Chairman Saylor adjourned the meeting at 8:01PM.



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Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of September 13, 2023

**Title/Subject**

Annexation- Crowther 4N2815CB TL 1907- 910 W Angus Ave

**Summary and Background**

Nathan Crowther has submitted an application to annex 0.72-acre parcel located at 910 W Angus Ave. This parcel is located at the northwest corner of W Angus Avenue and SW 9<sup>th</sup> Street. The parcel lies within the urban portion of the urban growth boundary and is adjacent to city limits on the east side on the SW 9<sup>th</sup> Street frontage. The applicant wishes to annex the property to allow connection to city services. Specifically, connection to sewer to replace a failing septic system is requested.

The property is described as 4N 28 15CB Tax Lot 1907. The property has a comprehensive plan map designation of Low Density Residential (L) which corresponds to a Low Density Residential (R-1) and/or Medium Density Residential (R-2) zoning designation. The applicant has requested annexation with a Low Density Residential or R-1 zoning designation. The property abuts R-1 zoned land to the east on the east side of SW 9<sup>th</sup> Street. The properties abutting the site to the north, west, and south are all outside the city and have a comprehensive plan map designation of Low Density Residential. The surrounding neighborhood character is generally low-density single-family housing to the north, south, west, and partially to the east. To the east also lies Armand Larive Middle School and Desert View Elementary School. The low-density housing to the west, north, and south is entirely located outside the city limits on oversized lots similar in size to the applicant's property of 0.7 acres.

The property is adjacent to SW 9<sup>th</sup> Street and W Angus Ave. SW 9<sup>th</sup> Street is a city street improved with curb and gutter and street paving adjacent to the property. W Angus Ave is a county road improved with street paving only. As a condition of approval for annexation, staff recommends that the applicant sign a street improvement agreement agreeing to future improvements to W Angus Ave, including the installation of curb, gutter, and sidewalk at such time a local improvement district is formed for this purpose.

SW 9<sup>th</sup> Street is improved with water and sewer lines extending from W Johns Ave south to Gettman Road. Water is provided by a 12-inch municipal water line. Sewer is provided by an 8-inch municipal sewer line. At the time that the school district constructed the middle school and public infrastructure, the school coordinated with the homeowners on the west side of SW 9<sup>th</sup> Street and those who were willing to pay the additional cost, were provided with utility stubs to their property to avoid future excavation of SW 9<sup>th</sup> Street.

155.05 of the Hermiston Code of Ordinances provides the requirements for annexation. The requirements for annexation are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended, and the property owner is willing to bear costs associated with sewer, water, and roads.

Public notice requirements have been satisfied through the following actions:

1. Notice was provided by direct mail to all property owners within 100 feet on August 23, 2023.
2. Notice was published in the Hermiston Herald on August 23 and 30, 2023.
3. A sign displaying a notice of public hearing was placed on the property on August 23, 2023.

### **Tie-In to Council Goals**

Annexation is part of the ministerial duties of the city government.

### **Fiscal Information**

The property has an assessed value of \$222,700. Following annexation, an additional \$1,530 will be paid in property taxes to the city annually.

### **Alternatives and Recommendation**

#### **Alternatives**

The planning commission may choose to

- Recommend approval of the annexation
- Recommend denial of the annexation

#### **Recommended Action/Motion**

Staff recommends that the planning commission recommend the city council approve the annexation of the property.

- Motion to make the project file a part of the record
- Motion to adopt the findings of fact
- Motion to impose conditions of approval
- Motion to recommend approval of annexation to the city council

### **Submitted By:**

Clinton Spencer, Planning Director

**Exhibit A**

**Draft Findings and Conditions for Crowther Annexation**

**September 13, 2023**

**910 W Angus Ave**

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

CITY OF HERMISTON

APPLICATION FOR ANNEXATION

Pursuant to the provisions of ORS Chapter 222 and Chapter 150 of the Hermiston Code of Ordinances, application is hereby made to annex the following described property:

Name of Applicant: NATHAN CROWTHER Phone: 541-561-4490

Mailing Address: 910 W ANGUS AVE

Contact Person: NATHAN CROWTHER Phone: 541-561-4490

Mailing Address: 910 W ANGUS AVE

Name of Owner (If Different): SAME Phone:

Mailing Address:

Legal Description: Assessor's Map No: 4N2815CB01907 Tax Lot No: 121095

Subdivision (If Applicable):

Street Address: 910 W ANGUS AVE

Current Comprehensive Plan Designation: RESIDENTIA Proposed Zoning Designation: RESIDENTIAL

Land Area (In Acres): .72

Existing Use of Property:

Number of Single-Family Units: 1 Number of Multi-Family Units: 0

Number of Commercial Units: 0 Number of Industrial Units: 0

Public Facilities or Other Uses: 0

Population: Owners: 2 Tenants: Voters:

Please Include the Names and Ages of All Residents:

NATHAN CROWTHER - 68
PENNEY CROWTHER - 64

Surrounding Use of Property:

North: HOUSES

South: HOUSES

East: HOUSES

West: HOUSES

Current Year Taxes: \_\_\_\_\_ Previous Year Taxes: 3455.88

Total Assessed Valuation: \$222,700

Please provide a general description of the property including topography, vegetation, drainage basins, flood plain areas, etc.:

2100 SQ FT HOME WITH A 12'X16' SHED

Please explain why the annexation has been proposed:

SEPTIC SYSTEM FAILURE

If the property is undeveloped, please describe plans for future development. This description should describe whether the development will be residential, commercial or industrial and include building types, public facilities, number of units, etc.:

Does the proposed development conform to the uses allowed under the proposed zoning designation?

YES

Please provide the following information regarding services and utilities:

Location and size of the nearest water line:

SW 9TH STREET ALREADY PLUMBED TO PROPERTY LINE WHEN ARMAND LARIVE MIDDLE SCHOOL WAS BUILT

Location and size of the nearest sewer line:

SW 9TH STREET ALREADY PLUMBED TO PROPERTY LINE WHEN ARMAND LARIVE MIDDLE SCHOOL WAS BUILT

Proximity of other facilities (storm drains, gas lines, irrigation lines, etc.):

IRRIGATION LINE AT INTERSECTION OF SW 9TH AND ANGUS AVE

The time at which services can be reasonably provided by the city or other district:

ASAP

The estimated cost of extending such facilities and/or services and the method of financing:

HOMEOWNERS WILL PAY INLAND PLUMBING TO CONNECT SERVICE

Availability of the desired service from any other unit of local government (Please indicated which government):

NONE

Please indicate the roads that adjoin the parcel or will provide service to the parcel:

SW 9TH STREET AND ANGUS AVE

Please indicate the condition of the roads and any improvements that are projected:

ROADS IN GOOD SHAPE NO IMPROVEMENTS NEEDED

Please indicate if any new roads will be created or extended through the property:

NO

If the property is presently included within the boundaries of any of the following types of governmental units, please indicate by stating the name or names of the governmental units involved.

Rural Fire District: \_\_\_\_\_ Irrigation District: HERMISTON  
School District: HERMISTON Drainage District: \_\_\_\_\_  
Library District: \_\_\_\_\_ Parks and Recreation District: \_\_\_\_\_  
Special Road District: \_\_\_\_\_

Please indicate which services are presently being received in the territory (For example, are residents receiving municipal water or sewer services?):

[Empty rectangular box for service information]

**ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for annexation. A metes and bounds legal description of each individual parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the city council, planning commission and annexation advisory committee request the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the city council, planning commission and annexation advisory committee retain the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

I am the      owner/      owner(s) authorized representative.  
(If authorized representative, attach letter signed by owner or owners.)

Nathan Conner  
Signature of Applicant

7/13/23  
Date

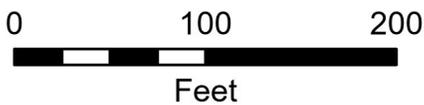
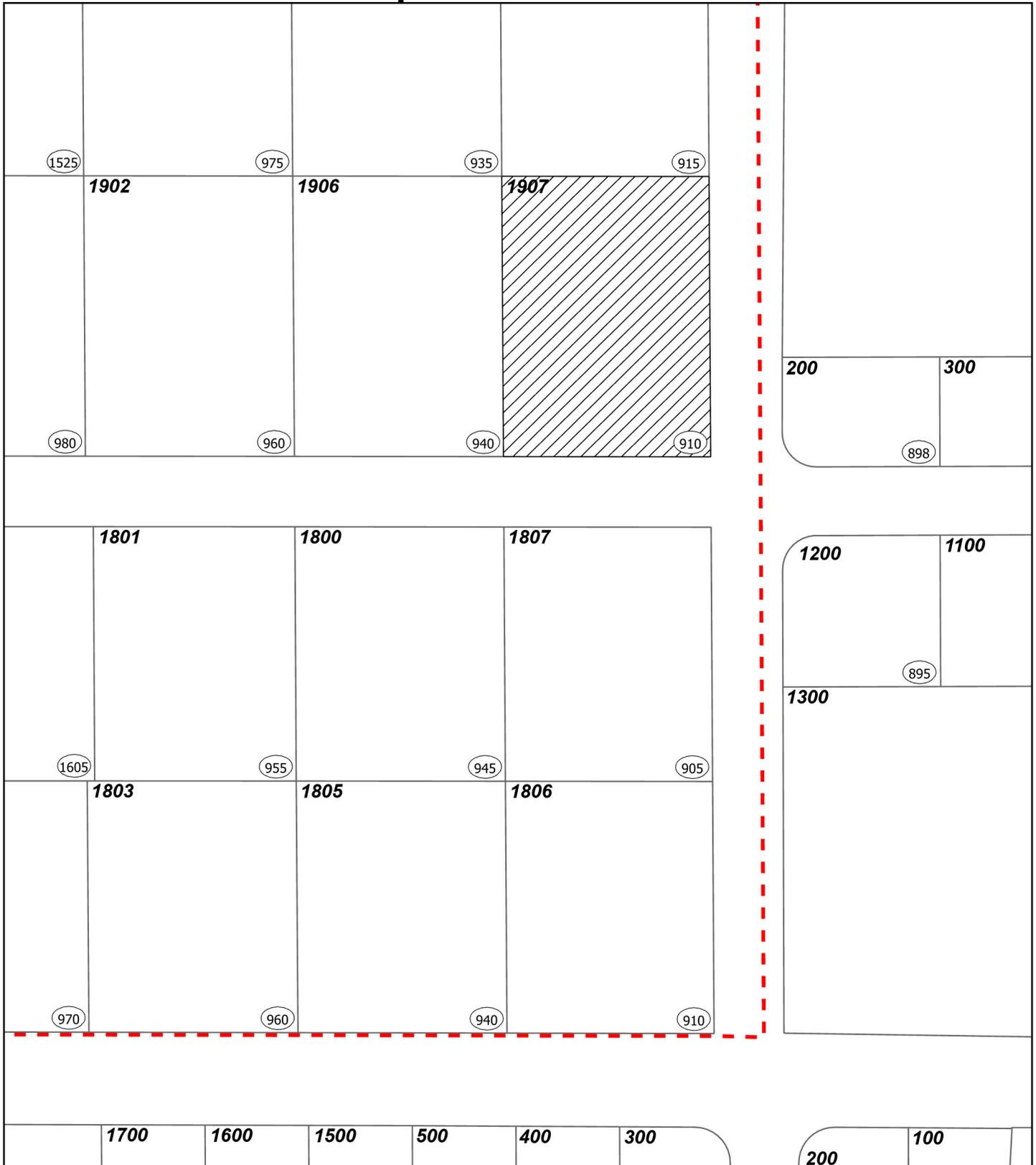
**OUT OF POCKET EXPENSES FOR PUBLICATION COSTS WILL BE BILLED LATER**

For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

**OFFICE USE ONLY**

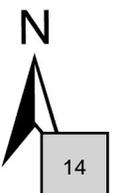
Date Filed: <u>7-17-23</u>	Received By: <u>Hkpl</u>	Meeting Date: <u>PC 9-13-23</u>
Fee: \$700.00	Date Paid: <u>7-13-23</u>	Receipt No: <u>149088129</u>

# Notice of Proposed Land Use Action

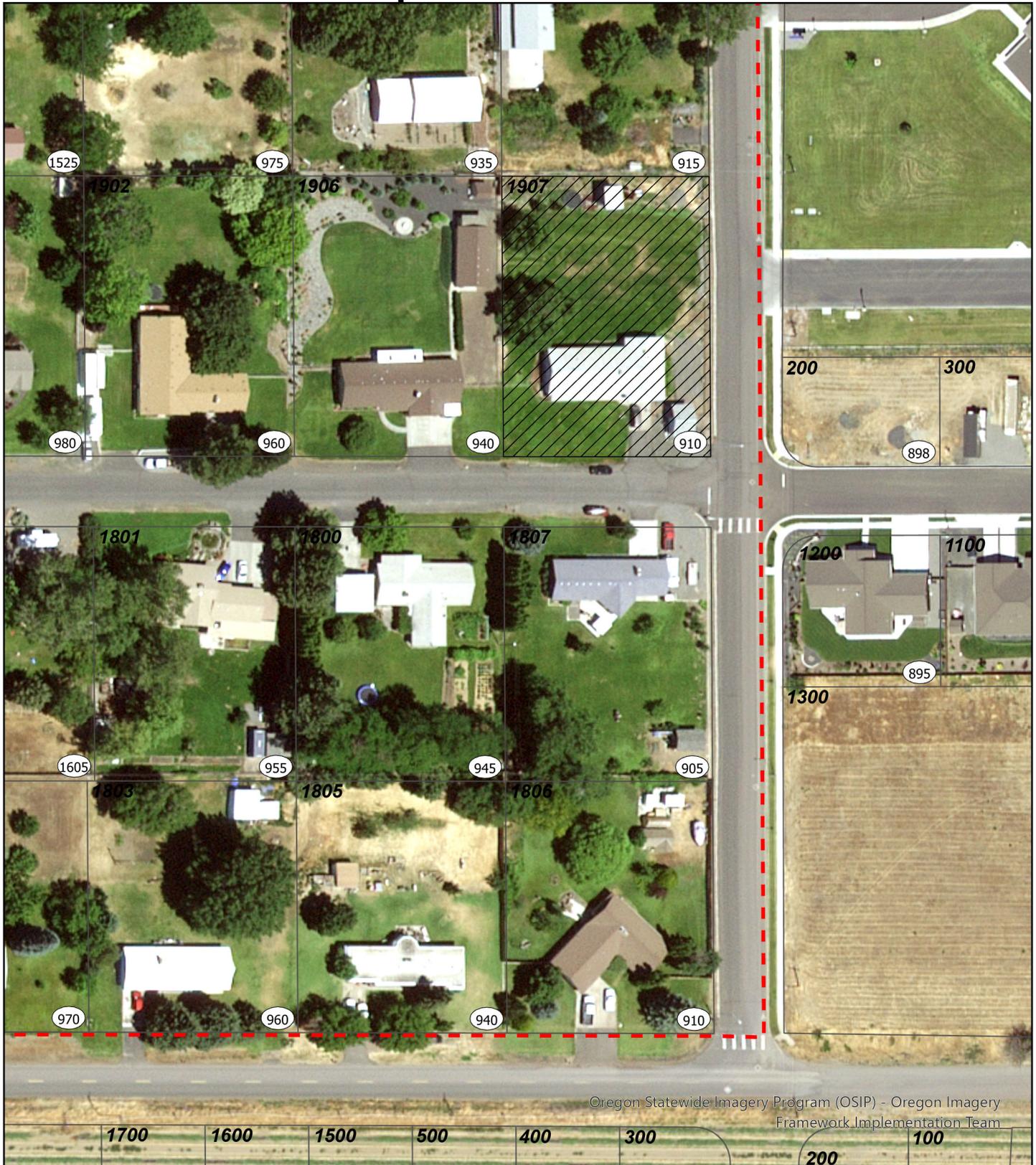


## Legend

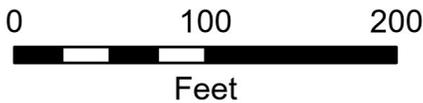
- Property Line
- City Limits
- Urban Growth Boundary
- Area of Proposed Annexation



# Notice of Proposed Land Use Action



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team



### Legend

- Property Line
- City Limits
- Urban Growth Boundary
- Area of Proposed Annexation

