



PLANNING COMMISSION

Hermiston City Hall 180 NE 2nd St

Where Life is Sweet

April 12, 2023 at 7:00 PM

AGENDA

*Other ways of viewing or participating in live meetings are available through:
Zoom with Meeting ID: 839 4193 1958 Passcode: 616958 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.or.us*

1. CALL TO ORDER - 7:00 PM

2. MINUTES

A. Minutes of the March 8, 2023 regular planning commission meeting

3. NEW BUSINESS

A. Replat- Rocky Heights 4N2810 TL 100 4N2810AB TL 2002, 2003, 2100, 2101, 2103, 2104, 2200, 2201, 2203, 2400, & 2500 4N2810AC TL 100 - 650 W Standard Ave

B. Facade Grant- Human Bean Coffee 4N2811CB Tax Lot 11800 - 205 S HWY 395

4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

5. ADJOURN

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

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Chairman Saylor called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Sargent, Burns, Hamm, Collins and Caplinger. Commissioners Fialka and Kirkpatrick were excused. Staff in attendance included Planning Director Clint Spencer, City Attorney Richard Tovey, and Heather La Beau. Youth Advisory Member Elizabeth Doherty was absent.

Minutes

Commissioner Sargent moved and Commissioner Burns seconded to approve the minutes of the February 8, 2023, regular meeting. Motion passed unanimously.

Major Partition- 4N2823 Tax Lot 200 Amazon Data Services 908 E Penney Ave

Commissioner Hamm declared a potential conflict of interest as UEC will serve the property. Chairman Saylor asked if it would influence his decision, he responded it would not and remained at the dais.

Planning Director Spencer presented the staff report. This partition proposes to create two lots and one street extension. The applicant has requested amendments to the proposed conditions of approval, specifically to #2. E Penney Ave improvements are to be for Lot 2 only as Lot 1 does not abut E Penney Ave. The required street improvements are to be tied to the frontage of the development site, not the property frontage. The improvements are triggered in phases as the buildings are built out. A building of the fence would not trigger the improvements.

Commissioners discussed their concern that the developer be responsible for the cost of paving the newly dedicated road, not the general taxpayers. The county did not request a street improvement agreement for Feedville Road. Development that is an outright use is reviewed at the staff level with public notice and not brought before the planning commission.

The question was posed how this type of development impacts a possible beltway at Feedville Road. Grant funds are being pursued to redo the City's Transportation System Plan. This work would include beltway concepts. While reviewing the site plan for the first data center in the city, ODOT requested a holistic traffic impact analysis (TIA) for the impacts of all the proposed data centers. This will directly relate to Feedville Road. The railroad crossings would need to be upgraded but will remain at their current locations.

Testimony

Ryan Thomas of Perkins Coie 1120 NW Couch St 10th Floor Portland OR 97209-4128-(via Zoom) Mr. Thomas thanked the commissioners for their time. The proposed changes to the conditions of approval are a timing question. This is a partition application only. The appropriate time to impose the street improvements is at the time of application of development when the impacts of the proposal can be evaluated. Amazon wants to be a good neighbor and build the street consistent with the impacts of development and agrees the taxpayers should not unnecessarily foot the bill. Mr. Thomas wished to make clear that the proposed amendments are not an attempt to avoid constructing the improvements. Not knowing what the development would look like, it is more



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appropriate to have the improvement requirement be conditioned at the time of development application, not with this partition application.

Findings of Fact

I. INTRODUCTION

Amazon Data Services, Inc., a Delaware corporation (“Applicant”), submits this application (“Application”) to the City of Hermiston (“City”) requesting approval to partition real property described as Lot 1 of the “Stahl Replat” in the City limits (“Property”) into two parcels, plus right-of-way dedication, as depicted on the proposed tentative partition plan in Exhibit 1. This narrative explains how the Application satisfies the applicable requirements of the Hermiston City Code (“HCC”) and ORS Chapter 92. Accordingly, the City Planning Commission (“Commission”) should approve the Application.

II. DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

Applicant is the owner of the Property, which is approximately 199.99 acres in size and located north of Feedville Road, south of E. Penney Ave., east of Hermiston-Hinkle Rd., and west of SE Kelli Boulevard in the City. The Property is described as Lot 1 of the “Stahl Replat,” Map No. 4N282300, Tax Lot 200. An aerial photo of the Property and the surrounding vicinity is attached as Exhibit 2. A tax lot map that identifies the Property is attached as Exhibit 3. A copy of the “Stahl Replat” is attached as Exhibit 4. The Property is zoned C-2 and M-2. It is vacant.

Surrounding properties are zoned and utilized as follows:

ADJACENT PROPERTY ZONING USE

- To North C-2/M-2 Warehouse; Vacant
- To South EFU/FI Vacant; Railroad
- To East C-2/M-2 Vacant; Warehouse
- To West C-2/M-2; M1; OS Vacant; Warehouse; OSU Experiment Station

Exhibit A

Findings of Fact for AWS Major Partition

March 8, 2023

908 E Penney Ave

III. DETAILS OF REQUEST

The proposal would partition the Property into two parcels—Parcel 1 and Parcel 2—and dedicate right-of-way to the City to connect SE Ninth Street from E. Penney Avenue to Feedville Road. Parcel 1 is proposed to be approximately 151.62 acres and has frontage on Feedville Road. Parcel 2 is proposed to be approximately 44.42 acres in size and would be located in the eastern side of the Property, with frontage on E. Penney Avenue and the SE Ninth Street extension. The dedicated right-of-way for SE Ninth Street would be 66’ wide (approximately 3.95 acres). The two parcels and the right-of-way dedication are depicted and described on the tentative partition plan attached as Exhibit 1.



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The purpose of the partition is to divide the Property into two separate parcels, which will ultimately be under separate ownership, and to dedicate right-of-way to the City. The location of the parcels is planned to coincide with the proposed development of the Property, which will feature light industrial campuses on Parcels 1 and Parcel 2.

IV. THE APPLICATION COMPLIES WITH THE CITY'S CRITERIA FOR A MAJOR PARTITION

The City's Planning Department website lists the criteria for approving a preliminary plat for a major partition. Those criteria are listed and responded to in this Section IV. Note that the majority of the criteria listed here are from the Hermiston City Code provisions that are addressed in Section V of this Application.

A. The proposed preliminary plat is in [] conformance with the Hermiston Comprehensive Plan.

RESPONSE: The Application requests approval of a tentative partition plan, which is a "limited land use decision" pursuant to ORS 197.015(12). As a result, the Application is only subject to comprehensive plan policies that are incorporated into the City's land use regulations. ORS 197.195(1). Incorporation is not achieved by a general statement in a land use regulation that an application must show "compliance with" the comprehensive plan and no specific comprehensive plan goals or policies are identified in the land use regulation. *Paterson v. City of Bend*, 201 Or App 344, 350-351, 118 P3d 842 (2005). Item A of Hermiston's CRITERIA FOR A MAJOR/MINOR PARTITION consists of a general statement requiring compliance with the City's comprehensive plan. It does not expressly incorporate any specific comprehensive plan provisions into the City's land use regulations. Therefore, the City is not permitted to review the Application for compliance with any specific comprehensive plan provision. Moreover, the City's adopted and acknowledged land use regulations are consistent with and implement the City's comprehensive plan. Therefore, compliance with these land use regulations will ensure that the Application is necessarily also consistent with the City's comprehensive plan.

B. The proposed preliminary plat is in conformance with all applicable provisions of this code, other city codes and ordinances, and Oregon law.

RESPONSE: The City has adopted land use regulations that implement these various requirements. For the reasons addressed in Section V below, the Application is consistent with these regulations. The Application complies with this criterion.

C. For a minor partition, no creation of a street or road is required.

RESPONSE: The Application is for a major partition, so this criterion does not apply.

D. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.

RESPONSE: See sections below addressing the extension of S.E. Ninth Street. The Application complies with this criterion.

E. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.

RESPONSE: The Application complies with this criterion. See Exhibit 1.

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.

RESPONSE: The Application complies with this criterion. See Exhibit 1.



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G. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

RESPONSE: See section below addressing lot size requirements. The Application does not propose any development of the land. The Application complies with this criterion. See Exhibit 1.

H. The existing sewer and water facilities are adequate to serve the proposed development.

RESPONSE: This Application does not propose any development of the land. A future application to develop either parcel will address necessary services, including sewer and water.

I. The resulting lots will conform to the minimum size standards required in that zone.

RESPONSE: See sections below addressing the minimum size standards required in M-2 and C-2. The Application complies with this criterion.

J. Separate water and sewer service will be provided to each parcel as it develops.

RESPONSE: This Application does not propose any development of the land. A future application to develop either parcel will address necessary services, including sewer and water.

V. THE APPLICATION COMPLIES WITH THE HERMISTON CITY CODE

HCC Chapter 154 establishes the application requirements, review procedures, and approval standards for the Application. As explained below, the Application satisfies the applicable provisions and should be approved.

154.02: PRELIMINARY ACTIONS:

Each subdivider of land shall confer with the city staff before preparing a preliminary subdivision plat or map in order to become thoroughly familiar with the subdivision requirements and with the proposals of the Comprehensive Plan affecting the territory in which the proposed subdivision lies.

RESPONSE: Applicant had a preliminary meeting with City staff, including Hermiston Planning Director Spencer, on January 24, 2023. The Application is responsive to the preapplication discussion with the City.

154.04: JURISDICTION AND PROCEDURE

(A) It shall be unlawful for any person being the owner, agent or person having control of any land within the city to divide land by a major or minor partition not in accordance with the laws of the state and the regulations contained herein. The proposed partition shall first be submitted to the Planning Commission for approval or disapproval. After report and approval of the Planning Commission is made and filed, all minor partitions shall be permitted, but all major partitions shall be submitted to the City Council for its approval or disapproval. No plat or map shall be recorded and no lots shall be sold from a plat or map until approved by the City Council and recorded with the county.

RESPONSE: Applicant is seeking approval pursuant to HCC of the proposed major partition to the Planning Commission. The Application complies with the laws of the state of Oregon. After report and approval by the Planning Commission is made and filed, Applicant will submit the proposed major partition to the City Council for approval.

(B) The design and layout of all subdivisions shall conform with the requirements of §§ 154.15 through 154.21. The subdivider shall submit a preliminary plat or map in accordance with the specifications of § 154.35 hereof. The final plat or map shall be submitted in accordance with the provisions of §§ 154.45 and 154.46 hereof.



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RESPONSE: Applicant addresses the specific provisions of §§ 154.15 through 154.21, and HCC 154.35. Based upon those responses, the Commission should find that the Application complies with this requirement.

154.15: RELATION TO ADJOINING STREET SYSTEM

(A) The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision. The right-of-way to be dedicated as part of this Application was considered in relation to the existing streets, topography, public convenience, safety, and proposed land use.

(B) The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents, and curves appropriated for the traffic to be carried, considering the terrain.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision. The only street created is the dedication of land for the extension of SE Ninth Street.

(C) Off-set streets should be avoided.

RESPONSE: Applicant's tentative plan does not create any off-set streets. See Exhibit 1.

(D) The angle of intersection between minor streets and major streets should not vary by more than 10 degrees from a right angle unless special intersection design is provided.

RESPONSE: This Application extends existing SE Ninth St. from E. Penney Avenue to Feedville Road from the existing intersection. No intersection affected by the partition will vary by more than 10 degrees from a right angle. See Exhibit 1.

(E) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.

RESPONSE: The proposed dedicated right-of-way will be named "S.E. Ninth Street" in conjunction with the aligned existing street. See Exhibit 1.

(F) If the subdivision abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street may be required.

RESPONSE: The Property does not abut a present or proposed major arterial street. Therefore, this criterion is not applicable to the Application.

(G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall be allowed only when one or more of the following conditions exist:

RESPONSE: The proposed dedicated right-of-way is the continuation of existing SE Ninth Street. The Application complies with this criterion.

(1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.



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(2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(3) Where street connection would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(5) Cul-de-sac streets shall be as short as possible and should not exceed a length of 400 feet. A cul-de-sac shall terminate with a turn-around.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

154.16: STREET AND ALLEY WIDTH

(A) The width of streets and alleys shall be adequate to fulfill city standards as provided for in the Transportation System Plan (TSP). The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

RESPONSE: The TSP requires local streets to have a minimum right-of-way width of 50 to 60 feet and minimum street widths of 30 to 32 feet. TSP at 7-1. Applicant's proposed dedication of a 66-foot right-of-way fulfills this standard. See Exhibit 1.

(B) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

RESPONSE: The Property is not in a residential block and does not include an alley. Therefore, this criterion is not applicable to the Application.

154.17: EASEMENTS

(A) Width requirements. Easements of at least six feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.



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RESPONSE: The Property includes various easements, as shown on Exhibit 1. The Application does not propose development that may require additional easements. Therefore, this criterion is satisfied.

(B) Along streams. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

RESPONSE: The Property is not located along a stream. Therefore, this criterion is not applicable to the Application.

(C) For irrigation. Whenever any irrigation system is located and/or proposed to be created in an area which is being subdivided, the subdivider shall provide an adequate easement as approved by the Planning Commission and the Hermiston Irrigation District.

RESPONSE: The Application does not include nor propose an irrigation easement. Therefore, this criterion is not applicable to the Application.

154.18: BLOCKS

(A) In residential zones, block lengths shall not exceed 600 feet in length between intersecting through streets, except where topography or existing development creates conditions requiring longer blocks.

RESPONSE: The Property is not in a residential zone. Therefore, this criterion is not applicable to the Application.

(B) Where block lengths exceed 600 feet, the Planning Commission may require a six- to ten foot-wide paved bicycle/pedestrian access way through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations.

RESPONSE: The Property is not in a residential zone, and through block connections on the Property would not enhance bicycle or pedestrian circulation due to the existing and surrounding uses of the Property and lack of connections. Therefore, the Application satisfies this criterion.

154.19: LOTS

(A) The lot arrangement and design shall be such that all lots will be properly related to topography and existing development patterns.

RESPONSE: The proposed lots are properly related to the topography and existing development patterns, aligning with the existing street network and extending existing SE Ninth Street. The Application satisfies this criterion.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless prevented by environmental or topographical constraints, existing development patterns, or to comply with other standards in this code. Lots with double frontage shall be avoided.

RESPONSE: The proposed parcel lines are at right angles to existing streets. The Application satisfies this criterion.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot



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line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.

RESPONSE: The Property is not a residential lot. Additionally, there is no minimum lot size for areas zoned to C-2 and M-2. HCC 157.056(D), 157.041; see HCC 157.055(D). Therefore, Application satisfies this criterion.

(D) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

RESPONSE: This provision does not apply to the proposed parcels in this Application, but Applicant acknowledges the requirements of this provision.

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

RESPONSE: Applicant does not anticipate that the Planning Commission will deem its corner lots as dangerous to traffic movement. Adequate right-of-way is being dedicated to create a safe intersection. Therefore, the Application satisfies this criterion.

(F) Where a flag lot is proposed, the following design standards shall apply:

- (1)** The access portion shall be at least 25 feet wide.
- (2)** Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.
 - (a)** When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.
 - (b)** No fencing shall be installed in a shared access which inhibits the right of access for either parcel.
 - (3)** The access portion of an access lane shall be paved to a width of at least 20 feet.
 - (4)** The access shall include sufficient easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles.
 - (5)** The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.
 - (a)** When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.
 - (b)** When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.
 - (c)** The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.
 - (d)** The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.
 - (6)** No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street must be created.

RESPONSE: Neither Parcel 1 nor Parcel 2 is a flag lot. The Application satisfies this standard.

154.20: CHARACTER OF DEVELOPMENT



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(A) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

RESPONSE: The lot does not contain sewers, sewage treatment plants, water supply systems, park areas, streets, trees, or other physical facilities necessary or desirable for the welfare of the area and are not or cannot be satisfactorily maintained by an existing public agency. Therefore, the Application satisfied this criterion.

154.21: ACCESS MANAGEMENT

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendation of the City Comprehensive Plan. Any provision for schools, parks and **playgrounds should be** indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

RESPONSE: The Application considers the recommendations of the Comprehensive Plan and satisfies this criterion. As a limited land use decision under ORS 197.015(12), the Application is only subject to the comprehensive plan policies that are incorporated into the City's land use regulations. ORS 197.195(1). Notwithstanding the foregoing, the Application given consideration to the HCC 154.21 and is consistent with the criterion.

154.35: PRELIMINARY PLAT REQUIREMENTS

(A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat.

RESPONSE: Applicant submits the required preliminary plat, conforming with the requirements of HCC 154.15 through 154.21 as detailed above, as Exhibit 1 as well as three additional copies attached to the application.

(B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision.

(C) The preliminary plat shall show:

(1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;

RESPONSE: Applicant's preliminary plat, attached as Exhibit 1, satisfies the requirements of this criterion.



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(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;
RESPONSE: The Application satisfies this criterion.

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;

RESPONSE: The preliminary plat shows the existing sanitary and storm sewers, water mains, culverts, and other underground structures to the extent on or adjacent to the Property.

(4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;

RESPONSE: The Application does not propose to change the title of the Stahl Replat. The subdivider and owner is Amazon Data Services, Inc., which is noted on the preliminary plat. See Exhibit 1.

(5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;

RESPONSE: The Application complies with this criterion.

(6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;

RESPONSE: The Application satisfies this criterion. See Exhibit 1.

(7) North point, scale and date;

RESPONSE: The plan includes the date, north point, and scale of drawing. See Exhibit 1.

(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and

RESPONSE: This Application dedicates land for City right-of-way and does not include a proposal for development that would require development details. The Applicant acknowledges the requirements of this criterion.

(9) All the above information unless waived by the Planning Commission.

RESPONSE: See above responses.

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof.

RESPONSE: Applicant intends to submit a final plat to the City Planner after approval of this Application by the Planning Commission. The final plat will comply with the provisions of HCC 154.45-154.46.

VI. CONCLUSION

For the reasons set forth in this narrative and on the basis of evidence included with this Application, the Commission should approve the Application.



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Conditions of Approval

1. Portions of the property lie 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. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site to minor collector status using city standards ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department. As a condition of approval of a permit to develop Lot 1 or Lot 2, the owner of the lot being developed shall enter a street improvement agreement agreeing to participate in future improvements to E Feedville Road frontage of the Development Site to urban major collector status. Such agreement shall run with the land.
 - c. SE 9th Street is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 1 or 2, the owner of the lot being developed shall improve the SE 9th Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.
3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.

Commissioner Burns moved and Commissioner Hamm seconded to make the project file a part of the record. Motion passed. Commissioner Sargent moved and Commissioner Hamm seconded to impose the conditions of approval as amended. The motion was tabled. After discussion, Commissioner Burns moved and Commissioner Hamm seconded to adopt the findings of fact as amended. Motion passed. There was additional discussion on the approval conditions and Commissioner Sargent reinserted his motion to impose the conditions of approval as amended with Commissioner Hamm's second. Motion passed. Commissioner Sargent moved and Commissioner Collins seconded to



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approve the preliminary plat and direct the applicant to proceed to final plat preparation. Motion passed.

Planner Comments and Unscheduled Communication

Commissioners discussed rough proportionality, Nollan Dolan rules, and Street Improvement Agreements.

The City is preparing a UGB amendment to expand the urban growth boundary to add larger tracts of industrially zoned land. The expansion process is expected to take over a year.

Adjournment

Chairman Saylor adjourned the meeting at 8:10PM.

DRAFT

HERMISTON IRRIGATION DISTRICT



East Hurlburt Avenue
Hermiston, OR 97838-2445
Office: 541-567-3024
E-mail: Office@HermistonID.org

March 6, 2023

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

**RE: Notice of Land Use Action
Map & Tax Lot 4N2823 200**

Dear Mr. Spencer,

The Hermiston Irrigation District has reviewed the Tentative Partition Plan as submitted by Parametrix on behalf of Amazon Data Services Inc for a major land partition on the parcel listed above.

Review of this parcel revealed that there are no water rights allocated for this land through the HID delivery system, nor is it expected that irrigation water will ever be served to these lands.

The Bureau of Reclamation owns federal land that encompasses the Feed Canal adjacent to the western boundary of this parcel. We do not believe that the major land partition will interfere with HID's operations and maintenance of the Feed Canal. The District has no objection to the major land partition.

Thank you for the opportunity to coordinate with the City of Hermiston on such land use matters. As always, please contact our office if you need additional information.

Respectfully,

Annette Kirkpatrick
District Manager

Clinton Spencer

From: Thomas, Ryan C. (BEL) <RThomas@perkinscoie.com>
Sent: Wednesday, March 8, 2023 8:45 AM
To: Mark Morgan; Clinton Spencer
Cc: Garg, Abhishek; Costa, Daniel
Subject: ADS Major Partition 4N2823 TL 200 | Proposed Conditions of Approval
Attachments: 2023.03.08 Ex. B Conditions of Approval (amended).docx; 2023.03.08 Ex. B Conditions of Approval (amended clean).docx

Mark and Clint,

Thanks for the informative and productive call yesterday regarding the proposed conditions of approval of the Amazon Data Services Major Partition of 4N2823 TL 200 that will be considered tonight at the Planning Commission meeting. It was helpful to discuss the intent of the conditions and get alignment regarding street improvements that would be triggered by future development on the lots. As we discussed, we prepared some minor revisions to the proposed conditions (Ex. B to new business item A on the March 8 agenda) to clarify the condition language and to align the conditions with the scope of the partition. The proposed amendment (in redline and clean) is attached to this email, and pasted below are the modified conditions in legislative format. As amended, Amazon Data Services can accept the proposed conditions.

Please reach out with any questions about the revisions or considerations about process for tonight’s meeting, which I’ll be joining virtually.

Best,
Ryan

Proposed Amendments to Ex. B:

- 2. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. ~~As a condition of approval of a permit to such time that development occurs on Lot 1 or 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site the respective lot shall be improved~~ to minor collector status using city standard ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department. ~~A street improvement agreement is required for Lots 1 and 2 agreeing to participate in future improvements to E Feedville Road to urban major collector status. Such agreement shall run with the land.~~
 - c. SE 9th Street is classified as an urban minor collector. ~~As a condition of approval of a permit to such time that development occurs on Lot 1 or 2, the owner of the lot being developed shall improve the~~ SE 9th Street frontage of the respective ~~Development Site lot shall be improved~~ to minor collector status using city standard ST10 in the standard specifications.

Ryan Thomas | Perkins Coie LLP
COUNSEL
He/Him/His
D. +1.425.635.1450
PERKINScoie

Exhibit B

Conditions of Approval for AWS Major Partition

March 8, 2023

908 E Penney Ave

Subject to the public hearing and testimony presented to the planning commission, the following conditions of approval are proposed:

1. Portions of the property lie 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. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site to minor collector status using city standard ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department.
 - c. SE 9th Street is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 1 or 2, the owner of the lot being developed shall improve the SE 9th Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.
3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of April 12, 2023

Title/Subject

Replat- Rocky Heights 4N2810 TL 100 4N2810AB TL 2002, 2003, 2100, 2101, 2103, 2104, 2200, 2201, 2203, 2400, & 2500 4N2810AC TL 100 - 650 W Standard Ave

Summary and Background

The Hermiston School District has submitted a preliminary replat application for the Rocky Heights Elementary School and twelve adjacent residential lots. The replat is intended to address encroachment issues on the Rocky Heights site. The encroachment issues were mapped as site surveying and civil engineering were prepared for the Rocky Heights rebuild.

The Rocky Heights site and one adjacent residential lot are zoned Medium Density Residential (R-2). The adjacent twelve residential lots are all zoned Multi-Structure Residential (R-4). The property is described as 4N2810 Tax Lot 100, 4N28010AC Tax Lot 100, and 4N2810AB Tax Lots 2002, 2003, 2100, 2101, 2101, 2103, 2104, 2200, 2201, 2203, 2400, and 2500.

The replat will adjust the boundaries of all the adjacent residential lots to correct historical encroachments which have occurred over time in the neighborhood and the Rocky Heights property will cede small amounts of property to each adjacent neighbor to accommodate existing structures and fences which are located on school property. At the time the Hartley Addition was platted in 1947, the south lot line for all lots was established along the north line of an irrigation ditch. The ditch has since been abandoned and property owners began constructing fences and sheds on both sides of the ditch. Rather than address the encroachment issues, the school district has elected to transfer ownership of these encroachments to the adjoining residential lots. The amount of land transferred to each adjoining lot varies depending on the encroachment. Some lots may move only a few feet (Tax Lots 2200, 2201, and 2203) while others may move up to 40 feet at the widest point (Tax Lot 2101). The majority of the adjustments move the southern residential property line from the centerline of the ditch to the current fence location, generally twenty to thirty feet. Additionally, the Rocky Heights site has a small access to NW 3rd Street lying between Tax Lots 2500 and 100. This access is no longer needed by the school and the access will become part of the adjoining lots. Each area being adjusted is highlighted on Exhibit C to this report.

Although this replat is essentially a property line adjustment, it must be processed through the replat process. Eleven of the twelve residential lots are located in the Hartley Addition which is a platted subdivision within the city limits. The remaining residential lot (Tax Lot 100) and the Rocky Heights site are both metes and bounds lots and are not within any subdivision. A

property line adjustment cannot be used to adjust the exterior boundary of a subdivision boundary, in this case the south line of Hartley Addition, can only be moved through a replatting process. Thus after replatting, all the lots will now be part of Rocky Heights Subdivision which is a new subdivision created through the replatting process.

All of the Multi-Structure Residential lots exceed the minimum lot size of 5,000 square feet in the R-4 zone. Each of the Medium Density Residential lots exceed the minimum lot size of 6,500 square feet in the R-2 zone.

A replat such as the proposal before the planning commission requires approval as both a preliminary plat and a final plat. The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.35, 154.60 through 154.66, 157.026, 157.028, and 157.101 of the Hermiston Code of Ordinances.

Public notice was provided for the proposed replat. Notice of the proposed land use action was mailed by direct mail to all property owners within 100 feet on March 29, 2023. A sign informing the public of the proposal was placed on the property on March 29, 2023.

The findings of fact are attached as Exhibit A. The conditions of approval are attached as Exhibit B. A map showing the adjusted parcel areas is attached as Exhibit C. The preliminary plat map is attached to this report as Exhibit D. An aerial photo of the property is attached as Exhibit E.

Tie-In to Council Goals

Review and approval of plats is part of the administration of city ordinances.

Fiscal Information

No new lots are being created as part of this replat and all lots are currently developed. Although the buildable area of the single-family lots will slightly increase, the assessed value impact will be negligible. The total assessed value of all lots within the replat is \$869,070.

Alternatives and Recommendation

Alternatives

The planning commission may choose to approve or deny the preliminary plat.

Recommended Action/Motion

- Motion to make the project file a part of the record
- Motion to approve the findings of fact
- Motion to approve the preliminary plat with conditions and direct the applicant to proceed to the final plat

Submitted By:

Clinton Spencer, Planning Director

Exhibit A
Findings of Fact
Rocky Heights Subdivision
650 W Standard Ave
April 12, 2023
Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The development is bounded by W Standard Ave, NW 3rd Street, NW 7th Street, W Fulton Ave, NW Stockton St, and W Marie Ave. No new streets are proposed as part of this replatting. This criterion is not applicable to the decision to accept the plat.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is currently serviced by W Standard Ave, NW 3rd Street, NW 7th Street, W Fulton Ave, NW Stockton St, and W Marie Ave. No new streets are proposed as part of this replatting. This criterion is not applicable to the decision to accept the plat.

§154.17 Easements.

There is an existing irrigation easement for the D-G Irrigation Ditch running northwesterly from NW 3rd Street to NW 7th Street. This easement forms the existing south boundary of eleven of the twelve single-family lots. The easement serves a canal which is no longer in place and is dry. The area within the canal easement will be transferred from the Rocky Heights site to the single-family lots.

The preliminary plat also indicates a number of existing easements within the development. The majority of these easements are for existing power lines.

No new easements are proposed as part of this replat.

§154.18 Blocks.

No new streets are proposed or required. This criterion is not applicable to this decision to accept the plat.

§154.19 Lots.

All of the proposed lots exceed the minimum lot size of 5,000 square feet in the R-4 zone and/or 6,500 square feet in the R-2 zone.

Lot 3 (Tax Lot 2003) will have a depth in excess of three times its width. However, this lot already has a depth in excess of three times its width prior to replatting. Staff recommends that the planning commission waive the requirement for this lot as this condition is already in place and adjusting the rear lot line creates a more logical property boundary aligning with two neighboring properties.

Tax Lots 2500 and 100 share a lot line which is not perpendicular to the street line for NW 3rd Street. However, as with the lot depth requirement for Tax Lot 2003 this angle is related to existing patterns of development and staff recommends the planning commission waive the requirement for these two lots.

§154.20 Character of Development.

The entire site is developed residentially and an existing elementary school. No common facilities are provided within the development.

§154.21 Parks, School Sites and the Like.

There is an existing school site within the proposed replat and the site is adjacent to Butte Park. No other public facilities are planned in the city comprehensive plan for this area.

§154.22 Access Management

No new access points are proposed for this development and one existing point of access for Rocky Heights Elementary will be removed. This criterion is not applicable to the decision to accept the plat.

§154.35 Preliminary Plat Requirements

- (A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat. **The applicant has met the plat submission requirement.**
- (B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section. **The applicant has met the plat submission date on March 8, 2023.**
- (C) The preliminary plat shall show:
 - (1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto; **Shown as required.**
 - (2) The proposed location and width of streets, alleys, lots, building and setback lines and easements; **Shown as required.**
 - (3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat; **Shown as required.**
 - (4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract; **Shown as required.**
 - (5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land; **Shown as required.**

(6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot; **Contours are not shown on the preliminary plat.**

(7) North point, scale and date; **Shown as required.**

(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; **Shown as required.**

(9) All the above information unless waived by the Planning Commission. **Staff recommends the Planning Commission waive (6) above. The development is already in place and no new construction is proposed which would require assessment of contours.**

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof. **The applicant shall meet this plat requirement.**

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 of the streets abutting this development are fully improved to city standards with the exception of NW 3rd Street. This portion of NW 3rd Street is planned for paving by the city in 2023 as part of general improvements and maintenance.

§154.62 Water Lines

All parcels are served by existing water service. No water extensions are proposed or required.

§154.63 Sanitary Sewer System.

All parcels are served by existing sewer service. No sewer extensions are proposed or required.

Chapter 157: Zoning

§157.026 Medium Density Residential (R-2)

Uses permitted in the R-2 zone are listed in §157.026 of the Hermiston Code of Ordinances.

Tax Lots 4N 28 10 Tax Lot 100 and 4N 28 10AC Tax Lot 100 are each zoned R-2

The minimum lot size for single-family dwellings in the R-2 zone is 6,500 square feet. All lots exceed the minimum lot size. All lots also exceed the minimum lot width of 60 feet and minimum lot depth of 80 feet in the R-2 zone.

§157.028 Multi-Structure Residential (R-4)

Uses permitted in the R-4 zone are listed in §157.028 of the Hermiston Code of Ordinances.

Tax Lots 2002, 2003, 2103, 2104, 2100, 2101, 2201, 2203, 2220, 2400, and 2500 are zoned R-4.

The minimum lot size for single-family dwellings in the R-4 zone is 5,000 square feet. All lots exceed the minimum lot size. All R-4 lots also exceed the minimum lot width of 60 feet and minimum lot depth of 80 feet in the R-4 zone.

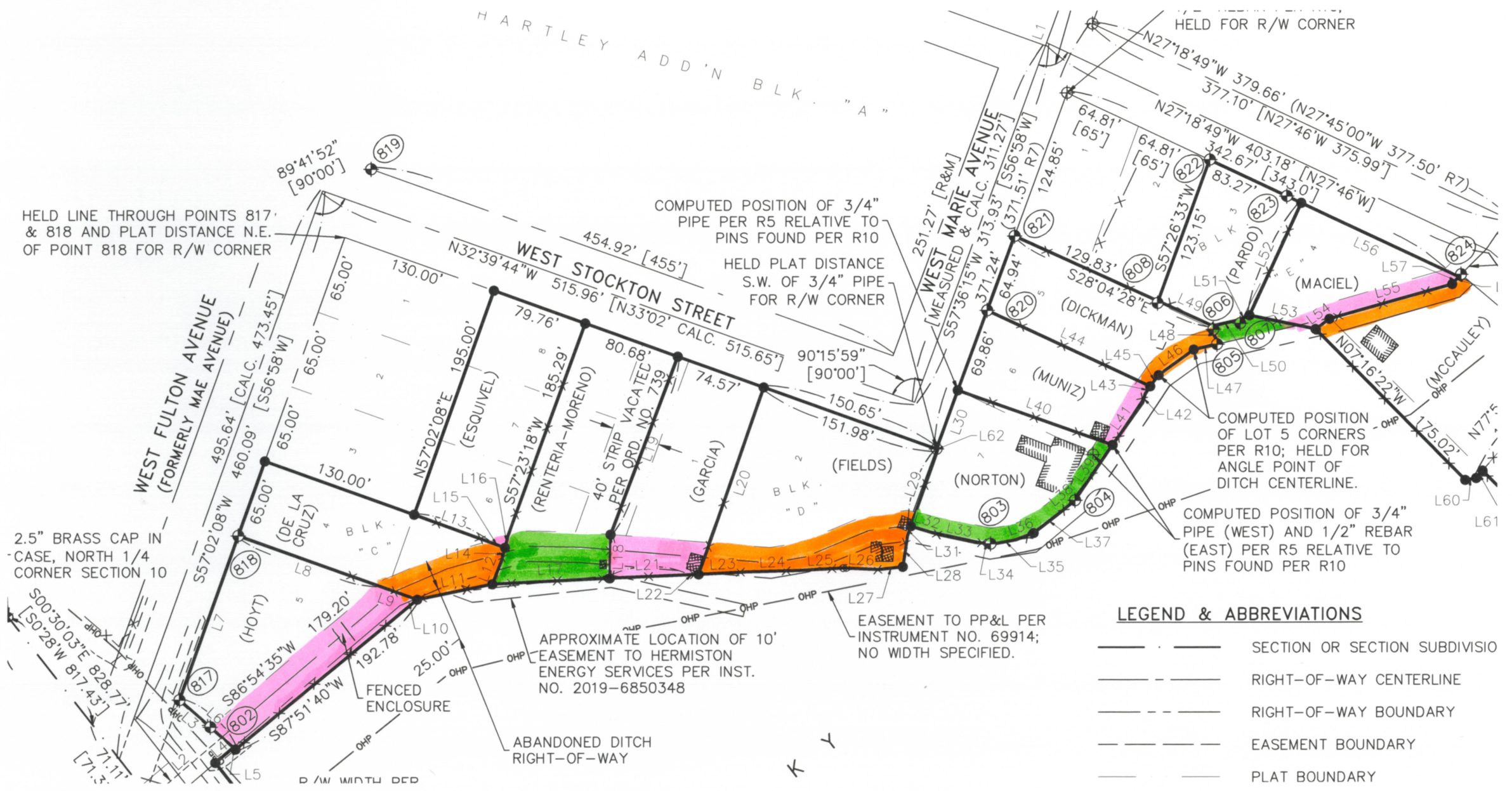
§157.101 Development Hazard Overlay

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.

Exhibit B
Conditions of Approval
Rocky Heights Subdivision
650 W Standard Ave
April 12, 2023

Subject to the deliberations of the Planning Commission and public testimony received at the public meeting, the following draft conditions of approval are submitted.

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the final plat.
2. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.



HELD LINE THROUGH POINTS 817 & 818 AND PLAT DISTANCE N.E. OF POINT 818 FOR R/W CORNER

COMPUTED POSITION OF 3/4" PIPE PER R5 RELATIVE TO PINS FOUND PER R10
HELD PLAT DISTANCE S.W. OF 3/4" PIPE FOR R/W CORNER

HELD FOR R/W CORNER

COMPUTED POSITION OF LOT 5 CORNERS PER R10; HELD FOR ANGLE POINT OF DITCH CENTERLINE.

COMPUTED POSITION OF 3/4" PIPE (WEST) AND 1/2" REBAR (EAST) PER R5 RELATIVE TO PINS FOUND PER R10

2.5" BRASS CAP IN CASE, NORTH 1/4 CORNER SECTION 10

APPROXIMATE LOCATION OF 10' EASEMENT TO HERMISTON ENERGY SERVICES PER INST. NO. 2019-6850348

EASEMENT TO PP&L PER INSTRUMENT NO. 69914; NO WIDTH SPECIFIED.

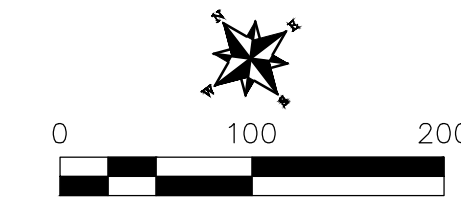
ABANDONED DITCH RIGHT-OF-WAY

LEGEND & ABBREVIATIONS

— · — · —	SECTION OR SECTION SUBDIVISIO
— — — — —	RIGHT-OF-WAY CENTERLINE
— · — · — · —	RIGHT-OF-WAY BOUNDARY
- - - - -	EASEMENT BOUNDARY
— — — — —	PLAT BOUNDARY

ROCKY HEIGHTS SUBDIVISION

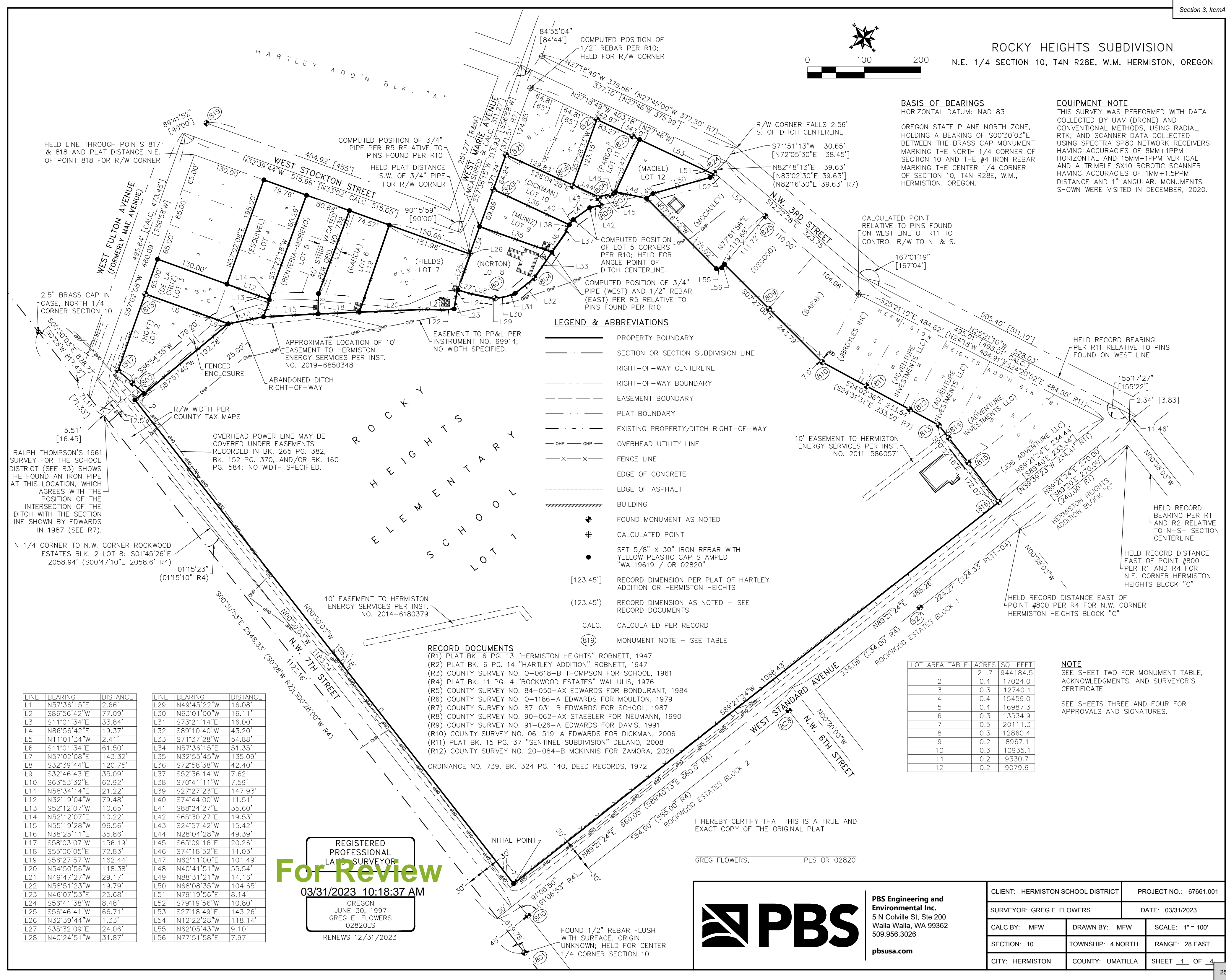
N.E. 1/4 SECTION 10, T4N R28E, W.M. HERMISTON, OREGON



BASIS OF BEARINGS
HORIZONTAL DATUM: NAD 83

OREGON STATE PLANE NORTH ZONE, HOLDING A BEARING OF S00°30'03"E BETWEEN THE BRASS CAP MONUMENT MARKING THE NORTH 1/4 CORNER OF SECTION 10 AND THE #4 IRON REBAR MARKING THE CENTER 1/4 CORNER OF SECTION 10, T4N R28E, W.M., HERMISTON, OREGON.

EQUIPMENT NOTE
THIS SURVEY WAS PERFORMED WITH DATA COLLECTED BY UAV (DRONE) AND CONVENTIONAL METHODS, USING RADIAL, RTK, AND SCANNER DATA COLLECTED USING SPECTRA SP80 NETWORK RECEIVERS HAVING ACCURACIES OF 8MM+1PPM HORIZONTAL AND 15MM+1PPM VERTICAL AND A TRIMBLE SX10 ROBOTIC SCANNER HAVING ACCURACIES OF 1MM+1.5PPM DISTANCE AND 1" ANGULAR. MONUMENTS SHOWN WERE VISITED IN DECEMBER, 2020.



- LEGEND & ABBREVIATIONS**
- PROPERTY BOUNDARY
 - - - SECTION OR SECTION SUBDIVISION LINE
 - - - RIGHT-OF-WAY CENTERLINE
 - - - RIGHT-OF-WAY BOUNDARY
 - - - EASEMENT BOUNDARY
 - - - PLAT BOUNDARY
 - - - EXISTING PROPERTY/DITCH RIGHT-OF-WAY
 - - - OVERHEAD UTILITY LINE
 - - - FENCE LINE
 - - - EDGE OF CONCRETE
 - - - EDGE OF ASPHALT
 - ▬ BUILDING
 - ⊕ FOUND MONUMENT AS NOTED
 - ⊕ CALCULATED POINT
 - SET 5/8" X 30" IRON REBAR WITH YELLOW PLASTIC CAP STAMPED "WA 19619 / OR 02820"
 - [123.45'] RECORD DIMENSION PER PLAT OF HARTLEY ADDITION OR HERMISTON HEIGHTS
 - (123.45') RECORD DIMENSION AS NOTED - SEE RECORD DOCUMENTS
 - CALC. CALCULATED PER RECORD
 - (819) MONUMENT NOTE - SEE TABLE

- RECORD DOCUMENTS**
- (R1) PLAT BK. 6 PG. 13 "HERMISTON HEIGHTS" ROBBETT, 1947
 - (R2) PLAT BK. 6 PG. 14 "HARTLEY ADDITION" ROBBETT, 1947
 - (R3) COUNTY SURVEY NO. Q-0618-B THOMPSON FOR SCHOOL, 1961
 - (R4) PLAT BK. 11 PG. 4 "ROCKWOOD ESTATES" WALLULIS, 1976
 - (R5) COUNTY SURVEY NO. 84-050-AX EDWARDS FOR BONDURANT, 1984
 - (R6) COUNTY SURVEY NO. Q-1186-A EDWARDS FOR MOULTON, 1979
 - (R7) COUNTY SURVEY NO. 87-031-B EDWARDS FOR SCHOOL, 1987
 - (R8) COUNTY SURVEY NO. 90-062-AX STAEBLER FOR NEUMANN, 1990
 - (R9) COUNTY SURVEY NO. 91-026-A EDWARDS FOR DAVIS, 1991
 - (R10) COUNTY SURVEY NO. 06-519-A EDWARDS FOR DICKMAN, 2006
 - (R11) PLAT BK. 15 PG. 37 "SENTINEL SUBDIVISION" DELANO, 2008
 - (R12) COUNTY SURVEY NO. 20-084-B MCKINNIS FOR ZAMORA, 2020
- ORDINANCE NO. 739, BK. 324 PG. 140, DEED RECORDS, 1972

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N57°36'15"E	2.66'	L29	N49°45'22"W	16.08'
L2	S86°56'42"W	77.09'	L30	N63°01'00"W	16.11'
L3	S11°01'34"E	33.84'	L31	S73°21'14"E	16.00'
L4	N86°56'42"E	19.37'	L32	S89°10'40"W	43.20'
L5	N11°01'34"W	2.41'	L33	S71°37'28"W	54.88'
L6	S11°01'34"E	61.50'	L34	N57°36'15"E	51.35'
L7	N57°02'08"E	143.32'	L35	N32°55'45"W	135.09'
L8	S32°39'44"E	120.75'	L36	S72°58'38"W	42.40'
L9	S32°46'43"E	35.09'	L37	S52°36'14"W	7.62'
L10	S63°53'32"E	62.92'	L38	S70°41'11"W	7.59'
L11	N58°34'14"E	21.22'	L39	S27°27'23"E	147.93'
L12	N32°19'04"W	79.48'	L40	S74°44'00"W	11.51'
L13	S52°12'07"W	10.65'	L41	S88°24'27"E	35.60'
L14	N52°12'07"E	10.22'	L42	S65°30'27"E	19.53'
L15	N55°19'28"W	96.56'	L43	S24°57'42"W	15.42'
L16	N38°25'11"E	35.86'	L44	N28°04'28"W	49.39'
L17	S58°03'07"W	156.19'	L45	S65°09'16"E	20.26'
L18	S55°00'05"E	72.83'	L46	S74°18'52"E	11.03'
L19	S56°27'57"W	162.44'	L47	N62°11'00"E	101.49'
L20	N54°50'56"W	118.38'	L48	N40°41'51"W	55.54'
L21	N49°47'27"W	29.17'	L49	N88°31'21"W	14.16'
L22	N58°51'23"W	19.79'	L50	N68°08'35"W	104.65'
L23	N46°07'53"E	25.68'	L51	N79°19'56"E	8.14'
L24	S56°41'38"W	8.48'	L52	S79°19'56"W	10.80'
L25	S56°46'41"W	66.71'	L53	S27°18'49"E	143.26'
L26	N32°39'44"W	1.33'	L54	N12°22'28"W	118.14'
L27	S35°32'09"E	24.06'	L55	N62°05'43"W	9.10'
L28	N40°24'51"W	31.87'	L56	N77°51'58"E	7.97'

LOT AREA TABLE

LOT	ACRES	SQ. FEET
1	21.7	944184.5
2	0.4	17024.0
3	0.3	12740.1
4	0.4	15459.0
5	0.4	16987.3
6	0.3	13534.9
7	0.5	20111.3
8	0.3	12860.4
9	0.2	8967.1
10	0.3	10935.1
11	0.2	9330.7
12	0.2	9079.6

NOTE
SEE SHEET TWO FOR MONUMENT TABLE, ACKNOWLEDGMENTS, AND SURVEYOR'S CERTIFICATE
SEE SHEETS THREE AND FOUR FOR APPROVALS AND SIGNATURES.

For Review

REGISTERED PROFESSIONAL LAND SURVEYOR
03/31/2023 10:18:37 AM
OREGON
JUNE 30, 1997
GREG E. FLOWERS
02820LS
RENEWS 12/31/2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.
GREG FLOWERS, PLS OR 02820



CLIENT: HERMISTON SCHOOL DISTRICT	PROJECT NO.: 67661.001	
SURVEYOR: GREG E. FLOWERS	DATE: 03/31/2023	
CALC BY: MFW	DRAWN BY: MFW	SCALE: 1" = 100'
SECTION: 10	TOWNSHIP: 4 NORTH	RANGE: 28 EAST
CITY: HERMISTON	COUNTY: UMATILLA	SHEET 1 OF 4

SURVEYOR'S NARRATIVE

THIS REPLAT WAS PERFORMED AT THE REQUEST OF WENAHA GROUP.

SUBJECT PARCELS WERE PREVIOUSLY SURVEYED IN 2020 TO SHOW THE BOUNDARIES OF ROCKY HEIGHTS ELEMENTARY SCHOOL PROPERTY AND THE ENCROACHMENTS UPON SAID BOUNDARY BY AND UPON ADJACENT PARCELS, IN ORDER TO ALLOW FOR FUTURE PROPERTY LINE ADJUSTMENTS WITH NEIGHBORING PARCEL OWNERS.

THE NORTH BOUNDARY OF THE SCHOOL PARCEL FOLLOWS THE CENTERLINE OF AN IRRIGATION DITCH WHICH HAS BEEN ABANDONED AND OF WHICH LITTLE VISIBLE PHYSICAL EVIDENCE REMAINS. THE DITCH CENTERLINE IS SHOWN ON THE PLAT OF HARTLEY ADDITION TO HERMISTON, HOWEVER SIGNIFICANT ERRORS EXIST WITHIN THE PLAT AND THE COURSES GIVEN FOR THE DITCH CANNOT BE MADE TO AGREE WITH THE ADJACENT LOT LINE DIMENSIONS WITHIN THE PLAT. A SURVEY WAS PERFORMED BY DENNIS EDWARDS IN 1987 TO RECALCULATE THE DITCH CENTERLINE USING THE ADJACENT LOT LINE DIMENSIONS AS WELL AS 1.5" IRON PIPES THAT EDWARDS FOUND. I HAVE FOLLOWED EDWARDS' SURVEY, AND USED THE COMPASS-RULE METHOD TO ADJUST HIS DIMENSIONS TO FIT THE VARIOUS SURVEY MONUMENTS FOUND IN THE FIELD. IT SHOULD BE NOTED THAT NO VACATION ORDER WAS FOUND FOR THE IRRIGATION DITCH RIGHT-OF-WAY IN AN EXAMINATION OF TITLE DOCUMENTS.

I HAVE HELD OTHER SURVEY RECORDS AND FOUND MONUMENTS AS SHOWN HEREIN TO ESTABLISH THE EAST BOUNDARY OF THE SCHOOL. THE SOUTH BOUNDARY IS THE RIGHT-OF-WAY OF WEST STANDARD AVENUE AS SHOWN ON THE PLAT OF ROCKWOOD ESTATES. THE WEST BOUNDARY IS THE RIGHT-OF-WAY OF NW 7TH STREET AS SHOWN ON COUNTY TAX MAP NO. 4N2810, HELD HEREIN AS A LINE PARALLEL WITH AND 60 FEET EAST OF THE NORTH-SOUTH CENTERLINE OF SECTION 10.

MONUMENT TABLE

- 800: FOUND #5 REBAR AT N.W. CORNER BLK. 2 LOT 8, ROCKWOOD ESTATES. HELD FOR S. R/W LINE OF STANDARD AVE. POINT FALLS 45.15' E. OF MONUMENTED N-S SECTION CENTERLINE.
- 801: FOUND #4 REBAR FLUSH WITH SURFACE. ORIGIN UNKNOWN; HELD FOR CENTER 1/4 CORNER SECTION 10.
- 802: FOUND #4 REBAR PER R7; HELD FOR NORTH R/W LINE OF DITCH.
- 803: FOUND #4 REBAR PER R7; HELD FOR DITCH CENTERLINE.
- 804: FOUND #4 REBAR PER R7; HELD FOR DITCH CENTERLINE.
- 805: FOUND #4 REBAR WITH EDWARDS CAP PER R10; HELD FOR DITCH CENTERLINE.
- 806: FOUND 1.5" IRON PIPE ON NORTH R/W LINE OF DITCH PER R10 & R12.
- 807: FOUND 1.5" IRON PIPE ON NORTH R/W LINE OF DITCH PER R12.
- 808: FOUND #4 REBAR WITH MCKINNIS CAP AT N.W. CORNER LOT 3 BLK. "E" HARTLEY ADD'N. PER R12.
- 809: FOUND #4 REBAR PER R6; HELD FOR EAST LINE SCHOOL LANDS.
- 810: FOUND #4 REBAR AT N.W. CORNER LOT 5 SENTINEL SUBDIVISION PER R11.
- 811: FOUND #5 REBAR AT N.W. CORNER LOT 4 SENTINEL SUBDIVISION WITH F.S. & E. CAP PER R11.
- 812: FOUND #4 REBAR AT N.W. CORNER LOT 3 SENTINEL SUBDIVISION AT POSITION CALLED AS #5 REBAR PER R11. FALLS IN CONCRETE DUMPSTER PAD.
- 813: FOUND #5 REBAR AT ANGLE POINT LOT 3 SENTINEL SUBDIVISION WITH F.S. & E. CAP PER R11.
- 814: FOUND #5 REBAR WITH F.S. & E. CAP AT N.W. CORNER LOT 2 SENTINEL SUBDIVISION PER R11. REBAR HAS BEEN ENCASED IN A CONCRETE-FILLED 4" PVC PIPE.
- 815: FOUND #5 REBAR AT N.W. CORNER LOT 1 SENTINEL SUBDIVISION PER R11.
- 816: FOUND #5 REBAR 12" DEEP AT S.W. CORNER LOT 1 SENTINEL SUBDIVISION PER R11.
- 817: FOUND #4 REBAR PER R7. HELD FOR SOUTH R/W LINE FULTON AVE.
- 818: FOUND #4 REBAR AT N.E. CORNER LOT 5, BLK. "C" HARTLEY ADD'N.; ORIGIN UNKNOWN. HELD FOR SOUTH R/W LINE FULTON AVE.
- 819: FOUND #5 REBAR WITH CAP (ILLEGIBLE) AT N.W. CORNER LOT 23, BLK. "A" HARTLEY ADD'N.; ORIGIN UNKNOWN. FALLS ON N.E. R/W LINE OF STOCKTON STREET.
- 820: FOUND #4 REBAR WITH EDWARDS CAP AT N.W. CORNER LOT 5 BLK. "E" HARTLEY ADD'N. PER R10; HELD FOR SOUTH R/W LINE MARIE AVENUE.
- 821: FOUND #4 REBAR WITH EDWARDS CAP AT N.E. CORNER LOT 5 BLK. "E" HARTLEY ADD'N. PER R10; HELD FOR SOUTH R/W LINE MARIE AVENUE.
- 822: FOUND #5 REBAR WITH MCKINNIS CAP 0.3' N.E. OF R/W LINE; HELD FOR LINE BETWEEN LOTS 2 & 3, BLK. 5 HARTLEY ADD'N.
- 823: FOUND #5 REBAR WITH MCKINNIS CAP AT CORNER OF LOTS 3 & 4 ON R/W LINE.
- 824: FOUND 1/2" REBAR PER R9 ON DITCH CENTERLINE, N8248'13"E 10.66' FROM DITCH ANGLE POINT (N82'16'30"E 10.65' R9); HELD FOR PROJECTION OF ROAD R/W TO THE SOUTH.
- 825: FOUND #4 REBAR WITH STAEBLER CAP PER R8; POINT FALLS 0.2' W. OF CALCULATED R/W AND 0.12' N. OF PROPERTY CORNER.
- 826: FOUND 2.5" BRASS CAP IN CASE AT P.I. HIGHLAND & S.W. 7TH, SOUTH 1/4 CORNER SECTION 10.
- 827: FOUND #5 REBAR AT N.E. CORNER BLK. 1 LOT 4, ROCKWOOD ESTATES. HELD FOR S. R/W LINE OF STANDARD AVE.
- 828: FOUND #5 REBAR AT N.E. CORNER BLK. 2 LOT 1, ROCKWOOD ESTATES. HELD FOR W. R/W LINE OF N.W. 6TH ST.

NOTE

SEE SHEET ONE OF FOUR FOR MAP

SEE SHEETS THREE AND FOUR OF FOUR FOR APPROVALS AND SIGNATURES

CITY OF HERMISTON PLANNING COMMISSION AND CITY COUNCIL

THIS IS TO CERTIFY THAT THIS REPLAT HAS BEEN APPROVED BY THIS PLANNING COMMISSION AND THIS CITY COUNCIL WHO HAVE REVIEWED IT THOROUGHLY AND ACKNOWLEDGE THAT IT MEETS ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCES AS ESTABLISHED BY THE CITY OF HERMISTON, OREGON AND IS NOW READY FOR FILING IN THE RECORD OF TOWN PLATS OF THE COUNTY OF UMATILLA, STATE OF OREGON.

THIS ____ DAY OF _____, 20____

 CHAIRMAN OF THE HERMISTON PLANNING COMMISSION

THIS ____ DAY OF _____, 20____

 MAYOR OF THE CITY OF HERMISTON – CITY COUNCIL

UMATILLA COUNTY SURVEYOR

THIS IS TO CERTIFY THAT I HAVE REVIEWED THIS REPLAT OF "ROCKY HEIGHTS SUBDIVISION" AND I HEREBY ACKNOWLEDGE THAT IT COMPLIES WITH THE STANDARDS SET FORTH IN ORS CHAPTER 92 AND I THEREFORE APPROVE THIS PLAT TO BE ACCEPTABLE FOR FILING IN THE "RECORD OF TOWN PLATS" OF THE COUNTY OF UMATILLA, STATE OF OREGON.

THIS ____ DAY OF _____, 20____

 UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY COMMISSIONERS

THIS IS TO CERTIFY THAT WE HAVE REVIEWED THIS REPLAT OF "ROCKY HEIGHTS SUBDIVISION" AND IT IS HEREBY APPROVED FOR FILING IN THE "RECORD OF TOWN PLATS" OF THE COUNTY OF UMATILLA, STATE OF OREGON.

THIS ____ DAY OF _____, 20____

 CHAIRMAN

 COMMISSIONER

 COMMISSIONER

UMATILLA COUNTY ASSESSOR AND TAX COLLECTOR

THIS IS TO CERTIFY THAT WE HAVE REVIEWED THIS REPLAT OF "ROCKY HEIGHTS SUBDIVISION" AND HAVE FOUND THAT ALL TAXES AND LIENS HAVE BEEN PAID ON THE LANDS PORTRAYED IN THIS PLAT AND WE HEREBY APPROVE THIS PLAT TO BE FILED IN THE OFFICE OF THE COUNTY RECORDS.

THIS ____ DAY OF _____, 20____

 UMATILLA COUNTY ASSESSOR

 UMATILLA COUNTY TAX COLLECTOR

HERMISTON IRRIGATION DISTRICT

THIS IS TO CERTIFY THAT WE HAVE REVIEWED THIS REPLAT OF "ROCKY HEIGHTS SUBDIVISION" AND HEREBY APPROVE THE SAME TO BE FILED IN THE OFFICE OF THE COUNTY RECORDS.

THIS ____ DAY OF _____, 20____

 HERMISTON IRRIGATION DISTRICT

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

 GREG FLOWERS, PLS OR 02820

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

03/31/2023 10:25:37 AM

OREGON
 JUNE 30, 1997
 GREG E. FLOWERS
 02820LS

RENEWS 12/31/2023

For Review

ROCKY HEIGHTS SUBDIVISION
 N.E. 1/4 SECTION 10, T4N R28E, W.M. HERMISTON, OREGON

OWNER/DEVELOPER

WENAHA GROUP
 125 SE COURT AVE, SUITE A
 PENDLETON, OR 97801

HERMISTON SCHOOL DISTRICT
 305 SW 11TH ST
 HERMISTON, OR 97838

RANDALL AND CARMAN HOYT
 645 W FULTON DR
 HERMISTON, OR 97838

JESSICA DE LA CRUZ
 510 E SUNSET DR
 HERMISTON, OR 97838

RAMON ALVAREZ ESQUIVEL
 2511 CURLEW ST
 UMATILLA, OR 97882

ALBERTO RENTERIA-MORENO AND
 LUIS ALBERTO RENTERIA JR.
 925 NW STOCKTON ST
 HERMISTON, OR 97838

JOSE AND REBECA GARCIA
 608 W HERMISTON AVE
 HERMISTON, OR 97838

ROBERT FIELDS
 905 NW STOCKTON ST
 HERMISTON, OR 97838

CHRIS NORTON AND CYNTHIA MOORE
 435 W MARIE AVE
 HERMISTON, OR 97838

JOSE AND HILDA MUNIZ
 425 W MARIE AVE
 HERMISTON, OR 97838

KAREN DICKMAN
 415 W MARIE AVE
 HERMISTON, OR 97838

USIEL PARDO ZAMORA
 PO BOX 151
 PATERSON, WA 99345

HAVIER AND JESSICA MACIEL
 745 NW 3RD ST
 HERMISTON, OR 97838

SURVEYOR'S CERTIFICATE

I, GREG E. FLOWERS, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE REPLAT OF "ROCKY HEIGHTS SUBDIVISION", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (CENTER 1/4 CORNER) OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, STATE OF OREGON AND RUNNING THENCE N00°30'03"W, ALONG THE NORTH-SOUTH CENTER LINE OF SAID SECTION 10, A DISTANCE OF 619.78 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHWESTERLY PROLONGATION OF WEST STANDARD AVENUE; THENCE N89°21'24"W, ALONG SAID SOUTHWESTERLY PROLONGATION AND SAID CENTERLINE OF SAID WEST STANDARD AVENUE, A DISTANCE OF 60.00 FEET; THENCE N00°30'03"W, PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 10, A DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF SAID WEST STANDARD AVENUE WITH THE EASTERLY RIGHT-OF-WAY OF NORTHWEST SEVENTH STREET WHICH IS A 5/8" X 30" IRON REBAR MARKING THE INITIAL POINT OF "ROCKY HEIGHTS SUBDIVISION" AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION:

BEGINNING AT A SET 5/8" REBAR WITH A PLASTIC CAP SET AT THE SOUTHWEST CORNER; THENCE ALONG THE EASTERLY RIGHT OF WAY OF NORTHWEST 7TH STREET, BEING PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, N00°30'03"W A DISTANCE OF 1,083.18 FEET; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF THE ABANDONED IRRIGATION DITCH AS SHOWN ON THE PLAT OF HARTLEY ADDITION AS SHOWN ON THE OFFICIAL PLAT THEREOF RECORDED IN VOLUME 6, PAGE 14 OF TOWN PLATS IN RECORDS OF UMATILLA COUNTY, OREGON, 86°56'42"E A DISTANCE OF 19.37 FEET TO THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 5 OF SAID HARTLEY ADDITION; THENCE ALONG THE WESTERLY LINE OF SAID LOT 5, N11°01'34"W A DISTANCE OF 59.09 FEET TO THE NORTHWEST QUARTER OF LOT 5 OF BLOCK C OF SAID HARTLEY ADDITION; THENCE ALONG THE NORTH LINE OF BLOCK C THEREOF, N57°02'08"E A DISTANCE OF 208.32 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK C; THENCE ALONG THE EAST LINE OF SAID LOT 4, S32°39'44"E A DISTANCE OF 130.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF LOTS 6, 7, AND 8 OF SAID BLOCK C, N57°02'08"E A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF LOT 8; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF WEST STOCKTON STREET, S32°39'44"E A DISTANCE OF 385.66 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF BLOCK D OF SAID HARTLEY ADDITION; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST MARIA AVENUE, N57°36'15"E A DISTANCE OF 186.15 FEET TO THE NORTHEAST CORNER OF LOT 5 OF BLOCK E OF SAID HARTLEY ADDITION; THENCE ALONG THE EAST LINE OF SAID LOT 5, S28°04'28"E A DISTANCE OF 129.83 FEET TO THE NORTHWEST CORNER OF LOT 3 OF SAID BLOCK E; THENCE ALONG THE NORTH LINE OF SAID LOT 3, N57°26'33"E A DISTANCE OF 123.15 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF NORTHWEST THIRD STREET, S27°18'49"E A DISTANCE OF 226.53 FEET TO THE SOUTHERLY LINE OF LOT 4, BLOCK E OF SAID HARTLEY ADDITION; THENCE S79°19'56"W A DISTANCE OF 8.14 FEET; THENCE N68°08'35"W A DISTANCE OF 104.65 FEET; THENCE N88°31'21"W A DISTANCE OF 14.16 FEET; THENCE S07°16'22"E A DISTANCE OF 175.02 FEET; THENCE S62°05'43"E A DISTANCE OF 9.10 FEET; THENCE N77°51'58"E A DISTANCE OF 7.97 FEET; THENCE S07°27'00"E A DISTANCE OF 243.79 FEET TO THE NORTHWEST CORNER OF LOT 5 OF SENTINEL SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN VOL 15, PG. 37 OF TOWN PLATS IN RECORDS OF UMATILLA COUNTY, OREGON; THENCE ALONG THE WESTERLY LINE OF SAID SENTINEL ADDITION, S24°02'36"E A DISTANCE OF 233.54 FEET; THENCE S00°32'16"E A DISTANCE OF 172.07 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID SUBDIVISION; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF WEST STANDARD AVENUE, S89°21'24"W A DISTANCE OF 1,088.43 FEET TO THE POINT OF BEGINNING; HAVING AN AREA OF 1,091,210 SQUARE FEET, 25.05 ACRES, MORE OR LESS.

SAID SUBDIVISION IS LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, HERMISTON, UMATILLA COUNTY, OREGON. THE INITIAL POINT, BEING A SET 5/8" REBAR WITH A PLASTIC CAP SET AT THE SOUTHWEST CORNER, MARKS THE SOUTHWESTERLY CORNER OF SAID "ROCKY HEIGHTS SUBDIVISION".

 GREG E. FLOWERS, P.L.S. 02820 OR.

		CLIENT: HERMISTON SCHOOL DISTRICT		PROJECT NO.: 67661.001
		SURVEYOR: GREG E. FLOWERS		DATE: 03/31/2023
CALC BY: MFW	DRAWN BY: MFW	SCALE: 1" = 100'		
SECTION: 10	TOWNSHIP: 4 NORTH	RANGE: 28 EAST		
CITY: HERMISTON	COUNTY: UMATILLA	SHEET <u>2</u> OF <u>4</u>		

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENT THAT WE, OWNERS OF THE LANDS SHOWN HEREIN, HAVE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES CAUSED THE SAID TO BE SURVEYED AND PLATTED AS SHOWN HEREON. THIS SUBDIVISION SHALL HEREAFTER BE KNOWN AND DESIGNATED BY THE NAME "ROCKY HEIGHTS SUBDIVISION". THE LEGAL DESCRIPTION FOR THIS LAND IS AS STATED IN THE SURVEYOR'S CERTIFICATE ON SHEET TWO OF FOUR HEREOF:

ROCKY HEIGHTS SUBDIVISION
N.E. 1/4 SECTION 10, T4N R28E, W.M. HERMISTON, OREGON

REPRESENTATIVE FOR HERMISTON SCHOOL DISTRICT DATE

PRINT NAME

RANDALL HOYT DATE

PRINT NAME

CARMAIN HOYT DATE

PRINT NAME

JESSICA DE LA CRUZ DATE

PRINT NAME

RAMON ALVAREZ ESQUIVEL DATE

PRINT NAME

ALBERTO RENTERIA-MORENO DATE

PRINT NAME

LUIS ALBERTO RENTERIA JR. DATE

PRINT NAME

JOSE GARCIA DATE

PRINT NAME

REBECA GARCIA DATE

PRINT NAME

ROBERT FIELDS DATE

PRINT NAME

CHRIS NORTON DATE

PRINT NAME

CYNTHIA MOORE DATE

PRINT NAME

JOSE MUNIZ DATE

PRINT NAME

HILDA MUNIZ DATE

PRINT NAME

KAREN DICKMAN DATE

PRINT NAME

USIEL PARDO ZAMORA DATE

PRINT NAME

HAVIER MACIEL DATE

PRINT NAME

JESSICA MACIEL DATE

PRINT NAME

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ HAS SIGNED THIS PLAT ON BEHALF OF HERMISTON SCHOOL DISTRICT, ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THIS PLAT AND ACKNOWLEDGED IT AS THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED ON THIS PLAT.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES _____

RESIDING IN _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

GREG FLOWERS, PLS OR 02820

For Review
REGISTERED PROFESSIONAL LAND SURVEYOR
03/31/2023 10:25:50 AM
OREGON JUNE 30, 1997
GREG E. FLOWERS 02820LS
RENEWS 12/31/2023

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED RANDALL HOYT, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES _____

RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED CARMAIN HOYT, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES _____

RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED JESSICA DE LA CRUZ, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES _____

RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED RAMON ALVAREZ ESQUIVEL, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES _____

RESIDING IN _____

NOTE

SEE SHEET ONE OF FOUR FOR MAP

SEE SHEET TWO OF FOUR FOR MONUMENT TABLE, ACKNOWLEDGMENTS, AND SURVEYOR'S CERTIFICATE

SEE SHEET FOUR OF FOUR FOR ADDITIONAL SIGNATURES

CLIENT: HERMISTON SCHOOL DISTRICT		PROJECT NO.: 67661.001
SURVEYOR: GREG E. FLOWERS		DATE: 03/31/2023
CALC BY: MFW	DRAWN BY: MFW	SCALE: 1" = 100'
SECTION: 10	TOWNSHIP: 4 NORTH	RANGE: 28 EAST
CITY: HERMISTON	COUNTY: UMATILLA	SHEET 3 OF 4



PBS Engineering and Environmental Inc.
5 N Colville St, Ste 200
Walla Walla, WA 99362
509.956.3026
pbsusa.com

ROCKY HEIGHTS SUBDIVISION
N.E. 1/4 SECTION 10, T4N R28E, W.M. HERMISTON, OREGON

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED ALBERTO RENTERIA-MORENO, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED LUIS ALBERTO RENTERIA JR., TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED JOSE GARCIA, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED REBECA GARCIA, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED ROBERT FIELDS, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED CHRIS NORTON, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED CYNTHIA MOORE, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED JOSE MUNIZ, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED HILDA MUNIZ, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED KAREN DICKMAN, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED USIEL PARDO ZAMORA, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED HAVIER MACIEL, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____
BEFORE ME THIS _____ DAY OF _____, 20____, APPEARED JESSICA MACIEL, TO ME PERSONALLY KNOWN, WHO ACKNOWLEDGED THE FORGOING REPLAT TO BE A FREE AND VOLUNTARY ACT AND DEED.

NOTARY PUBLIC DATE
MY APPOINTMENT EXPIRES _____
RESIDING IN _____

NOTE
SEE SHEET ONE OF FOUR FOR MAP
SEE SHEET TWO OF FOUR FOR MONUMENT TABLE, ACKNOWLEDGMENTS, AND SURVEYOR'S CERTIFICATE
SEE SHEET THREE OF FOUR FOR APPROVALS AND ADDITIONAL SIGNATURES

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.

GREG FLOWERS, PLS OR 02820



For Review
REGISTERED PROFESSIONAL LAND SURVEYOR
03/31/2023 10:26:00 AM
OREGON
JUNE 30, 1997
GREG E. FLOWERS
02820LS
RENEWS 12/31/2023

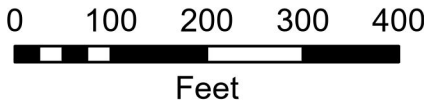
PBS
PBS Engineering and Environmental Inc.
5 N Colville St, Ste 200
Walla Walla, WA 99362
509.956.3026
pbsusa.com

CLIENT: HERMISTON SCHOOL DISTRICT	PROJECT NO.: 67661.001	
SURVEYOR: GREG E. FLOWERS	DATE: 03/31/2023	
CALC BY: MFW	DRAWN BY: MFW	SCALE: 1" = 100'
SECTION: 10	TOWNSHIP: 4 NORTH	RANGE: 28 EAST
CITY: HERMISTON	COUNTY: UMATILLA	SHEET 4 OF 4



Legend

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





Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of April 12, 2023

Title/Subject

Facade Grant- Human Bean Coffee 4N2811CB Tax Lot 11800 - 205 S HWY 395

Summary and Background

The Hermiston Urban Renewal District has received a façade grant application for improvements to commercial property located at 205 S HWY 395. The proposed landscape improvements include rock, parking lot lighting, paving, building signs, and a trash enclosure. The estimated budget for the improvements applying for grant reimbursement is over \$95,000. The project is eligible for a match of up to \$20,000 based on the project budget.

The lot is currently being developed with a coffee shop. A drive-thru and a walk-up window will be available to serve patrons.

Tie-In to Council Goals

Urban renewal and downtown revitalization are council goals.

Fiscal Information

The project is eligible for up to \$20,000 in matching funds. If awarded, the grant is anticipated to be paid in the 2023-24 fiscal year, in which there is sufficient funding to accommodate the grant.

Alternatives and Recommendation

Alternatives

The planning commission may choose to approve or reject the grant request and determine an appropriate match percentage.

Recommended Action/Motion

The proposed development and improvements will enhance the downtown. Staff does not have a recommendation on the appropriate match percentage.

The planning commission should score the application and the match determination will be calculated from the average of all scores. No specific motion is required.

Submitted By:

Clinton Spencer

Hermiston Urban Renewal Agency

Application for Façade Improvement Grant

Name of Applicant

Property Address

Property Owner (if different)

Owner Address (if different)

Business Name

Phone Number E-Mail

Project Description *Please address the scoring criteria if possible. Use additional pages if necessary.*

Grant Request Project Budget

Start Date End Date

Applicant Signature Date

Please attach to this form copies of the project budget, construction drawings, property owner consent, an itemized list of improvements, and other items that are pertinent to the project.

Hermiston Urban Renewal Agency
Application for Façade Improvements Grant

Page 1

Project Description:

Bringing a new business to the Hermiston commercial core. We are excited to bring The Human Bean of Hermiston to the corner of Hwy 395 & Hurlburt. Turning a vacant lot into a new aesthetic site to enhance the value of the property and surrounding area. The improved lot will include paving, curbing, rock landscape, black trash enclosure to compliment the building, and of course a beautiful new building which will compliment all surrounding areas.

Hermiston Urban Renewal Agency

Application for Façade Improvement Grant

Colors proposed

The colors of the franchise is brown & tans. Very classy and clean. Please see attached photos of what our building will look like

Describe building materials proposed

The building is wood framed with stucco and stone

Explain how the proposed improvements are consistent with the type of architectural features found in the existing historical buildings in the district.

The new building will enhance current buildings showcasing the stucco and stone and will create a clean, timeless and modern fashion yet remain classic.

Does the proposed improvement contain features designed to contribute to aesthetic enhancement?

Yes, the improvements will contribute to the aesthetic enhancement downtown. The clean color scheme with stucco & stone will not only brighten up the 395 corridor in downtown Hermiston, it will serve the community for years to come.

Will the proposed improvements contribute not only to the enhancement of the commercial use, but the downtown as a whole?

Yes, the improvements (new business) will be an enhancement not only to the looks of downtown but a convenience for many of the employees and customers that frequent our downtown.

Hermiston Urban Renewal Agency

Application for Façade Improvement Grant

Are the proposed improvements compatible with the overall downtown character?

The Human Bean of Hermiston is compatible with the downtown character by bringing a new business full of life to the area, while at the same time embodying the culture, comfort, & love for our historic downtown.

Are the proposed improvements designed to contribute to the long-term health of the district? For example, landscape improvements are not as durable as masonry.

The new business building and landscape are designed to be a lifelong part of the Hermiston downtown. We are planning on being a life long member of the Hermiston business district and community as a whole.

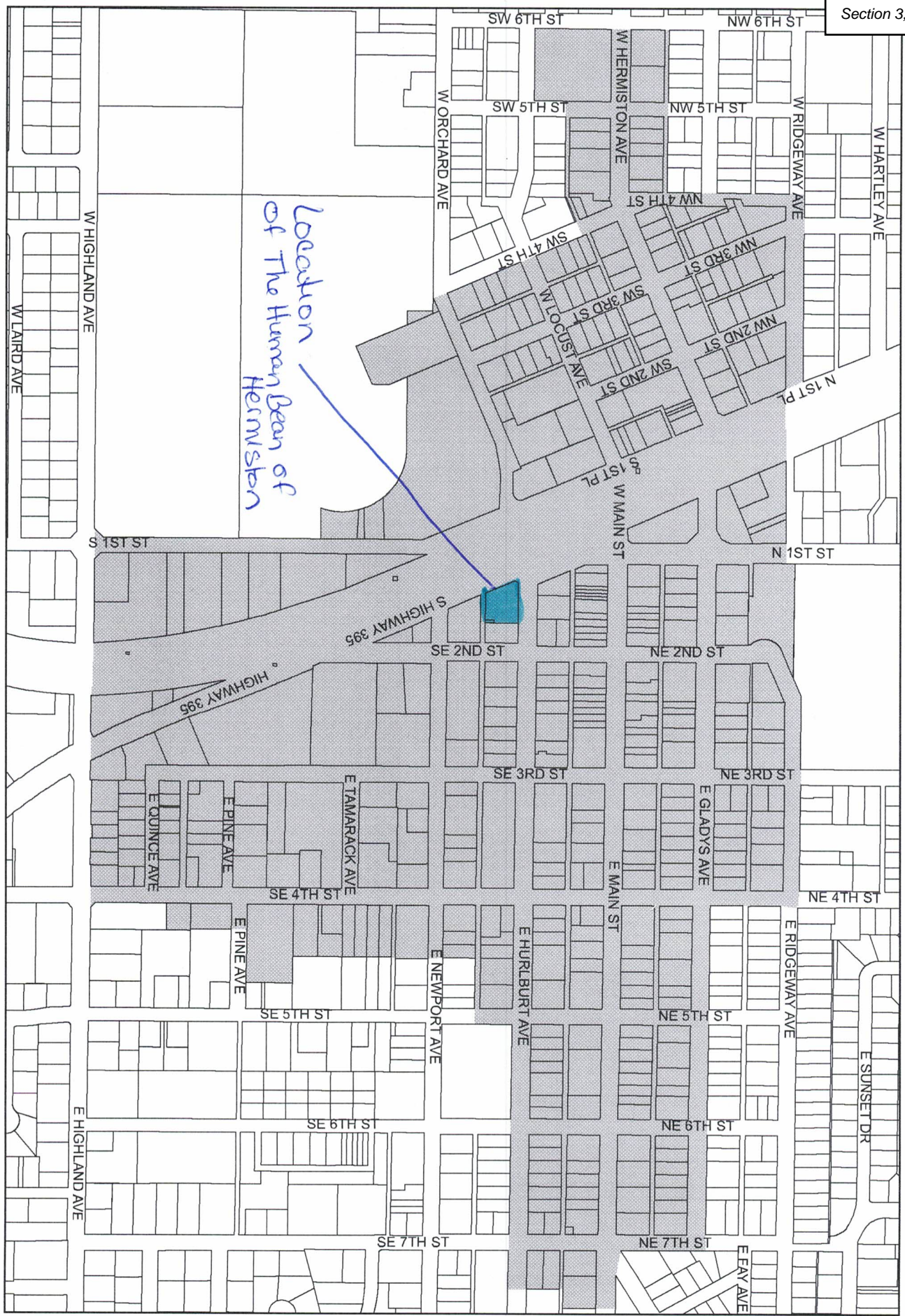
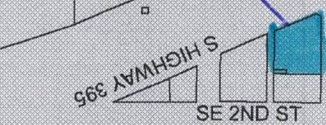
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?

The new business will most definitely enhance the value of our property and provide a good return on investment for the district by showing others it is an awesome place to bring a new business.

Exhibit A - Hermiston Urban Renewal District



*Location
of The Human Bean of
Hermiston*



Source: City of Hermiston, Umatilla County, ESRI
Spencer 1-29-14

Our building ☺



*note awnings come with the building
so I do not have seperate cost breakdown

Hermiston Urban Renewal Agency
Budget for Façade Improvement grant

Landscaping rock	\$3,000.00
Parking Lot Lights	\$16,721.00
Paving of Lot	\$53,446.25
Building signs	\$19,984.85
Trash enclosure	\$2,147.97
total	\$95,300.07

does not include cost for awnings

does not include any concrete work which included all new sidewalks around the property, or any curbing inside the property

does not include any cost of building, doors, windows

does not include any of the building cost

If you would like questions answered please feel free to reach out to me at meant2benterprises@gmail.com or 509-386-2499

clgksg@gmail.com

From: Aaron Beamer <beamer_0032@hotmail.com>
Sent: Tuesday, February 28, 2023 1:37 PM
To: Cindy Granger
Subject: FW: Rock Quote

Sent from [Mail](#) for Windows 10

From: [Kopacz Nursery Florist](#)
Sent: Tuesday, February 28, 2023 1:35 PM
To: beamer_0032@hotmail.com
Subject: Rock Quote

Hello Aaron,
River Rock quote for the 4,254 square feet would be \$3000.00.

Thanks, Tania Hoefft
Manager

--

Kopacz Nursery & Florist
kopacznursery@gmail.com
(541) 567-3278
465 W Theater Ln
Hermiston OR, 97838



Connect with us on [Facebook](#) and visit us at kopacznurseryflorist.com

meant2benterprises@gmail.com

From: Jerrad Johnston <jerrad@wwelectric.com>
Sent: Tuesday, April 11, 2023 7:48 AM
To: meant2benterprises@gmail.com
Cc: Trevor Depping
Subject: RE: LIGHTS

Cindy,

That number for the parking lot lighting, is \$16,721
That includes conduit, wire, fixtures, poles, pole bases, labor, etc..



Jerrad Johnston
Project Manager / Scheduler
Walla Walla Electric, Inc
<https://www.wwelectric.com>
509-525-8672 – office
509-629-1075 – cell

From: meant2benterprises@gmail.com <meant2benterprises@gmail.com>
Sent: Monday, April 10, 2023 7:20 PM
To: Jerrad Johnston <jerrad@wwelectric.com>
Subject: LIGHTS

I am filling out a grant of course I am running late.... It is due tomorrow..... I have your quoted amount to Sineco for the job... but the only qualified portion for the grant is the parking lot lighting..... can you give me a documentation of cost and labor for that portion?

Smiles & Laughter,
Cindy Granger, Member
Meant 2B Enterprises, LLC
509-386-2499

Sineco Construction LLC.
97544 Powerline RD.
Hermiston, OR 97838



Section 3, Item B.

Steve Sinor (541) 566-1987
steve.sinor3@gmail.com

Doug Cox (541) 571-5118
wdcox51393@gmail.com

Date: 1/9/23

Project: Human Bean

Contact Information

Cindy Granger

Project Location

Hermiston, Or

Billing Address

BID GOOD FOR 30 DAYS

Scope of Work: New Human Bean Construction

Exclusions:

Excluded from this proposal. Modular Building, UEC Power, Cascade Natural Gas, Internet / Phone, Landscaping, Trash Enclosure, Human Bean Sign, Order Stations, and Crane Cost's. Additional work or changes to current plans will be charged at a cost-plus basis.

Proposal:

Site Work Demo & Preparation \$120,968.50

Modular Foundation / Civil Concrete \$75,499.61

Asphalt Drive and Parking \$53,446.25

Traffic Control and Paint Striping \$16,387.50

Electrical Site Work / Building Security \$32,953.25

Plumbing \$7,500

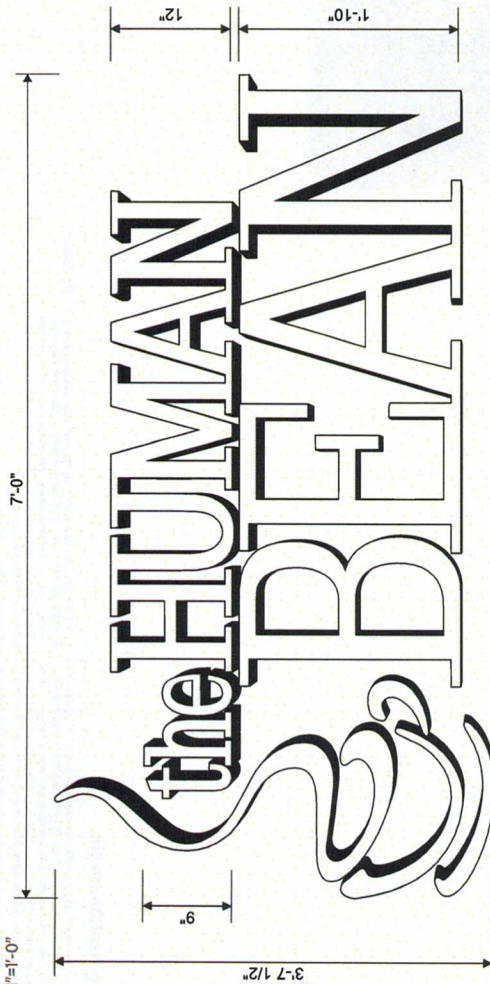
Site Staking \$5,500

Compaction Testing \$2,500

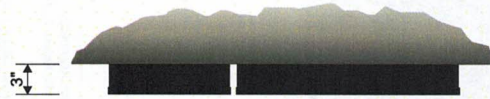
Building Connection Labor \$6,500

Administration Fees \$3,500

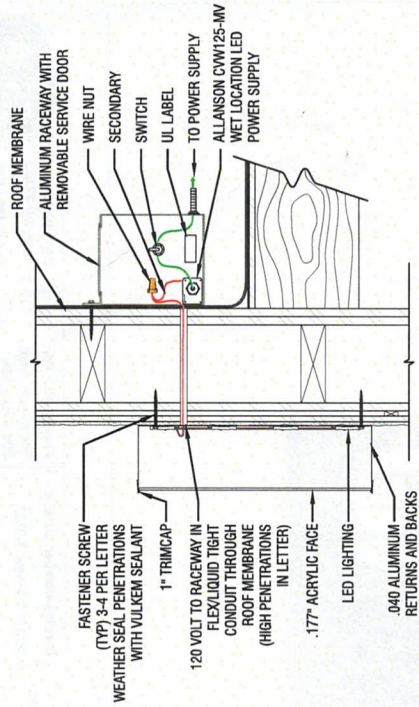
Layout
Scale: 1"=1'-0"



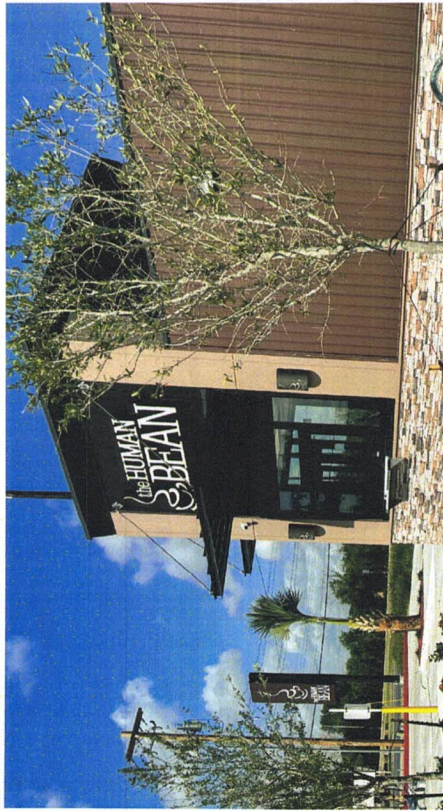
Side View



Attachment Detail



Typical Example



Specifications

Manufacture (3) Sets of Channel Letters

3" deep stock black returns & 3/4" black trim cap.

White acrylic faces & white LED illumination.

Remote raceway mounted on roof behind parapet wall.

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Revisions:

Client Approval:
Includes Colors, Spelling, Artwork
Please Initial: | Please Date:

Drawing Number: 35755A
Date of Drawing: 3.07.23
Sales: TC | BL | Page No: 1 of 2

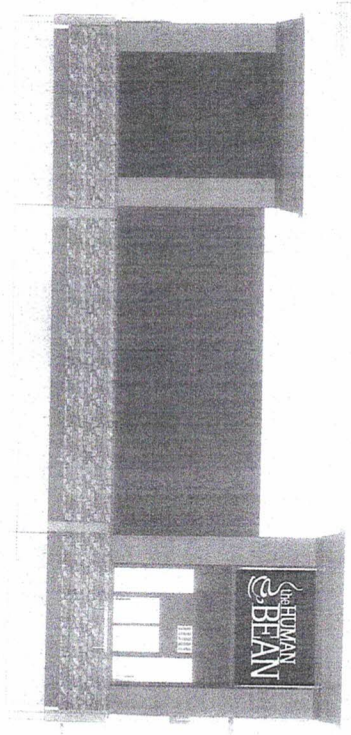
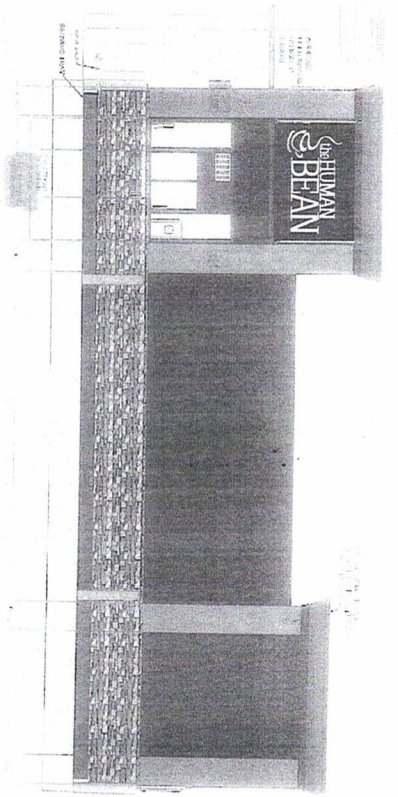
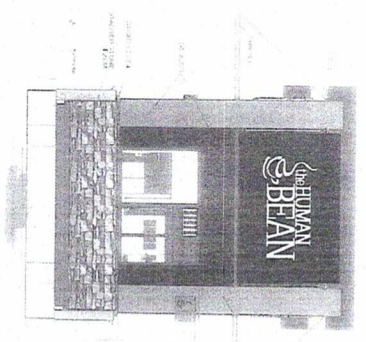
Presentation For:
The Human Bean
205 S Hwy 395
Hermiston, OR 97838

89975 Prairie Rd.
Eugene, OR 97402
P | 541.485.5546
esesigns.com

Section 3, Item B.

This is documentation of the three signs that will be placed on the building a quote

ES&A
11'-0"



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Graphic presentation only. Please see your representative for actual color & material samples.
Various printers & monitors will interpret colors in different tones & shades.

Revisions:

Client Approval:
Includes Colors, Spelling, Artwork

Please Initial: Please Date:

Drawing Number: 35755A
Date of Drawing: 3/07/23

Sales: TC Design: BL Page No: 2 of 2

Presentation For:
The Human Bean
205 S Hwy 395
Hermiston, OR 97838

89975 Prairie Rd.
Eugene, OR 97402
P | 541.485.5546
esasigns.com





PROPOSAL

Proposal #: 35755

Section 3, Item B.

Proposal Date: 03/17/23
Customer #: 15652
Page: 1 of 5
Salesperson: Tracy Cornelius

SOLD TO:	JOB LOCATION:
MEANT 2B ENTERPRISES, LLC ATTN: ACCOUNTS PAYABLE 53125 W BALLOU RD. MILTON-FREEWATER OR 97862	HUMAN BEAN 205 S HWY 395 HERMISTON OR 97838

ES&A SIGN CORP. (HEREINAFTER CALLED THE "COMPANY") HEREBY PROPOSES TO FURNISH ALL THE MATERIALS AND PERFORM ALL THE LABOR NECESSARY FOR THE COMPLETION OF:

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	QUOTE #35755 Common - Phase A ONLY- mobilization, survey, per diem, lodging.	\$4,792.17	\$4,792.17
1	QUOTE #35755A Fabricate and install (3) three sets of LED illuminated channel letters. Specifications as per ES&A design #35755A. Customer to provide primary power to within approx. 5' of install location. Specifications as per ES&A design #35755A. Quote does not include permits.	\$18,199.95	\$18,199.95
		SUB TOTAL:	\$22,992.12
		DISCOUNT:	- \$3,080.94
		ESTIMATED SALES TAXES:	\$73.67

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE ABOVE TO BE IN ACCORDANCE WITH THE DRAWINGS AND OR SPECIFICATIONS SUBMITTED FOR THE ABOVE WORK AND COMPLETED IN A WORKMANLIKE MANNER FOR THE SUM OF:

TOTAL PROPOSAL AMOUNT: \$19,984.85

Effective January 1, 2020, a .37% Corporate Activity Tax (CAT) will be calculated on the gross amount and added to all invoices, except on those entities exempt by law.

TERMS: 50.0% DOWN, BALANCE DUE ON COMPLETION

THIS PRICE DOES NOT INCLUDE ELECTRICAL HOOKUP, PERMITS, ENGINEERING OR TAX UNLESS SPECIFICALLY STATED.

NOTE: THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS. WORK WILL NOT BEGIN UNTIL DOWN PAYMENT AND WRITTEN ACCEPTANCE IS RECEIVED.

ANY ALTERATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE TO BE PAID BY THE PURCHASER.

COMPANY INITIALS _____

ES&A SIGN AND AWNING
 89975 PRAIRIE RD EUGENE, OR 97402
 P 541-485-5546; F 541-485-5813

CUSTOMER INITIALS 

Oregon CCB 163470



PROPOSAL

Proposal #: 35755

Proposal Date: 03/17/23
Customer #: 15652
Page: 2 of 5
Salesperson: Tracy Cornelius

TERMS AND CONDITIONS

Payment terms: 50% down with order. Balance due upon delivery or installation. Work will not begin until down payment and written acceptance have been received. Permits are additional and are charged at cost with a \$350 procurement fee. Engineering, private locates, and special inspections are additional at cost plus 10%. Primary Electrical to display(s) and hook-up is not included. All signs will be manufactured for 120 Volts unless otherwise requested in writing. Dedicated circuit(s) must be provided with a continuous ground to panel. Voltage at sign must be within 117v to 123v or warranty will be void. Sales tax is additional.

Face changes and modifications to existing signs. Unless specified in writing, repairs to ballasts, power supplies, LED's, transformers, neon, fluorescent lamps, lamp sockets, and all other lighting components are not included in price.

Not responsible for underground obstructions and damage to same.

Expiration: Due to fluctuations in fuel, energy, labor, and material costs, sale agreements may be withdrawn if not accepted within (60) sixty days.

1. **Agreement.** Seller agrees to sell, and Buyer agrees to purchase, an advertising display, sign, or awning (Display) in conformity with the terms of this agreement.
2. **Buyer's Duties.** Unless this agreement provides otherwise, Buyer shall, at Buyer's expense:
 - 2.1 Provide unobstructed access for personnel, vehicles and equipment directly adjacent to display location including attic, roof, and fascia.
 - 2.2 Prior to installation, supply unobstructed, dedicated electrical circuits within 5'-0" to the Display of an appropriate capacity in conformance with Federal, State, and local laws.
 - 2.3 Perform all necessary blocking, modifications and/or reinforcements to the building on which Display is to be installed.
 - 2.4 Identify location of, relocate or arrange for relocation, of all public and private underground utilities or overhead power lines as necessary to accommodate installation of Display, and/or to comply with laws and regulations of federal, state, or local municipal authorities.
 - 2.5 Acquire all necessary engineering, permits, performance bonds, and zoning variances.
 - 2.6 Provide necessary traffic control, barricades, parking, sidewalk, or other special use permits.
 - 2.7 Remove and store or dispose of any pre-existing display or architectural feature.
 - 2.8 Repair or restore exterior wall surfaces.
 - 2.9 Repair or replace landscaping damaged in the course of normal Display installation.
 - 2.10 Acquire all necessary permission to install the Display from the property owner where Display is to be installed.
 - 2.11 Maintain responsibility in the event that seller performs any of the Buyer's duties listed above.
3. **Seller's Duties.** The construction and installation of the Display shall be subject to delay caused by strikes, fires, acts of God, regulations or restriction of government or public authority, or other accident forces, conditions or circumstances beyond the control of Seller. Such circumstances shall suspend Seller's obligation to perform its duties under this agreement. Subject to those conditions, Seller shall, at Seller's expense:
 - 3.1 Design the Display in conformance with design specifications provided to Buyer. Seller reserves the right to modify any or all construction, fabrication or installation, provided it does not, per industry standards, significantly affect the quality, aesthetics, or structural integrity of the product, or increase the price to Buyer.
 - 3.2 Deliver the Display to a common carrier, if this agreement so provides.
 - 3.3 Install the Display, if this agreement so provides, in conformity with installation specifications provided to Buyer.
 - 3.4 Investigate in good faith any claims by Buyer under the Limited Warranty provided by this agreement.
4. **Purchase Price.** The purchase price listed in this agreement is subject to the following terms:
 - 4.1 **Late Charge.** Account balances more than 30 days past due shall be assessed an additional charge of 1.50 percent of the outstanding balance per month.
 - 4.2 **Additional Charges.** The purchase price listed in this agreement is negotiated based upon an assumption of the absence of unusual and/or unanticipated conditions. Buyer agrees to pay additional charges at Seller's prevailing rates for unanticipated work occasioned by any of the following:
 - 4.2.1 Davis-Bacon Act, prevailing wage, overtime, and/or after-hours installations.
 - 4.2.2 Buyer's provision of inaccurate information affecting Display design or installation.
 - 4.2.3 Separation of a multiple sign order into individual orders no longer being manufactured concurrently.
 - 4.2.4 Additional trips to/from jobsite beyond original allocation resulting from Buyer's request and/or non-performance, or any third party's request and/or non-performance.
 - 4.2.5 Buyer's request for a change in Display design requiring: (a) nonstandard materials, production methods, colors, or finishes; or (b) alteration of completed design.
 - 4.2.6 Alteration of Display design to accommodate engineering, permits, soil conditions, architectural elements, or building conditions.
 - 4.2.7 Repairs to pre-existing illumination including but not limited to ballasts, fluorescent lamps, lamp holders, neon transformers, neon tubing, electrical insulators, and wiring.

COMPANY INITIALS _____

ES&A SIGN AND AWNING
 89975 PRAIRIE RD EUGENE, OR 97402
 P 541-485-5546; F 541-485-5813

CUSTOMER INITIALS 

Oregon CCB 163470



PROPOSAL

Proposal #: 35755

Proposal Date: 03/17/23
Customer #: 15652
Page: 3 of 5
Salesperson: Tracy Cornelius

- 4.2.8 Unusual composition of soil or concealment in soil of obstructions.
 - 4.2.9 Unanticipated obstructions within building structure.
 - 4.2.10 Material restriction of access to the Display site.
 - 4.2.11 Storage of items completed by Seller but delayed at Buyer's request, by Buyer's non-performance, or by any third party's non-performance.
 - 4.2.12 Failure of Buyer to fulfill any of its duties under this agreement.
- 4.3 Independent Covenant Buyer agrees that its duty to pay the purchase price is independent of Seller's duties under this agreement.

5 **Payment Terms.**

- 5.1 Upon seller's receipt of original signed purchase agreement, Buyer shall pay Seller a 50% down payment.
- 5.2 Balance due upon delivery or installation.
- 5.3 Additional charges will be invoiced separately and shall be due upon receipt.

6 **Time is of the Essence.**

- 6.1 Seller may withdraw purchase agreement if not accepted by Buyer within (60) sixty days of original bid date or if manufacturing has not commenced within (270) two hundred seventy days of original bid date. Seller, at its discretion, may update the purchase price in lieu of withdrawal.
- 6.2 Work shall not commence until Seller has received original signed purchase agreement, down payment, and approved design from Buyer.
- 6.3 Work shall be subject to delay until Seller receives all of the following applicable items from Buyer:
 - 6.3.1 Landlord approval
 - 6.3.2 Structural engineering calculations
 - 6.3.3 Permits
 - 6.3.4 Paint colors
 - 6.3.5 Graphic colors
 - 6.3.6 Ready-to-use vectorized electronic artwork

7 **Warranty.**

- 7.1 Limited Warranty, Disclaimer. Contingent on timely payment of the purchase price and subject to the exceptions and modifications listed in paragraphs 7.2 and 7.3, Seller shall, at its expense, make all repairs, replacements, or corrections of Display, at Seller's option, made necessary by reason of faulty workmanship or material and that appear within one year of Display's delivery. To exercise its rights under this limited warranty, Buyer must provide written notice of the defect to Seller within 30 days of discovery of the defect. Repair or replacement shall constitute Buyer's sole remedy, and in no event shall Seller be liable for incidental or consequential damages of any kind, including but not limited to personal injury, property loss, or lost profits. There are no warranties other than those stated in this agreement. SELLER EXPRESSLY DISCLAIMS THE IMPLIED WARRANTY OF MERCHANTABILITY AND WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE.
- 7.2 Lamps, Ballasts and Transformers. Seller's warranty as to labor involved in installing lamps, ballasts, and transformers, is limited to 1 year from installation. In all other respects, Seller's warranty is identical to the limited warranty listed in paragraph 7.1.
- 7.3 Exclusions. Seller's warranty excludes damages caused by normal wear and tear, unusual weather, acts of vandalism, neglect, or other abuse.

8 **Shipping.**

- 8.1 Risk of Loss. Unless otherwise agreed, delivery is FOB Seller's place of business. If damage occurs en route, Buyer agrees that it will pursue redress only through the carrier or carriers charged with delivery.
- 8.2 Costs. Unless otherwise agreed, Buyer will pay any shipping charges directly to the carrier charged with delivery.
- 8.3 Timing of Delivery. Although Seller will make a good-faith effort to adhere to delivery schedules, Seller will not be responsible for delays caused by any circumstances beyond its control.

9 **Buyer's Default.** In the event of a default by Buyer in the payment of any of the amounts due under this agreement:

- 9.1 Acceleration. The entire unpaid balance of the purchase price shall immediately be and become due and payable.
- 9.2 Collection of Amounts Owed. Buyer agrees to pay interest at the rate of 18 percent per annum on any amounts due plus reasonable attorney's fees. Seller may recover those amounts by any or all of the following means:
 - 9.2.1 Removal and Resale. By entering upon the premises where the Display has been installed and removing and reselling the Display with or without notice and without liability on notice to Buyer.
 - 9.2.2 Action for Collection. By bringing suit for the balance due under this contact.
 - 9.2.3 Other Action. By exercising any other right allowed by law.

10 **Intellectual Property.** All designs, specifications, and artwork created by Seller shall remain property of Seller.

11 **Force Majeure.** Seller shall not be liable for any failure or delay in performance under this agreement to the extent that the failures or delays are proximately caused by forces beyond Seller's reasonable control and occurring without its fault, including, without limitation, natural disasters, war, imposition of government restrictions, and failure of suppliers, subcontractors, and carriers.

COMPANY INITIALS _____

ES&A SIGN AND AWNING
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P 541-485-5546; F 541-485-5813

CUSTOMER INITIALS

Oregon CCB 163470

PROPOSAL

Proposal #: 35755

Proposal Date: 03/17/23
Customer #: 15652
Page: 4 of 5
Salesperson: Tracy Cornelius



- 12. **Authority.** The individuals executing this agreement represent and warrant that they are authorized to do so, and that the execution of this agreement is the lawful and voluntary act of each of the parties.
- 13. **Restriction on Assignment.** This agreement shall not be assigned by Buyer without the written consent of Seller. Consent by Seller to one (1) assignment shall not constitute consent to other assignments, nor shall it be construed to be a waiver of this paragraph.
- 14. **Notice.** All notices required by this agreement shall be in writing addressed to the party to whom the notice is directed at the address of that party set forth below the signatures on this agreement and shall be deemed to have been given for all purposes upon receipt when personally delivered; one day after being sent, when sent by recognized overnight courier service; two days after deposit in United States mail, postage prepaid, registered or certified mail; or on the date transmitted by telegraph or facsimile. Any party may designate a different mailing address or a different person for all future notices by notice given in accordance with this paragraph.
- 15. **Attorney Fees.** In any proceeding to enforce or interpret this agreement, the prevailing party shall be entitled to recover from the losing party reasonable attorney fees, costs, and expenses incurred by the prevailing party before and at any trial, arbitration, bankruptcy, or other proceeding, and in any appeal or review.
- 16. **Modification.** No modification of this agreement shall be valid unless it is in writing and is signed by all of the parties.
- 17. **Integration.** This agreement is the entire agreement of the parties. There are no promises, terms conditions, or obligations other than those contained in this agreement. This agreement shall supersede all prior communications, representations, and agreements, oral or written, of the parties.
- 18. **Interpretation.** The paragraph headings are the convenience of the reader only and are not intended to act as a limitation on the scope or meaning of the paragraphs themselves. This agreement shall not be construed against the drafting party.
- 19. **Severability.** The invalidity of any term or provision of this agreement shall not affect the validity of any other provision.
- 20. **Waiver.** Waiver by any party of strict performance of any provision of this agreement shall not be a waiver of or prejudice any party's right to require strict performance of the same provision in the future or of any other provision.
- 21. **Binding Effect.** Subject to restrictions in this agreement upon assignment, if any, this agreement shall be binding on and inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties.
- 22. **Venue and Personal Jurisdiction.** Should any action be filed to enforce this agreement, it is agreed that venue of such action shall lie in any court in Lane County, Oregon, having jurisdiction of the subject matter, and that the parties are subject to personal jurisdiction in Lane County, Oregon. Each party waives all right to challenge venue or personal jurisdiction in any action filed in Lane County, Oregon.

THIS PROPOSAL DOES NOT BECOME EFFECTIVE UNTIL SIGNED AND DATED BY THE COMPANY; ONCE SIGNED THIS PROPOSAL WILL EXPIRE AFTER 60 DAYS.

THE ABOVE PRICES, SPECIFICATIONS, AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SALESPERSON: _____

DATE: _____

ACCEPTED BY: _____

TITLE: _____

SIGNATURE: *Candy Shanger*

DATE: *4/6/2023*

COMPANY INITIALS _____

ES&A SIGN AND AWNING
89975 PRAIRIE RD EUGENE, OR 97402
P 541-485-5546; F 541-485-5813

CUSTOMER INITIALS *TC*

Your Cart (93)

Share

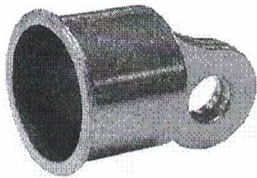
Remove All Items

Checkout

Heads up! Multiple locations are selected for Pickup.

Pickup

Lander (4 items) Curbside Available



Everbilt 1-3/8 in. Chain Link Fence Aluminum Rail End

Model #328550EB

\$15.68

(\$0.98/item)

Pickup at Lander

Delivering to 98134

Pickup

Today

102 in stock

FREE

Delivery

Today

102 available

16

Save for Later

Save to Favorites

Remove



Everbilt 2-3/8 in. x 2-3/8 in. Chain Link Fence Aluminum Silver Post Cap

Model #328558EB

\$23.40

(\$2.60/item)

Pickup at Lander

Delivering to 98134

Pickup

Today

138 in stock

FREE

Delivery

Today

138 available

9

Save for Later

Save to Favorites

Remove

Have a question?

Chat with a Home Depot expert.

Live Chat

CHAT NOW



Everbilt 1-3/8 in. Dia x 10 ft. 6 in. 17-Gauge Galvanized Steel Chain Link Fence Top Rail Post

Model #328913DPTEB

\$307.44

(\$21.96/item)

Pickup at Lander

Delivering to 98134

Pickup

Today

215 in stock

FREE

Delivery

Tomorrow

215 available

14

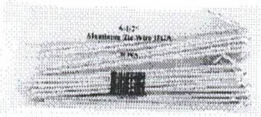
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Save to Favorites

Remove

Everbilt 6-1/2 in. 11-Gauge Aluminum Fence Ties (30-Pack)

Model #328554EB



\$43.85
(\$8.77/item)

Pickup at Lander

Delivering to 98134

Pickup

Today
99 in stock
FREE

Delivery

Thursday, Apr 13
1,318 available
FREE

5

[Save for Later](#)

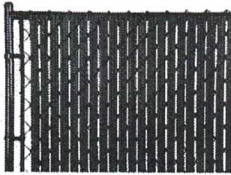
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[Remove](#)

Hermiston (2 items) Curbside Available

M-D Building Products M-D 6 ft. Privacy Fence Slat Black

Product Height (in.): 68 in



\$615.79
(\$87.97/item)

Pickup at Hermiston

Delivering to 98134

Ship to Store

Apr 18 - Apr 19
2,344 available
FREE

Delivery

Friday, Apr 14
2,344 available
FREE

7

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[Remove](#)

Everbilt 42 in. x 72 in. Galvanized Steel Chain Link Fence Walk Gate (Actual Gate Size: 38 in. x 72 in.)

Nominal Gate Width (ft.) x No...



\$292.00
(\$146.00/item)

Pickup at Hermiston

Delivering to 98134

Pickup

Today
3 in stock
FREE

Delivery

Monday, Apr 17
130 available
FREE

2

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Delivery

98134 (6 items)

Everbilt 6 ft. Galvanized Steel Chain Link Fence Tension Bar

Model #328510DPTEB

\$11.38

Pickup at Lander

Delivering to 98134

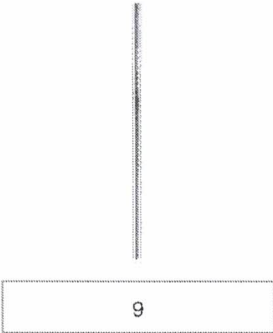
Pickup

Today
33 in stock
FREE

Delivery

Tomorrow
842 available

[Save for Later](#) [Save to Favorites](#) [Remove](#)



Everbilt 2-3/8 in. Dia x 8 ft. 16-Gauge Galvanized Steel Chain Link Fence Corner Post

Model #328944DPTSEB

\$329.49
(\$36.61/item)

Pickup at Lander

Delivering to 98134

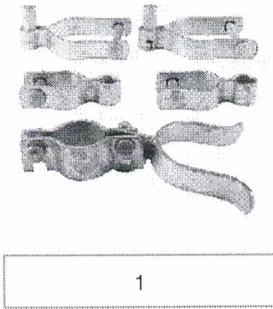
Pickup

Today
83 in stock
FREE

Delivery

Tomorrow
2,959 available

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Everbilt 2-3/8 in. Galvanized Steel Chain Link Fence Walk Gate Hardware Set

Model #328536EB

\$29.68

Pickup at Lander

Delivering to 98134

Pickup

Today
5 in stock
FREE

Delivery

Tomorrow
28 available

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Everbilt 6 ft. x 50 ft. 11.5-Gauge Galvanized Steel Chain Link Fence Fabric

Model #308706EB

\$296.00
(\$148.00/item)

Pickup at Lander

Delivering to 98134

Pickup

Today
6 in stock
FREE

Delivery

Tomorrow
6 available

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Have a question?

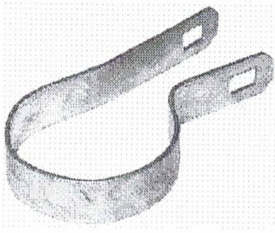
Chat with a Home Depot expert.

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Everbilt 2-3/8 in. Galvanized Steel Chain Link Fence Tension Band

Model #328524EB



\$74.50
(\$2.98/item)

Pickup at Lander

Delivering to 98134

Pickup

Today
219 in stock
FREE

Delivery

Tomorrow
2,632 available

25

Save for Later Save to Favorites Remove

Section 3, Item B.



Everbilt 5/16 in. x 1-1/4 in. Galvanized Steel Carriage Bolt/Nut (20-Set/Bag)

Model #328502EB

\$23.76
(\$11.88/item)

Pickup at Lander

Delivering to 98134

Pickup

Today
37 in stock
FREE

Delivery

Tomorrow
420 available

2

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* Since we quoted this out we have decided to go with all black fencing so the cost has increased over the 2141.97 I am using today.

Subtotal	\$2,062.97
Pickup	FREE
Delivery	\$79.00
Sales Tax (determined in later step)	---

Total * **\$2,141.97**

Have a promo code?

* Shipping and delivery charges are calculated at the lowest rate available. Other methods will be viewable on the next page.

Checkout

— or —

Buy

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Easy In-Store and Online Returns

Read our Return Policy



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Apply Now