



PLANNING COMMISSION

Hermiston City Hall 180 NE 2nd St

Where Life is Sweet

February 08, 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 January 11, 2023 regular planning commission meeting

3. NEW BUSINESS

A. Request to Amend Condition of Approval – Highland Meadows Phase 2 4N 28 14AA
TL 102

942 E Highland Ave

B. Revisions to the scoring criteria and match for facade grants are proposed.

4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

5. ADJOURN

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

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

Minutes

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

Hearing- Eastern Oregon Trade and Event Center (EOTEC) Variance Review 4N2813 Tax Lots 800 & 1400- 1705 E Airport Rd

The planning commission is holding hearing to review the operations of EOTEC during 2022. Commissioner Collins is the Chair of the EOTEC Advisory Committee and excused himself from the hearing by stepping down from the dais at 7:01PM. There were no other conflicts declared and Chairman Saylor opened the hearing and read the hearing guidelines.

Planning Director Spencer presented the staff report. The annual reviews are a condition of approval from the original variance approval. The County fair was the only large event held at the facility in 2022.

Testimony

Al Davis 2282 NE 8th St- The 2022 Fair was the first "back to normal" fair. They continued with the current traffic plan, using Ott Road. The Fair operated for four days, not five. There was a minor issue on Friday night. It was more a timing issue than size issue. Airport Road now has turn lanes that immensely helps to get people off the road. The HEROS La Crosse fields will not change the overflow parking plan. They may have cars drive slower so as not to tear up the fields.

Commissioners clarified existing conditions of approval regarding the following

- contestant parking
- lighting requirements
- simultaneous events
- shuttle service
- RV parking
- Airport property parking & fencing
- new variance requests

Chairman Saylor closed the hearing at 7:30PM.

Conditions of Approval

1. Approval of the variance is effective only for the site plan attached to this report as Exhibit C. The site plan consists of 675 paved parking spaces, the event center as constructed and occupied in May of 2016, three proposed animal barns, two restroom buildings, and one rodeo



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- arena. Any additional public buildings, except for additional free-standing restrooms, barns, or similar non-display or event space, shall require a new variance application.
2. The planning commission will review the operations of EOTEC at the regular meeting each January for the first five years of operations beginning in January of 2018. The public will be invited to provide testimony. The planning commission will reserve the right to extend the five-year review period as deemed appropriate by the planning commission. At the annual review session, the planning commission shall review an annual report to be prepared by EOTEC which shall contain the following information:
 - a. A comprehensive list of all events at EOTEC during the previous calendar year.
 - b. A supplemental report of each event with an attendance of 2,000 or more. Reporting of events with an attendance of 2,000 or more shall be made on the report form attached to this report as Exhibit D.
 3. All events which have an anticipated attendance of 2,000 or more shall submit a permit application on the form attached as Exhibit E and event management plan to be reviewed by the city. The permit application must be submitted at least three weeks in advance of the proposed event. Each application shall include:
 - c. A parking plan approved by the fire marshal detailing the overflow parking layout, location of fire lanes, and other items required by the fire district for fire and life safety access.
 - d. A traffic control plan in accordance with the event management plan developed by Lancaster Engineering and reviewed by the police department.
 - e. A site plan for each event which shows location of temporary structures, temporary restrooms, and ADA facilities. The site plan shall be reviewed and approved by the building official.
 - f. Evidence of notice to neighboring property owners in advance of large events.
 4. A shuttle service shall be provided for future county fairs and the planning commission and EOTEC will collaboratively determine if it is necessary to provide an off-site shuttle for future large events.
 5. When events utilizing the overflow parking are anticipated to extend more than 30 minutes after dusk, temporary lighting shall be provided for the overflow lot. A lighting plan for the spacing of the mobile light towers shall be included as part of the large event permit and the use of mobile lighting shall be documented in the event report.
 6. EOTEC shall submit a plan and timeline for a permanent overflow parking lot construction for review no later than January of 2021. The final design of overflow parking shall include pedestrian circulation. No additional development will occur until the Planning Commission approved parking plan is in place.

Commissioner Doherty moved and Commissioner Hamm seconded to continue EOTEC operations with the existing conditions as modified (Condition #1). Motion passed unanimously.



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Commissioner Collins returned to his seat on the dais at 7:32PM.

Hearing- Schnell 4N2811CB Tax Lot 2200 – 291 E Gladys Ave

The Planning Commission is holding a hearing to consider a request for the alteration of a non-conforming structure located at 291 E Gladys Ave. Beau Bankston is the applicant.

No conflicts of interest were declared, and Chairman Saylor opened the hearing at 7:32PM. The hearing guidelines were read.

Planning Director Spencer presented the staff report. The property is zoned commercial and used as a residence and therefore follows the R-3 zoning requirements. The existing garage is non-conforming as it is built with zero setback to the alley and NE 3rd St. If the property were in commercial use, the structure would be conforming as no there is not a setback requirement.

Testimony

Beau Bankston 31946 Sun Ridge Lane- Mr. Bankston is the contractor representing the property owners. When designing the project, the blind spot was addressed. The owners currently pull in and out of the existing parking area blindly. The proposal is to put a roof and garage door over the area where they are already parking. The area is between an existing carriage shed and a fence. A traffic device may help with that. Signage or a fish-eye mirror may be something to add. He had a similar issue where he lived on Cedar Drive.

Commissioners discussed safety concerns with the garage access and visibility. Single and two-family dwellings are exempt from the requirement to have a driveway and may back out directly onto a street.

Chairman Saylor closed the hearing at 7:54PM.

Findings of Fact

The nature and character of the proposed use are substantially the same

1. The proposed residential nature of the property will remain the same.
2. Additional storage will be provided in a new accessory structure constructed on the site.
3. Under both DCO and R-3 zoning standards, a garage is a permitted accessory use to a single-family dwelling.

There is no material difference in the quality, character, or degree of use

4. The degree of use will not change following construction of the garage attachment. The use is currently a single-family dwelling with a fixed number of bedrooms and bathrooms. The overall intensity of use cannot be increased through this permitting process.



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5. The new garage cannot be converted to an ADU in the DCO zone. Only residential zones which permit single-family dwellings as an outright use may add an ADU. Thus, there is no potential for conversion of the garage to residential space thereby increasing the degree of use.
6. The residential character of the property will be maintained. Conversion from residential to commercial use, while possible, will require a separate land use process.
7. The proposed garage will be constructed of like materials and in compliance with City of Hermiston building codes, thus preserving the quality of use.

The proposed use will not prove materially adverse to surrounding properties

8. The proposed addition will be built within a mixed-use neighborhood consisting of single-family residential and commercial uses.
9. An addition to the existing carriage house with additional vehicle parking is not an incompatible use with the surrounding neighborhood.
10. The addition will be built on the interior of the lot, not adjacent to any existing dwelling.
11. The addition will add additional enclosed off-street parking potential to the property, reducing on-street parking congestion.

Conditions of Approval

1. The property owner shall sign a street improvement agreement agreeing to participate in the future improvement of curb, gutter, paving, and drainage improvements to NE 3rd Street adjacent to the frontage of the property. If at such time that improvements are constructed, the city engineer determines that the existing sidewalk is not in conformance with city standards, sidewalk shall also be replaced.

Commissioner Hamm moved and Commissioner Fialka seconded to make the project file a part of the record. Motion passed unanimously. Commissioner Burns moved and Commissioner Hamm seconded to adopt the findings of fact. Motion passed unanimously. Commissioner Hamm moved to impose conditions of approval. There was no second to the motion. Motion failed. After a discussion, Commissioner Hamm moved and Commissioner Burns seconded to impose the conditions of approval as written. Motion passed unanimously. Commissioner Burns moved and Commissioner Hamm seconded to approve the alteration of a non-conforming structure. Motion passed unanimously.

Hearing- Comprehensive Plan Map Amendment 4N2813C Tax Lots 900 & 906

The Planning Commission is holding a hearing to consider a request to amend the City's comprehensive plan map from Commercial/Industrial (C/I) to Commercial (C) with a corresponding change in zoning designation from Outlying Commercial/Light Industrial (C-2/M-1) to Outlying Commercial (C-2) for approximately 1.03 acres of land and amending the comprehensive plan map from Commercial/Industrial (C/I) to Industrial (I) with a corresponding change in zoning designation from Outlying Commercial/Light Industrial (C-2/M-1) to Light



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Industrial (M-1) for approximately 7.19 acres of land. The applicants are Simon & Simon Land Co, LLC and the property is located at 1457,1555, 1575, and 1595 E Airport Rd.

No conflicts of interest were declared, and Chairman Saylor opened the hearing at 8:00PM. The hearing guidelines were read at the previous hearing.

The staff report was presented by Planning Director Spencer. The proposal relocates the existing zone boundary to follow lot lines.

Testimony

Carla McLane 170 Van Buren Drive Umatilla - Ms. McLane represents the property owners. The owners have replaced the non-conforming dwellings on the commercially zoned portion of the property and desire to replace the existing non-conforming dwelling on the Industrial zoned portion. The movement of the zone boundary would allow this. The owners have a tentative plat for the vacant lot to partition into five parcels. No change is requested at this time for the largest split zoned parcel the Simon's own.

Mike Simon 1575 E Airport Rd- Mr. Simon is the owner of the property. He stated he does not see the dwellings remaining for the next ten years. The dirt is worth more to him than the placements. The long-range plan is to remove the homes and sell the ground for future development. The plan is to relocate their septic & excavating business to the west side of the property. He would like to clean up and replace the dwelling that is need of repair. Replacement of the dwelling is possible after the amendment to rezone the property.

Chairman Saylor closed the hearing at 8:23PM.

Findings of Fact

Application to Amend the City of Hermiston Comprehensive Plan Map and associated Zoning Map, effecting a change to the zoning of the subject property.

Applicant/Owner: Simon and Simon Land Company, LLC
Mike and Deannie Simon, Members
P. O. Box 921
Hermiston, Oregon 97838
541-289-8940
westfallinstall@gmail.com

Consultant: Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, OR 97882
541-314-3139
mclane@eoni.com

Purpose of This Application:



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Mike and Deannie Simon, members of Simon and Simon Land Company, LLC, seek to amend the zoning designations of the subject property identified as Tax lots 900 and 906 of Assessor’s Map 4N 28 13C in the City of Hermiston. Current zoning is C-2 Outlying Commercial and M-1 Light Industrial with the zoning boundary running at a northwest to southeast angle across the subject properties. It is the desire of the Simon’s to have the zoning boundary be reconfigured with the result being that Tax lot 900 would be zoned C-2 Outlying Commercial and Tax lot 906 would be zoned M-1 Light Industrial. A third Tax lot in their ownership at this location, Tax lot 903, is not proposed for change.

Documents to be Modified:

- City of Hermiston Comprehensive Plan Map.
- City of Hermiston Zoning Map.

Current Use of the Property:

Most of the subject property is bare with improvements on Tax lot 900 consisting of three manufactured homes. No development has occurred on either Tax lot 903 or 906.

Surrounding Uses: This area south of Hermiston is a mix of commercial, light industrial, and residential uses of a rural nature. The development on the subject property is less than a half mile from Highway 395 which intersects near a veterinarian clinic. The Hermiston Airport is to the north, the Eastern Oregon Trade and Event Center (EOTEC) to the northeast, and a Denny’s, a hotel, Ranch and Home, and the Walmart Distribution Center all to the south along Highway 395. Zoning of the area is also a mix including Light Industrial, Heavy Industrial, and Outlying Commercial with overlays applied to both the Hermiston Airport and the EOTEC (which also serves as the Umatilla County Fairgrounds). The Comprehensive Plan designations of the subject property are Commercial and Industrial, like properties in the vicinity.

Required Review:

The City of Hermiston Zoning provisions, found as part of Title XV Land Usage, in Chapter 157 Zoning part 157.226 Amendments provides the requirements for amendment to the Zoning Map and at (E) provide the Approval Criteria. The City of Hermiston also provides application forms with procedures for both a Comprehensive Plan Map Amendment and a Zone Change. Both applications have several questions that reflect the Zoning ordinance provisions that will also be included here. As this is also a request to amend the Comprehensive Plan Map the 14 Statewide Planning Goals are also considered.

City of Hermiston Zoning 157.226 Amendments (E) Approval Criteria: The review criteria are listed in **bold** with responses in regular text.

(E) Approval criteria.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding:**
 - (a) The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing;**



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Response: The applicant is submitting this application with supporting material to provide evidence for the decision-making body to consider.

(b) The requested zone change or conditional use must be justified by proof that:

1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the plan;

Response: The City of Hermiston Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission addressing the applicable 14 Statewide Land Use Planning Goals. For this request Goals 1 Citizen Involvement, 2 Planning Process, 9 Local Economy, and 12 Transportation would be deemed applicable. Goal 10 Housing, Goal 11 Public Services and Facilities, and Goal 14 Urbanization could be deemed applicable.

The following City of Hermiston Comprehensive Plan Policies are considered:

- Policy 1: The City of Hermiston will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

Response: As this request will be heard by both the Planning Commission and City Council, with notice to adjoining landowners and affected agencies Goal 1 and Policy 1 are being met.

- Policy 2: The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

Response: This request provides an opportunity for the City of Hermiston to evaluate this area of the community and authorize a change responding to a request for change that will support maintaining limited housing on a portion of the subject property proposed to be zoned C-2 along with clarification of the type of uses that can be allowed on the adjoining property proposed to be zoned M-1.

- Policy 4: The City of Hermiston will promote compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitate economic provision of urban facilities and services.

Response: This proposal maintains current development pattern in this area of Hermiston and will more clearly identify the types of uses on the two tax lots that are the focus of this request.

- Policy 18: The City of Hermiston will facilitate industrial development as a means of creating new jobs and fostering the economic well being of the community.

Response: The M-1 zoning on tax lot 906 will provide clarity on the types of uses that can be allowed leading to a more focused development pattern.

- Policy 19: The City of Hermiston will assure the availability of a sufficient supply of commercial land to accommodate 20-year projected need and strive to achieve the balanced distribution of commercial activities in neighborhoods, downtown, and along outlying highways.

Response: Maintaining the smallest tax lot with C-2 zoning maintains the supply of commercial land and clarifies the types of uses that can be allowed on tax lot 900. It is the only portion of the subject



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property that has been developed with three manufactured homes, which is a use if established can be maintained, which the applicant intends to do for the foreseeable future.

- Policy 20: The City of Hermiston supports economic development and job growth which will diversify and strengthen the mix of economic activity in the local marketplace and provide employment opportunities for local residents.

Response: The applicant intends to further develop tax lot 906 proposed to be zoned M-1 through a partition or subdivision, creating as many as five or six lots for industrial use. This request to clarify the zoning on the subject property makes that future development easier to accomplish.

- Policy 21: The City of Hermiston will encourage the home-building industry to provide a variety of housing opportunities in sufficient quantities at affordable prices to meet the housing needs of its residents.

Response: This request seeks to retain three homes on a portion of the subject property. While those homes could be removed at a future date and replaced with a commercial use at a point in the future it is not anticipated to occur in the foreseeable planning future.

- Policy 22: The City of Hermiston will protect and enhance the quality of life in residential neighborhoods.

Response: While there are homes on a portion of the subject property the area is not zoned for residential use and the applicant is not seeking residential protections. They are seeking to continue the residential use as allowed in the C-2 zone.

- Policy 23: The City of Hermiston will plan for the timely and efficient provision of a full complement of urban services and facilities in all developed and developing areas within the community. Timely means a point within the 20-year timeframe when the city deems development appropriate for a given property based on factors including but not limited to the need for additional urban development within the urban growth boundary and the extent of undeveloped or undeveloped land between the existing development and the subject property.

Response: Public services are available within the Hermiston Airport and EOTEC facility and can support development of the subject property, both the current residential development and future proposed industrial development following extension at the applicant's expense.

- Policy 31: The City of Hermiston will promote a balanced, well-integrated local transportation system which provides safe, convenient and energy-efficient access, and facilitates the movement of commodities.

Response: The relocation of the Umatilla County fairgrounds with the development of the EOTEC has allowed for improvements of Airport Road and the local transportation network. As development continues in this area additional improvements may be needed which can be done by developers in cooperation with the City.



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- Policy 32: The City of Hermiston will protect the operation of the Hermiston Airport from conflicting land uses and encourage expansion of air and rail transportation to facilitate economic development.

Response: The proposed realignment of the current zoning will not change the types of uses that are allowed on the subject property. Current zoning should have been accomplished in such a way that would protect the airport. Future development requests on the subject property should be accomplished with an understanding that both the Hermiston Airport and the EOTEC are in the vicinity to the north and northeast. The Hermiston Airport creates special height restrictions for this property and future buildings will be constructed in conformance with the airport conical approach surface within the airport master plan.

- Policy 34: The City of Hermiston will comply with the requirements of the Transportation Planning Rule with the adoption of the Transportation System Plan and related amendments to implementing ordinances.

Response: The City of Hermiston has an acknowledged Comprehensive Plan and Transportation System Plan that implements the Transportation Planning Rule. This realignment of zoning on the subject property does not impact the potential traffic impacts along Airport Road or to the intersection of Airport Road with Highway 395. Specific traffic impacts based on development can and should be considered at the time of development proposal.

The request before the City of Hermiston is not to change the zoning of the subject property but to consider a reconfiguration of how the zoning is applied. Currently the zoning runs at a northwest to southeast angle across the two Tax lots that are subject to this request. The applicant is asking for each Tax lot under consideration to have discrete zoning applied as shown on the included map. This request can be found to be consistent with the Goals and Policies identified in the list above. Also reviewed are the 14 Statewide Land Use Planning Goals later in this narrative.

2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration;

Response: This request seeks to have both the Comprehensive Plan and Zoning designation applied separately to each of the subject Tax lots to eliminate confusion about what types of activities can occur as the list of allowable uses is different when the Light Industrial use zone is compared to the Outlying Commercial use zone. The public need is met when that confusion is eliminated, and the public can observe consistent application of the City of Hermiston Zoning provisions to this and other properties in the vicinity.

3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

Response: There are no other properties under consideration. This is not about adding new land to a zoning classification, but more about eliminating confusion on the subject property.



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4. The potential impact upon the area resulting from the change has been considered.

Response: No impact upon the area has been identified as neither of the current zoning designations are being removed; they are being reconfigured to eliminate confusion related to the uses allowed on the subject property. The same list of potential commercial or light industrial uses can still occur on the subject properties.

(c) The courts will require a "graduated burden of proof" depending upon the more intensive land use that will occur as a result of the proposed rezoning.

Response: No change in intensity of land uses will occur. The result of this action will be to have clear requirements for the subject property as to whether Light Industrial or Outlying Commercial is applicable.

(d) Procedural process for a quasi-judicial hearing.

- 1. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.**
- 2. There must be a record which will support the findings made by the City Council or Planning Commission.**

Response: This application narrative, along with the required application forms and maps, will provide the initial evidence for the Planning Commission and City Council to consider. The anticipated public hearings will provide additional opportunities for both the applicant and neighbors to provide evidence and testimony to the record.

Comprehensive Plan Map Amendment Application Questions:

1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.

Response: See E(1)(b)(1) response above

2. Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the zoning classification on the property under consideration.

Response: See E(1)(b)(2) response above.

3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property.

Response: See E(1)(b)(3) response above.

4. Explain how the potential impact upon the area resulting from the change has been considered.

Response: See E(1)(b)(4) response above.

Application to Amend Zoning Ordinance (Text or Map) Application Questions:



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- 1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.**

Response: See E(1)(b)(1) response above.

- 2. Describe the public need for the rezoning and whether that public need is best served by changing the zoning classification on the property under consideration.**

Response: See E(1)(b)(2) response above.

- 3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property.**

Response: See E(1)(b)(3) response above.

- 4. Explain how the potential impact upon the area resulting from the change has been considered.**

Response: See E(1)(b)(4) response above.

The 14 applicable Statewide Planning Goals are also considered.

Goal 1 Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Hermiston Comprehensive Plan and Zoning Ordinance outlines the City’s citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process.

The applicant asserts that this application is consistent with Goal 1.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This requested change of Comprehensive Plan and Zoning designation is also guided by Goal 2 requirements. This application meets those requirements for this request.

The applicant asserts that this application is consistent with Goal 2.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Response: The Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Goal 3 does not allow nonfarm uses like industrial development on lands zoned for exclusive farm use. This application is to consider



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modifications to the application of the Light Industrial and Outlying Commercial use zones within the city limits on lands that have already been identified for urban industrial and commercial uses.

Goal 3 would not apply to this action.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: There are no forest lands in the City of Hermiston.

Goal 4 would not apply to this action.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject property does not have any overlays or other known cultural or historical sites. There are no wetlands inventoried on the subject property.

The City of Hermiston finds that this application is consistent with Goal 5.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed change in Comprehensive Plan and Zoning Map designation does not seek approval of a specific development but seeks to modify the application of the City of Hermiston’s Light Industrial and Outlying Commercial zoning designation to allow for more clear application of those use zone requirements on the subject property. The list of allowable uses is not proposed to change, and therefore anticipated impacts are also not anticipated to change.

The City of Hermiston finds that this application is consistent with Goal 6.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property, and it is located significantly above and outside the influence of the Umatilla River which has a history of flooding.



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The City of Hermiston finds that this application is consistent with Goal 7.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: No recreation components are included in this application. However as industrial or commercial activities are sited, an increase in tax base for the City of Hermiston would occur. That tax base would provide additional revenue to the City of Hermiston leading to the opportunity for increased investment in parks and recreation opportunities for its citizens and visitors.

The City of Hermiston finds that this application is consistent with Goal 8.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Hermiston has a Comprehensive Plan that has been acknowledged to comply with Goal 9.

The City of Hermiston finds that this application is consistent with Goal 9.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Response: Housing is not specifically considered as part of this application. There are however homes on Tax lot 900, the smaller Tax lot in the southeast corner of the subject property. The Outlying Commercial that is being requested does allow the retention of homes, along with their replacement and enhancement, something the applicant wants to ensure.

The City of Hermiston finds that this application is consistent with Goal 10.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. This area of Hermiston has public services available readily extendable.

The City of Hermiston finds that this application is consistent with Goal 11.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. Later in this narrative compliance with the Transportation Planning Rule is considered and evaluated.



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The City of Hermiston finds that this application is consistent with Goal 12.

Goal 13 Energy: To conserve energy.

Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Access to Highway 395 to the west provides energy efficiency and convenient access. And any future development will need to occur in compliance with the acknowledge Zoning Ordinance.

The City of Hermiston finds that this application is consistent with Goal 13.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 prohibits urban uses on rural lands. To locate urban uses on rural lands, local governments must either expand their urban growth boundaries to add property or take a Goal 14 exception setting forth reasons why urban development should be allowed on rural lands. This application is to change the Comprehensive Plan and Zoning Map designation on lands within the city limits allowing industrial and commercial uses on the subject property.

The City of Hermiston finds that this application is consistent with Goal 14.

The applicant would find that this application is consistent with the Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable in eastern Oregon or Hermiston.

Portions of Oregon Revised Statute 227.175 concerned with applications to local governments for a permit or zone change are applicable. Much of ORS 227.175 has already been incorporated into the City of Hermiston Zoning Ordinance and is implemented through a variety of measures including notice provisions and hearing procedures.

227.175 Application for permit or zone change; fees; consolidated procedure; hearing; approval criteria; decision without hearing.

(1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

Response: The applicant has provided the application on the forms prescribed, paying the required fees, and providing this narrative addressing these and the other requirements in both Oregon law and the law of the City of Hermiston.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development



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project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

Response: The applicant is not pursuing multiple applications but is focused on the change in Comprehensive Plan and Zoning Map designations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

Response: The applicant understands that these actions will be heard by the Planning Commission and the City Council as they are quasi-judicial in nature.

(4)

(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)

(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not condition an application for a housing development on a reduction in density if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not condition an application for a housing development on a reduction in height if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may condition an application for a housing development on a reduction in density or height only if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.



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Notwithstanding ORS 197.350, the city must adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

(f) As used in this subsection:

(A) “Authorized density level” means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) “Authorized height level” means the maximum height of a structure that is permitted under local land use regulations.

(C) “Habitability” means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

Response: The applicant has, primarily through this application narrative, provided evidence that the City of Hermiston Comprehensive Plan is considered and can be met when this request is approved. There are no housing developments requested as part of this application. Housing currently in place on a portion of the subject property will be retained and this application will clarify that it can be.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

Response: The applicant supports compliance with required notice provisions and meeting the needs of Statewide Planning Goal 1 Citizen Involvement.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a “public use airport” if:

(a) The name and address of the airport owner has been provided by the Oregon Department of aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

Response: The Hermiston Airport is immediately to the north of the subject property. Notice to the airport authority is anticipated. The proposal would not have any effect on airport operations. Compliance with any overlay zones, if applicable, are already in force.

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

Response: This action is not within the runway approach area based on available maps on the City of Hermiston website.



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(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

Response: No manufactured dwelling park as defined in ORS 446.003 is located on the subject property.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

Response: There are tenants on the subject property which the landowner wants to preserve housing availability for. The Hermiston Airport is to the north of the subject property.

(10)

(a)

(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:



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- (i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;
 - (ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and
 - (iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.
- (b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.
- (c)
- (A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:
 - (i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;
 - (ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - (iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.
 - (B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
 - (C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

Response: The Hermiston Planning Commission held a public hearing on January 11, 2023. The Hermiston City Council held a public hearing on January 23, 2023.

- (11) A decision described in ORS 227.160 (2)(b) shall:
- (a) Be entered in a registry available to the public setting forth:
 - (A) The street address or other easily understood geographic reference to the subject property;
 - (B) The date of the decision; and
 - (C) A description of the decision made.
 - (b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.
 - (c) Be subject to the appeal period described in ORS 197.830 (5)(b).



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Response: The City of Hermiston has provided all required notices required by Oregon law and provisions of the City of Hermiston Zoning Ordinance. Direct mail and newspaper notices were both distributed on December 21, 2023. Any decision prescribed by the City Council is appealable to the Land Use Board of Appeals based on Oregon law.

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

Response: The applicant is aware of these requirements. The City of Hermiston will provide the required notices within five days of the final city council decision.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

Response: The proposal is a quasi-judicial land use decision and not subject to these requirements.

Conclusion: The Hermiston Planning Commission finds that the proposal is prepared in accordance with the applicable laws of the City of Hermiston and State of Oregon. The planning commission therefore recommends that the Hermiston City Council adopt the proposed changes as submitted.

Commissioner Hamm moved and Commissioner Collins seconded to make the project file a part of the record. Motion passed unanimously. Commissioner Burns moved and Commissioner Hamm seconded to approve the findings of fact as written. Motion passed unanimously. Commissioner Collins moved and Commissioner Hamm seconded to recommend the City Council approve the proposed Comprehensive Plan Map and Zoning Map amendments. Motion passed unanimously. The City Council will hold a hearing on the map amendments at the January 23 City Council meeting.

Planner Comments and Unscheduled Communication

Santiago Estates has hired a new contractor and forward movement on the project is anticipated.

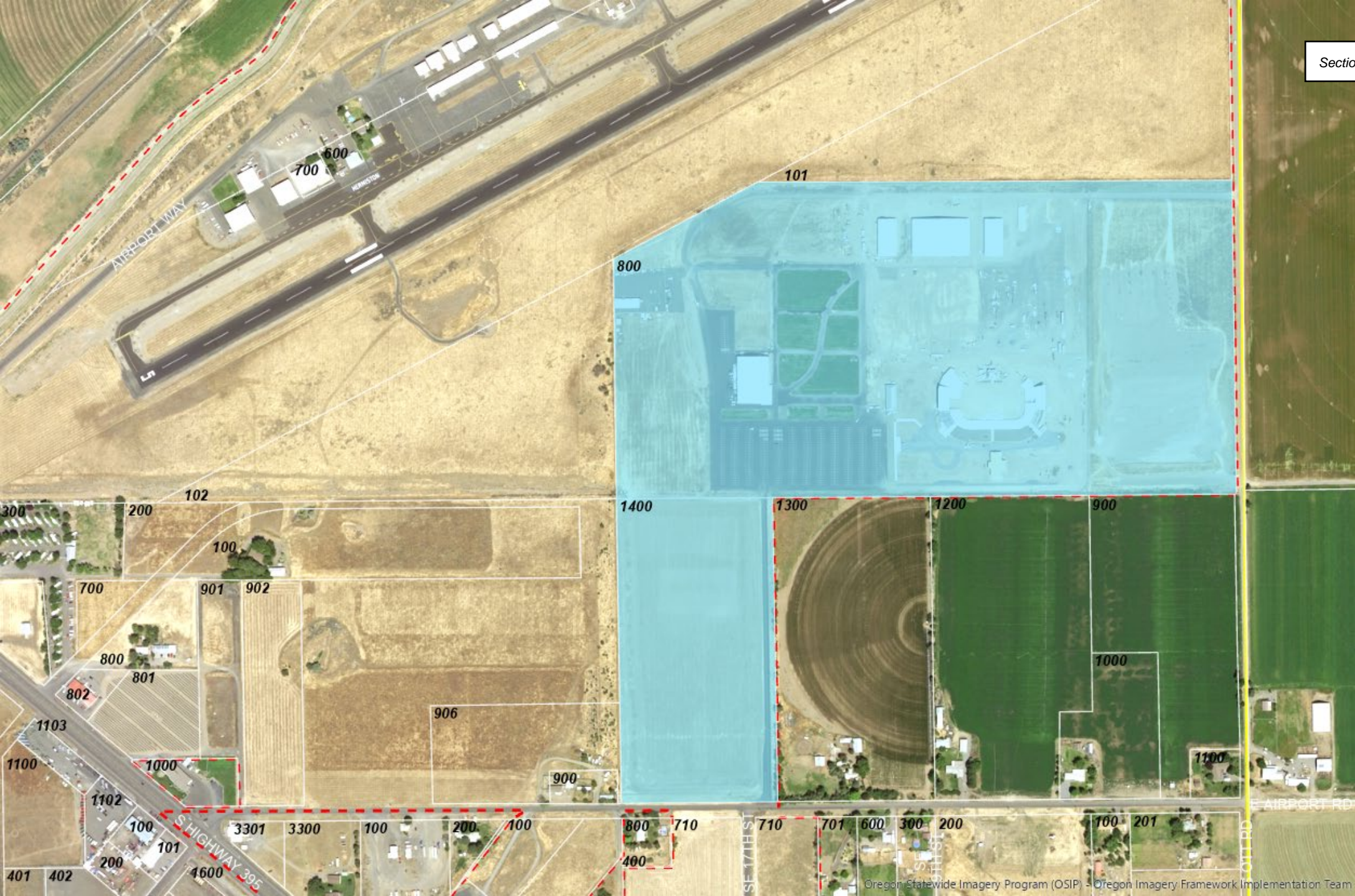
The standing water at Highland Meadows Phase 2 was resolved and the current delay is weather related. The city is working with various agencies to develop a solution for the high groundwater in the surrounding area.

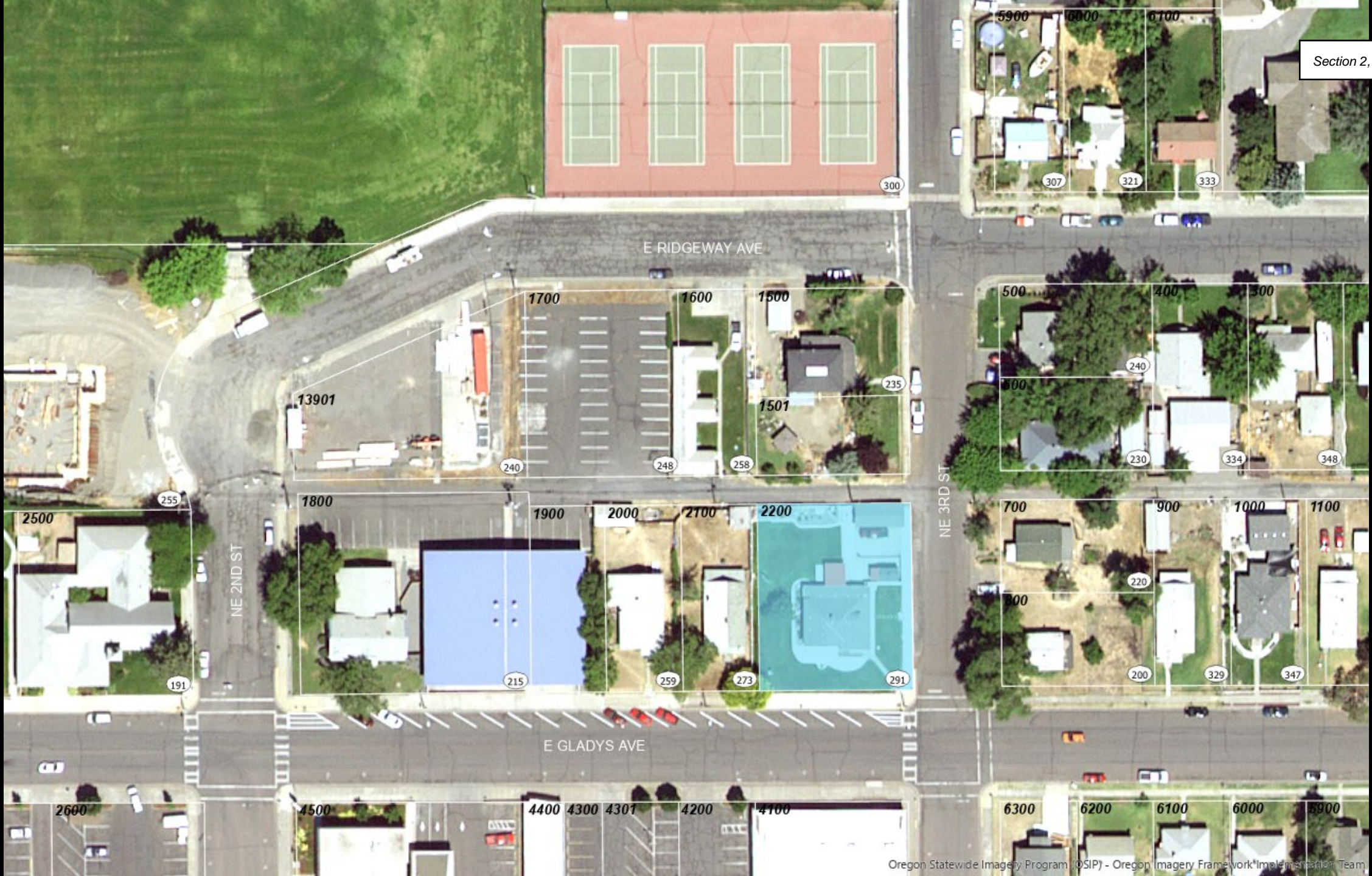
The Ford dealer has started building north of the city. The City's retail consultants have contacted the owners of the existing dealership property. Several houses are being demolished in the neighborhood to clear the way for future development.

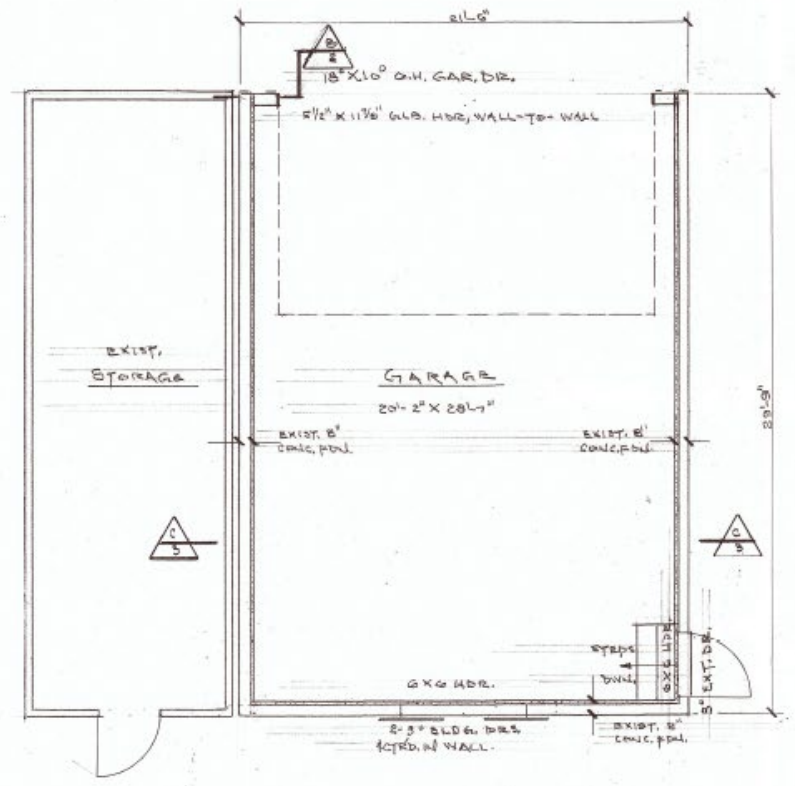
Congratulations were expressed to Youth Advisor Doherty on her plans to attend Stanford University.

Adjournment

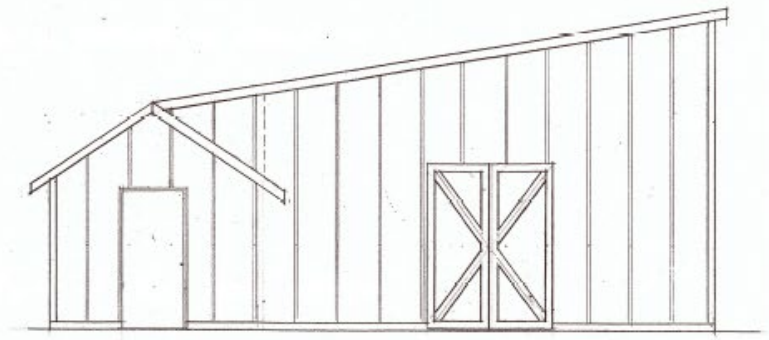
Chairman Saylor adjourned the meeting at 8:34PM.



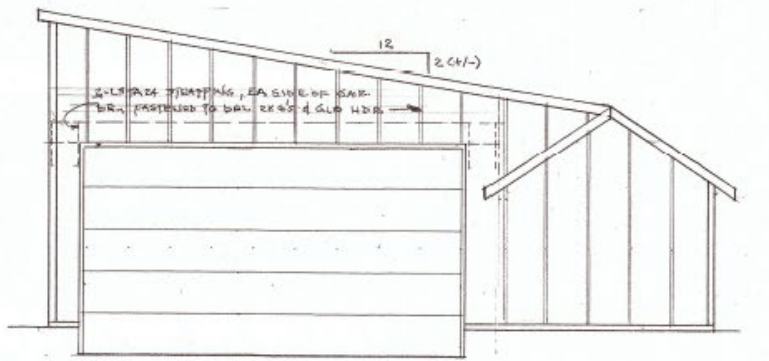




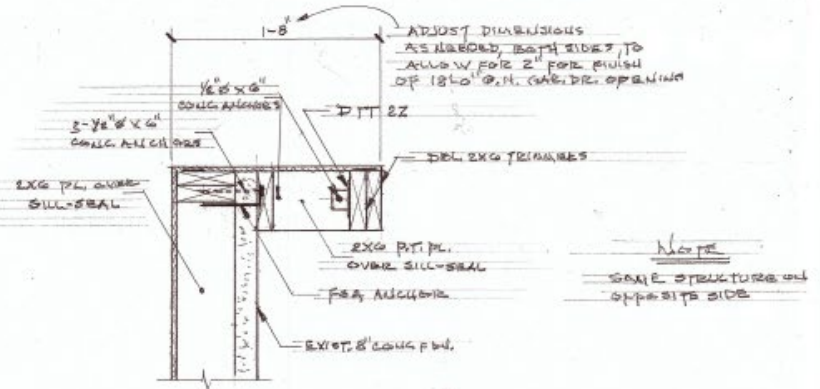
GARAGE PLAN - 1/4" = 1'-0"



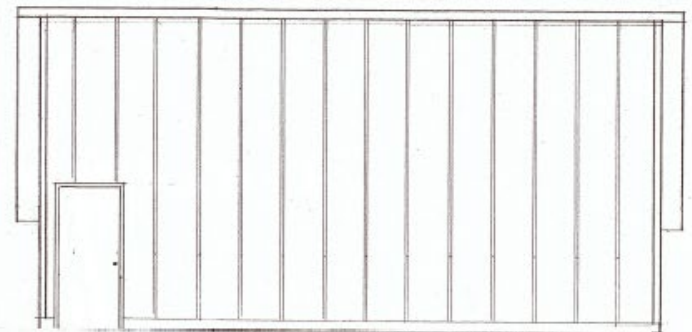
WEST ELEVATION - 1/4" = 1'-0"



EAST ELEVATION - 1/4" = 1'-0"

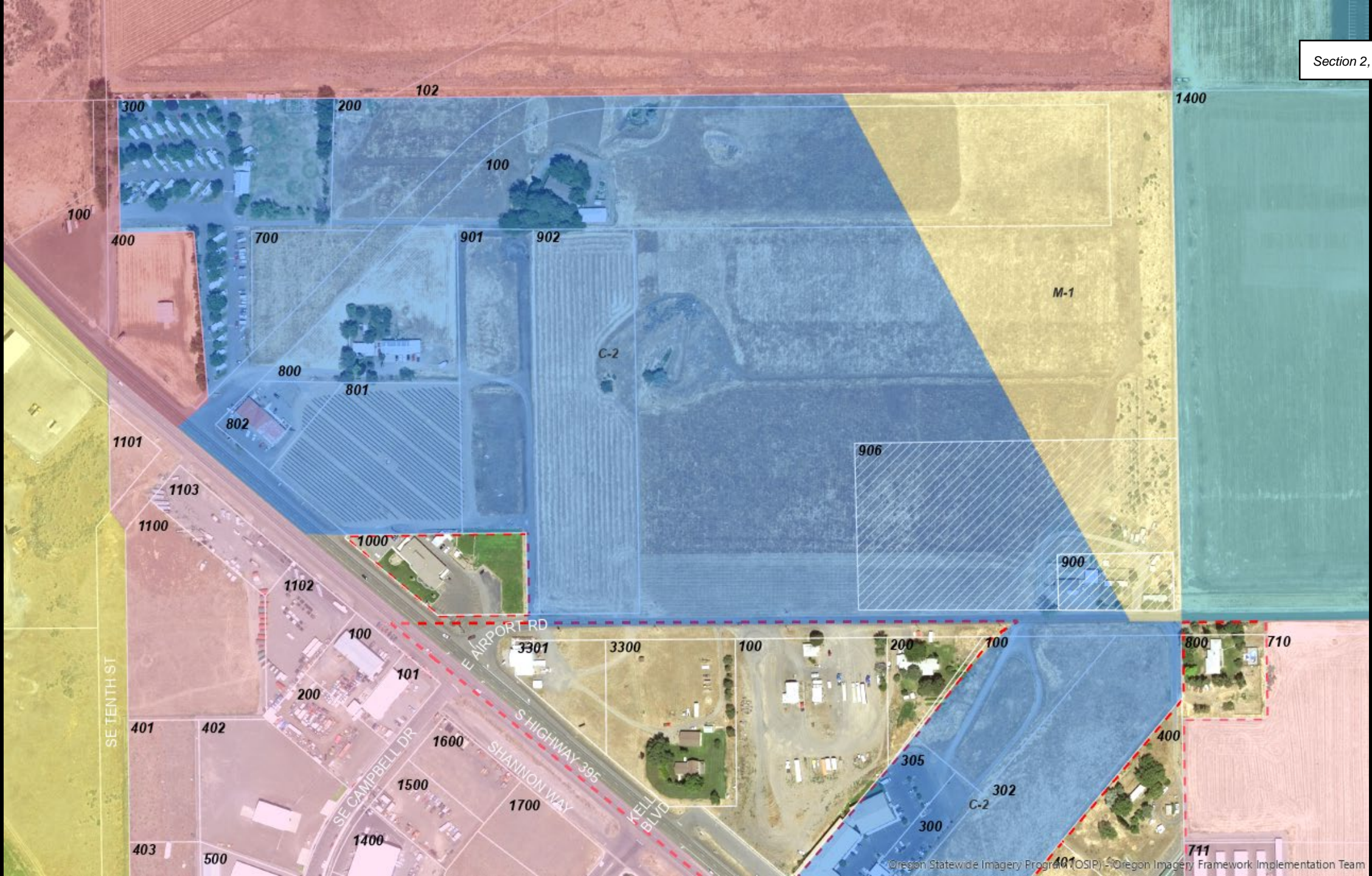


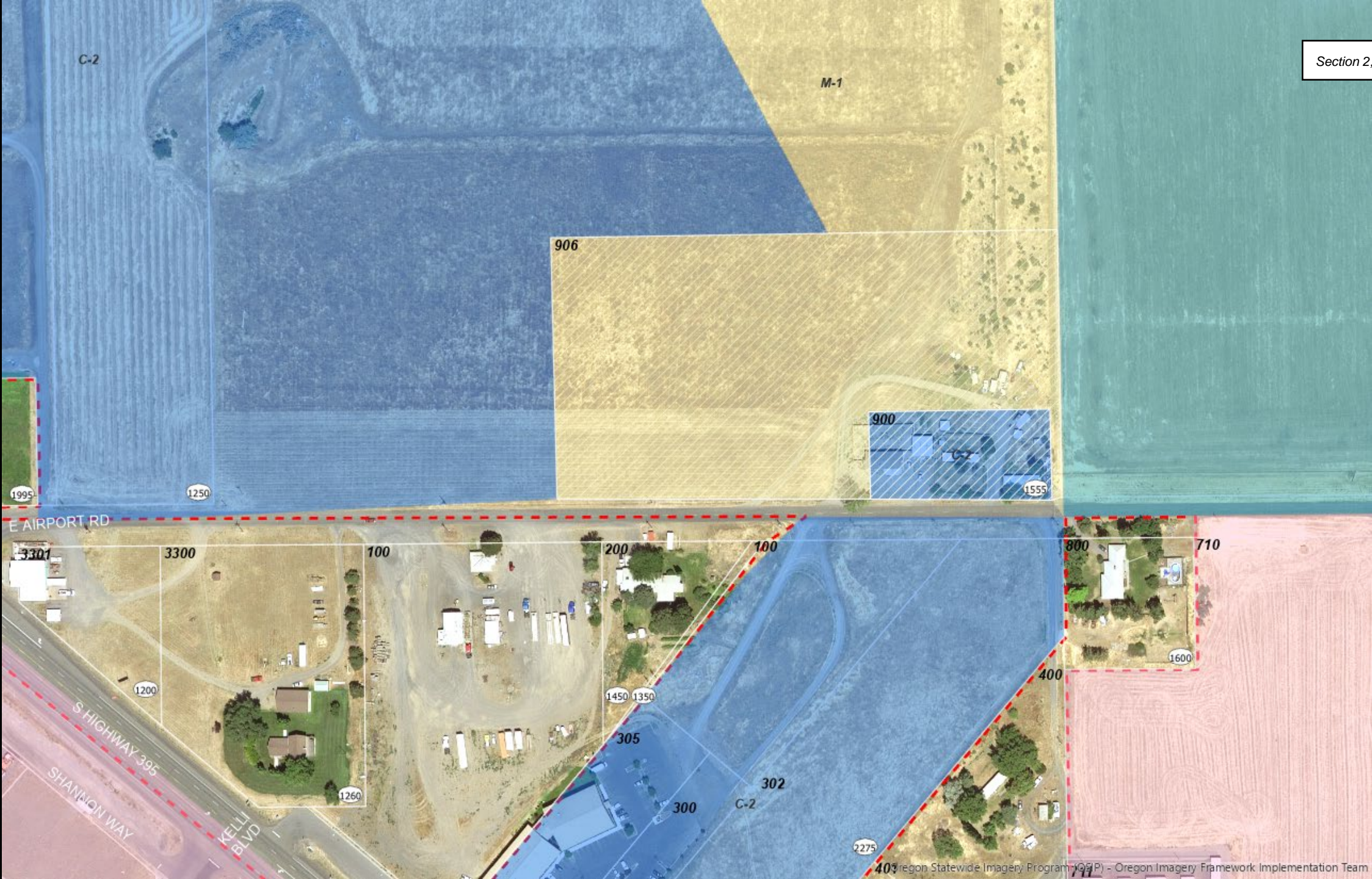
SECTION - 1/2" = 1'-0"



SOUTH ELEVATION - 1/4" = 1'-0"









Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of February 8, 2023

Title/Subject

Request to Amend Condition of Approval – Highland Meadows Phase 2 4N 28 14AA TL 102
942 E Highland Ave

Summary and Background

Tyler Brandt has submitted a request to the planning commission that Condition #9 for Phase 2 of Highland Meadows be removed. A copy of the request is attached to this report. Additionally, a letter supporting the request from an affected landowner within Phase 1 of the development is attached.

Condition #9 for Phase 2 states:

- 9. A 10-foot pedestrian and utility easement shall connect Phase 1 and Phase 2 as shown on the preliminary plat for Phase 2.

The request to remove this condition centers on Phase 1 of the development. No pedestrian easement was provided on the final plat for this phase and the affected property owner is unwilling to grant access or sell an easement to the developer.

In reviewing the project files for Phase 1 and Phase 2 of the development, the trail connection issue was heavily discussed by the planning commission during preliminary platting for Phase 1. However, the pedestrian easement was not made a condition of approval. Phase 1 findings do reference that a pedestrian easement was proposed as part of the street section. No mention of a pedestrian easement was made in the findings relating to easements. No linkage between the findings and the approval conditions requiring a pedestrian easement was made during the approval process. Following approval of the preliminary plat, public improvement construction commenced. The civil engineering plans indicated the easement crossing Lot 7 of Phase 1 was a pedestrian and utility easement.

When the Phase 1 final plat was submitted, an easement was provided for looping power service between Phase 1 and Phase 2 as required by Hermiston Energy Services, but no pedestrian connection was provided. It appears this failure to designate the easement across Lot 7 as both a pedestrian and utility easement was an oversight on the part of the surveyor. This omission was missed by the applicant and staff while reviewing the final plat.

When the planning commission reviewed the preliminary plat for Phase 2, Condition added mandating the pedestrian connection between phases. However, there is no pedestrian easement to connect with in Phase 1.

Staff has worked with the applicant to assist with obtaining a Phase 1 connection point. Currently all lots abutting Phase 2 are sold and have occupied dwellings upon them. As noted in the attached letter from Matt Day, he owns Lot 7 and is unwilling to add pedestrian access to the utility easement on his property and feels adding pedestrian access will devalue his property. Short of condemnation, there are no actions for the city in the event of an unwilling property owner.

From a policy perspective, a pedestrian easement is not required for either street in Highland Meadows. Where a block exceeds 600 feet in length, a pedestrian easement is required to facilitate crossing between destinations. The two streets in this development are 450 and 300 feet. From a strict application of the development code, the pedestrian easement is not required.

History has shown that pedestrian easements between blocks have not been widely used in Hermiston. These easements were installed in the JC Nye Addition west of SE 7th St. They were all vacated and removed in the 90s.

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

The planning commission may choose to maintain the condition for a pedestrian easement or waive the requirement.

Recommended Action/Motion

Staff recommends the requirement be waived since the block length does not exceed 600 feet.

Submitted By:

Clinton Spencer, Planning Director

January 6, 2023

Dear Members of the Hermiston Planning Commission,

As the owner of Hermiston Home Works, Inc., developer of Highland Meadows Phase 1 and 2, I write this letter requesting a modification to Condition 9 of Phase 2, regarding the pedestrian easement between the cul de sacs on Phase 1 and 2.

It was the intention of myself and the Planning Commission to provide an easement for a pedestrian walkway between the two phases, however the surveyor labeled the easement as a utility easement and omitted the pedestrian designation from the final plat. This omission was regrettably overlooked by myself, the surveyor, and several others at the City and County.

During construction of Phase 2, I had a chance to visit with the homeowner at 941 E McKenzie, Matt Day, whose lot contains the easement. I had previously noticed that he had built a nice vinyl fence on his property line, and I there raised my concern to him that he had built it over an easement that would become a walkway for pedestrians. His response to me was, that to his knowledge, it was strictly a utility easement. Being in the telecom industry himself, he is familiar with how easements work and performed diligence on the encumbrances of the property prior to purchasing. He subsequently sent me an email with a copy of the final plat showing that he was in fact correct.

At this point, I reached out to the City to ask what I could do to stay in compliance with the Conditions of Approval. The advice that I received was to make an offer to the property owner to convey a pedestrian easement along the west property line. I reached out to the property owner and asked him at what price I could purchase this easement from him. His response was that there is no price at which he would sell such an easement because it would be undesirable for his property value, and because he didn't want kids/people using it as a place to cause trouble. I gave it some time, perhaps weeks or a couple of months, and asked once more if there was any price at which I could purchase an easement. He reaffirmed his previous stance.

Mr. Day appears within his rights to deny selling an easement which would allow me to comply with Condition 9 of Phase 2, and I am now at an impasse in the development because I am unable to meet the original Conditions of Approval. Mr. Day understands the obstacle that my development faces and has been gracious enough to write his own letter describing this issue for your review.

At this point, it appears that my only course of action to complete the development of phase 2 is to obtain your permission to modify the conditions of approval.

Sincerely,



Tyler Brandt, Developer
469 SW Cottonwood Dr
Hermiston, OR 97838
541-720-4533

January 6, 2023

Dear Members of the Hermiston Planning Commission,

I purchased the home located at 941 E McKenzie Avenue in Hermiston on February 4, 2022. I was third buyer in the 18-lot development. I had many homes from which to choose as there were several under construction. I went with this home because of the lot size and the fact that it was a four-bedroom home.

I did my due diligence before closing to ensure I would have clear title and that the property didn't have unsatisfactory encumbrances. I reviewed the title report and the Highland Meadows Phase I plat dated May 24, 2021. Satisfied with my findings, I proceeded with closing with the understanding that there was a 10' utility easement.

Following closing, I installed irrigation, sod, and a new white vinyl fence around the border of my property. Before starting my work, I had all utilities located including the conduits that were already installed in the 10' utility easement. After my work was finalized, I was approached by Tyler Brant and he informed me that I had built a fence over an easement for a pedestrian path to a development that hadn't been started.

I informed Tyler Brant that I had done my due diligence on the property and knew that the easement was for utility purposes. I took his contact information so I could send him the documents that I had. I emailed him the final plat that clearly shows the utility easement and says nothing about a pedestrian easement. I had a lot of confidence in this document as it was reviewed and approved by the developer, Umatilla County Surveyor, Umatilla County Tax Assessor, three Umatilla County Commissioners, Chairman of the Hermiston Planning Commission, Mayor of Hermiston, and the Hermiston Irrigation District.

I followed up with the City of Hermiston to confirm by phone that it was not a pedestrian easement. After not receiving a call back from the planning department, I continued to call and finally received oral verification that it was in fact not a pedestrian easement. Tyler stayed in contact with me at went as far as to offer to pay me for a pedestrian easement. I told him that I was not interested as it would limit my lot size and provide easy access for crime, loitering, and excessive noise. I don't want to see my property devalued. I am sure Planning Commission Members would not want a walking path placed in right next to their homes.

I do feel as if Hermiston needs more housing exactly like what is provided in Highland Meadows. These homes work well as rental units and first-time buyer entry level homes for families. I feel as if the Highland Meadows Phase 2 will be a good addition to the city and something the town needs. I urge the commission to modify the conditions of approval for Highland Meadows Phase 2 without the condition of a pedestrian path that would devalue my property. Tyler has been a pleasure to work with and in my opinion has exhausted all resources available to him to ensure that he is in compliance. Thank you for your time and consideration.

Sincerely,



Matt Day

503-710-6238

UMATILLA COUNTY

HIGHLAND MEADOWS PHASE I

A SUBDIVISION OF A PORTION OF LOT 1 AND 2 OF BLOCK K OF HERMISTON ORCHARDS ADDITION, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON.

OWNER'S DECLARATION:

I, TYLER BRANDT, PRESIDENT OF HERMISTON HOME WORKS, INC., OWNER, OF THE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON, DO HEREBY ACKNOWLEDGE THAT I HAVE CAUSED THIS SUBDIVISION TO BE PREPARED AND THIS LAND TO BE SUBDIVIDED IN ACCORDANCE WITH O.R.S. CHAPTER 92, AS REVISED, AND UMATILLA COUNTY ORDINANCE.

Tyler Brandt
TYLER JAMES BRANDT, PRESIDENT

OWNER'S DEDICATION:

HERMISTON HOME WORKS, INC., AN OREGON CORPORATION, OWNER OF THE LAND SHOWN ON THE ACCOMPANYING PLAT, DOES HEREBY ESTABLISH AND ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF "HIGHLAND MEADOWS PHASE I", AN ADDITION TO THE CITY OF HERMISTON, OREGON. OWNER HEREBY DEDICATES THE ROAD, STREETS, AND NEW PUBLIC UTILITY EASEMENTS SHOWN, OR NOTED, ON THIS PLAT FOR PUBLIC USE.

Tyler Brandt
TYLER JAMES BRANDT, PRESIDENT

ACKNOWLEDGMENT

STATE OF OREGON

S.S.

COUNTY OF UMATILLA

ON THIS 17th DAY OF May, IN THE YEAR 2021, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED TYLER JAMES BRANDT, PROVED TO ME BY MEANS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY, AS LEGAL REPRESENTATIVES, EXECUTED IT.

Notary Signature
NOTARY PUBLIC OF OREGON (PRINT)

COMMISSION NO. 900187

MY COMMISSION EXPIRES: October 14, 2022

RECEIVED BY

Umatilla County Surveyor

Date: 5/26/21

Rec'd By: CT

No.: 21-056-B

SURVEYOR'S CERTIFICATE:

I, ROBERT D. ENGLISH, PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, IN ACCORDANCE WITH O.R.S. CHAPTER 92, AS REVISED, THE LANDS SHOWN IN THE ACCOMPANYING PLAT OF "HIGHLAND MEADOWS, PHASE I". THE INITIAL POINT FOR THIS SUBDIVISION IS THE EXISTING 5/8" IRON REBAR AT THE NORTHWEST CORNER OF LOT 1.

PLAT BOUNDARY DESCRIPTION: FROM DOCUMENT NO. 2020-7070029, UMATILLA CO. DEED RECORDS. THAT PORTION OF LOTS 1 AND 2, BLOCK "K", HERMISTON ORCHARDS, AN ADDITION TO THE CITY OF HERMISTON, UMATILLA COUNTY, OREGON, BEING DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 330 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTHERLY AND PARALLEL WITH THE WEST LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 330 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 301.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 623.73 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOTS 2 AND 1, A DISTANCE OF 641.05 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 293.84 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE COUNTY ROAD, AVENUE AND STREET RIGHT-OF-WAYS.

Robert D. English
ROBERT D. ENGLISH, ORPLS 43406LS

REGISTERED PROFESSIONAL LAND SURVEYOR
RENEWAL DATE: 12/31/21

DATE: 02/10/21
SCALE: 1"=60'
JOB NO. 2020-052
DWG NO. HIGHLANDMEADOWSPI.DWG

RECORD OF SURVEY FOR: HERMISTON HOME WORKS, INC.
SURVEY ONE, LLC
P.O. BOX 382
PENDLETON OR, 97801
PH:541-276-2055 FAX:541-276-3480

SURVEYOR'S NARRATIVE:

THIS SURVEY FOR SUBDIVISION WAS MADE WITH REFERENCE TO RECORD COUNTY SURVEY 96-90-B TO DETERMINE OVERALL BOUNDARIES OF THE PORTION OF LOTS 1 AND 2 OF BLOCK 'K' OF HERMISTON ORCHARDS. I FIND CORNERS AS NOTED. PLAT MONUMENTS WERE ESTABLISHED USING TOPCON PSI03A ROBOTIC TOTAL STATION.

Robert D. English
ROBERT D. ENGLISH, ORPLS 43406LS

SURVEYOR'S NOTES:

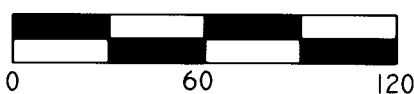
- THE CITY OF HERMISTON REQUIRES THE FOLLOWING:
1) LOTS I AND 18 SHALL NOT ESTABLISH DRIVEWAYS ONTO S.E. 9TH STREET.
2) LOT 8, 9, 10, II, AND 12 FRONT BUILDING LINE SHALL BE ESTABLISHED WHERE THE LOT WIDTH IS AT LEAST 60 FEET WIDE.

LOT 19
99933.16SF
2.294AC

LANDS OF FAITH PRESBYTERIAN CHURCH
TAX LOT 101 4N2814AA
SEE D3 AND R3

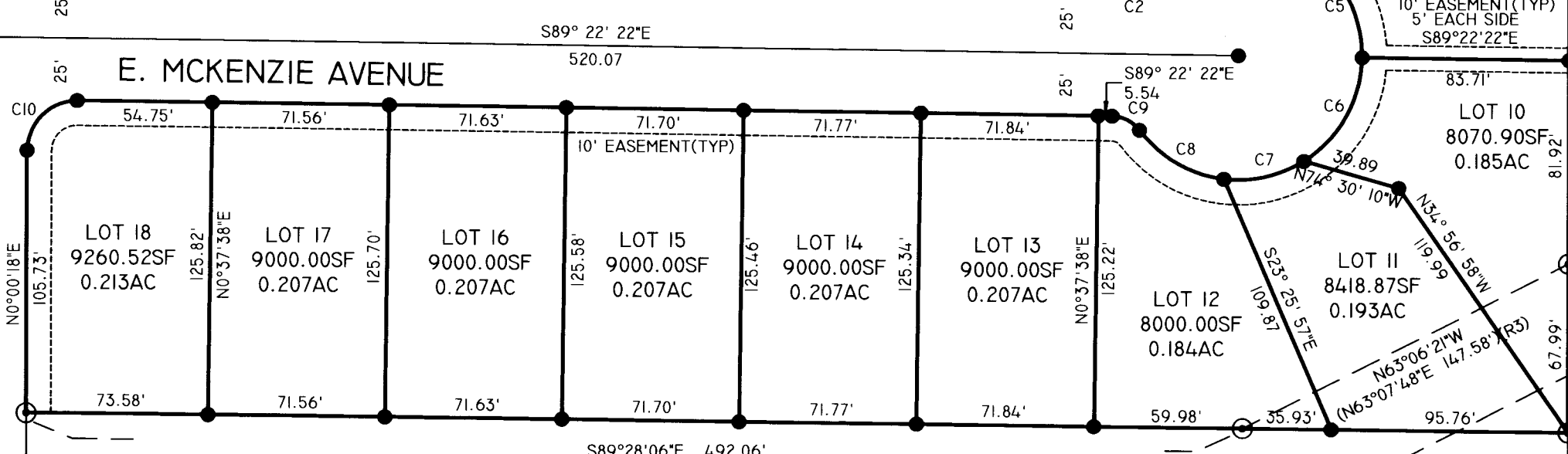
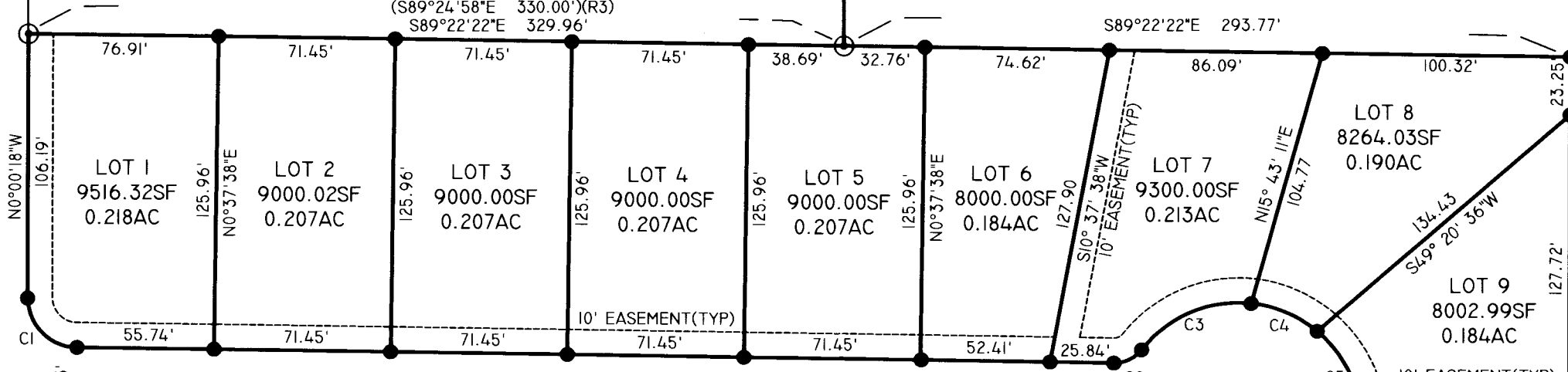


SCALE 1"=60'



BASIS OF BEARING
BEARING BASE -- CENTERLINE EAST HIGHLAND AVE
FROM COUNTY SURVEY 96-090-B

INITIAL POINT



LANDS OF FIALKA
TAX LOT 201 4N2814AA
SEE D1

CURVE TABLE

Table with columns: NO., DELTA, RADIUS, LENGTH, LONG CHORD. Contains 10 rows of curve data.

- REFERENCES: NOTE: UMATILLA COUNTY DEED RECORDS = UCDR
(R1) ASSESSOR'S MAP 4N28AA
(R2) COUNTY SURVEY 83-82-B, KRUMBEIN FOR BARROWS, 1983. LOTS 1 AND 2 OF BLOCK K.
(R3) COUNTY SURVEY 96-90-B, EDWARDS FOR PRESB CHURCH, 1996. BLA OF LOTS 1 AND 2 OF BLOCK K.
(R4) COUNTY SURVEY 98-92-B, ROGERS FOR WEBER, 1998. LOTS 6, 7, 8 OF BLOCK K.
(D1) WARRANTY DEED, REEL 27, PAGE 1032, UCDR, FIALKA, 1977. TL201 4N2814AA.
(D2) WARRANTY DEED, REEL 201, PAGE 678, UCDR, WEBER, 1991. TL100 4N2814AA.
(D3) STATUTORY WARRANTY DEED, DOC. NO. 2005-4790674, UCDR, FAITH PRESBYTERIAN, 2005. TL101 4N2814AA.
(D4) WARRANTY DEED, DOC. NO. 2020-7070029, UCDR, HERMISTON HOME WORKS, 2020. TL102 4N2814AA.

LEGEND

- SET 5/8"x30" IRON REBAR WITH RED PLASTIC CAP, MARKED ORPLS43406LS/WAPLS44338
FOUND 5/8" IRON REBAR FROM COUNTY SURVEY 96-90-B, OR AS NOTED.
CALCULATED POINT - NOTHING FOUND OR SET.
RECORD AND REFERENCE TO SURVEY
PROPERTY LINE
EASEMENTS OF RECORD.
NEW 10' UTILITY EASEMENT

SURVEYOR'S EXACT COPY STATEMENT

I, ROBERT D. ENGLISH, REGISTERED OREGON SURVEYOR NO. 43406LS DO HEREBY CERTIFY THAT THE ANNEXED TRACING IS AN EXACT COPY OF SAID SUBDIVISION AS THE SAME IS ON FILE IN UMATILLA COUNTY RECORDS, AND SAID EXACT COPY IS SUBMITTED AS PER O.R.S. 92.120.

Robert D. English
ROBERT D. ENGLISH, ORPLS 43406LS

APPROVALS

UMATILLA COUNTY SURVEYOR
I, DAVID H. KRUMBEIN, UMATILLA COUNTY SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH RESPECT TO THE FILING AND RECORDING OF SUCH PLATS, AND I DO THEREFORE APPROVE SAID PLAT FOR FILING IN THE RECORDS OF UMATILLA COUNTY, OREGON.

APPROVED THIS 21 DAY OF May, 2021.

David H. Krumbain
UMATILLA COUNTY SURVEYOR

UMATILLA COUNTY TAXATION DEPT.

TAXES ARE PAID IN FULL.

THIS 20th DAY OF May, 2021.

Rachael Reynolds by Rachael Reynolds
UMATILLA COUNTY TAX ASSESSOR

UMATILLA COUNTY COMMISSIONERS:

THE ACCOMPANYING PLAT IS HEREBY APPROVED FOR FILING AND RECORDING IN THE RECORD OF PLATS OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED, BY IT'S ORDER.

THIS 24 DAY OF May, 2021.

Commissioner Signatures

CHAIRMAN
COMMISSIONER

CITY OF HERMISTON PLANNING COMMISSION & CITY COUNCIL:

THE ACCOMPANYING PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION AND THE CITY COUNCIL OF HERMISTON, OREGON.

THIS 18th DAY OF May, 2021.

Mayor Signatures

CHAIRMAN, HERMISTON PLANNING COMMISSION.
MAYOR OF THE CITY OF HERMISTON - CITY COUNCIL.

HERMISTON IRRIGATION DISTRICT:

THE ACCOMPANYING PLAT IS HEREBY APPROVED

THIS 17 DAY OF May, 2021.

Commissioner Signatures

STATE OF OREGON, COUNTY OF UMATILLA
I certify that this instrument was received and recorded on 05-24-2021
at 12:16 o'clock p. m., in the record of PLATS of said County.
BOOK 17 PAGE 25
OFFICE OF COUNTY RECORDS
By: STEVE CHURCHILL Records Officer
Fee \$ 120.00 No. 2021-7210624

FND 2.5" ALC
SE 9TH & MONKMAN AVE

S.E. 9TH STREET

E. MCKENZIE AVENUE

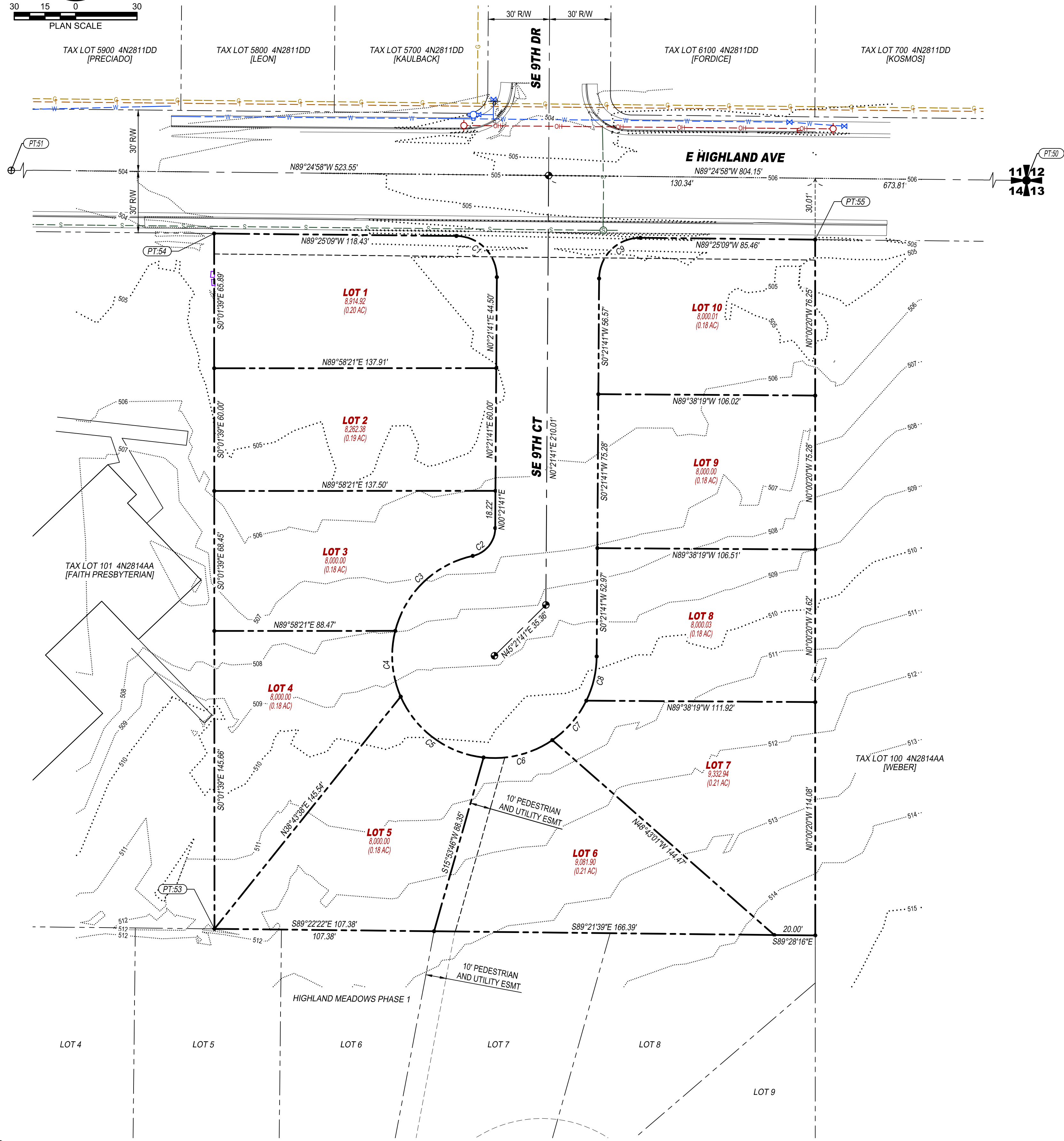
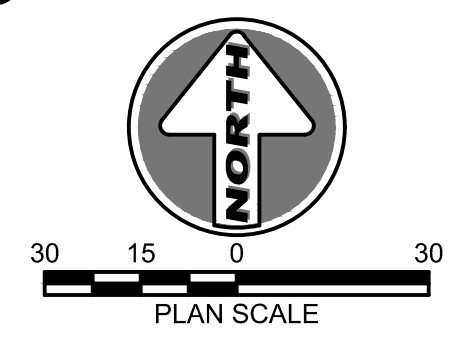
SE 9TH DRIVE

BASIS OF BEARING
N89°24'58"W 1327.70' (R&M)

FND 2.5" ALC
S11 | S12
S14 | S13
4N28E

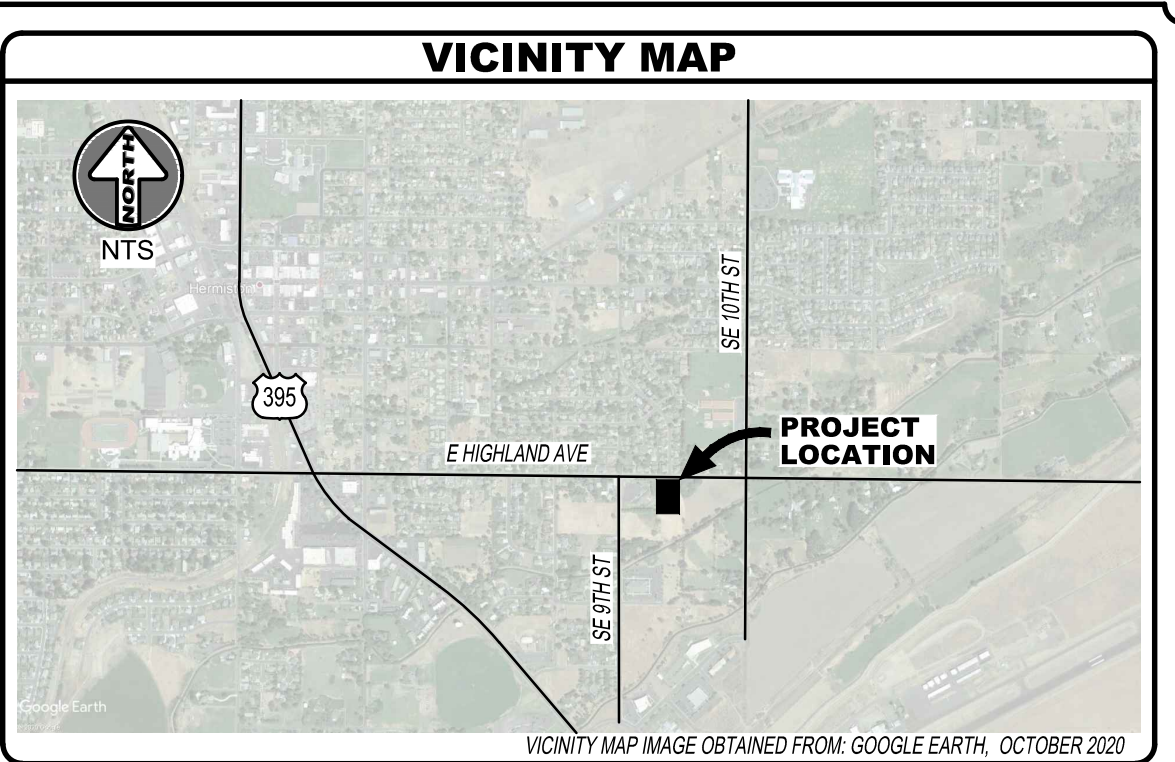
HIGHLAND MEADOWS PHASE 2 - PRELIMINARY PLAT

PORTIONS OF THE NE 1/4 OF THE NE 1/4 OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M., HERMISTON, UMATILLA COUNTY, OREGON



LEGEND

DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED
CENTER LINE	---	---	COMMUNICATIONS		
EASEMENT	---	---	TELEPHONE RISER	⊞	⊞
PROPERTY LINE	---	---	TELEPHONE VAULT	⊞	⊞
RIGHT OF WAY	---	---	CABLE/FIBER RISER	⊞	⊞
SECTION LINE	---	---	GAS		
CONTOUR MAJOR	GAS METER	⊞	⊞
CONTOUR MINOR	VALVE - GAS	⊞	⊞
PAVEMENT	▨	▨	WATER / IRRIGATION		
PAVEMENT OVERLAY	▨	▨	BENDS	⊞	⊞
CONCRETE	▨	▨	BLOW-OFF	⊞	⊞
GRAVEL EDGE	▨	▨	CAP	⊞	⊞
GRADE BREAK	▨	▨	COUPLER	⊞	⊞
SWALE	▨	▨	CROSS	⊞	⊞
CABLE	---	---	REDUCER	⊞	⊞
GAS	---	---	TEE	⊞	⊞
IRRIGATION	---	---	THRUST BLOCK	⊞	⊞
JOINT TRENCH	---	---	VALVE - BUTTERFLY	⊞	⊞
POWER OVERHEAD	---	---	VALVE - CHECK	⊞	⊞
POWER BURIED	---	---	VALVE - GATE	⊞	⊞
ROOF DRAIN	---	---	POST INDICATOR	⊞	⊞
SEWER	---	---	IRRIGATION SERVICE	⊞	⊞
STORM	---	---	WATER METER	⊞	⊞
CURTAIN DRAIN	---	---	FIRE HYDRANT	⊞	⊞
PRIVATE DRAIN	---	---	FIRE DEPT CONN	⊞	⊞
TELEPHONE	---	---	DCVA	⊞	⊞
WATER	---	---	RPBA	⊞	⊞
FENCE	---	---	MONITORING WELL	⊞	⊞
SILT FENCE	---	---	MISCELLANEOUS		
POWER / LIGHTING			BENCH MARK	⊞	⊞
DISCONNECT	⊞	⊞	MAIL BOX	⊞	⊞
JUNCTION BOX	⊞	⊞	MONUMENT (IN CASE)	⊞	⊞
PULL BOX / HAND HOLE	⊞	⊞	SIGN	⊞	⊞
METER	⊞	⊞			
TRANSFORMER	⊞	⊞			
VAULT	⊞	⊞			
UTILITY POLE	⊞	⊞			
PARKING LOT LIGHT	⊞	⊞			
STREET LIGHT	⊞	⊞			



SURVEYOR
SURVEY ONE, LLC
ROBERT D ENGLISH (541) 276-2055
 PO BOX 382
 PENDLETON, OR 97801

DATUM - BENCHMARK
BASIS OF BEARING: NORTH LINE OF SECTION 14 ALONG CENTERLINE OF HIGHLAND AVE
VERTICAL DATUM: NAVD88
BENCHMARK: 2.5 ALC, SE 10TH ST, ELEV: 510.92

CURVE DATA

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA	TANGENT
C1	31.34'	20.00'	28.23'	N44°31'44"W	89°46'50"	19.92'
C2	18.90'	14.00'	17.50'	N39°02'37"E	77°21'52"	11.21'
C3	55.51'	50.00'	52.71'	N45°55'10"E	63°36'46"	31.01'
C4	32.86'	50.00'	32.27'	N04°42'46"W	37°39'06"	17.05'
C5	52.67'	50.00'	50.27'	N53°42'51"W	60°21'04"	29.07'
C6	35.41'	50.00'	34.67'	S75°49'21"W	40°34'32"	18.48'
C7	25.75'	50.00'	25.47'	S40°46'44"W	29°30'43"	13.17'
C8	22.39'	50.00'	22.21'	S13°11'32"W	25°39'42"	11.39'
C9	31.49'	20.00'	28.34'	S45°28'16"W	90°13'10"	20.08'

PROJECT POINTS

PT #	DESCRIPTION	NORTHING	EASTING
50	2.5" ALC, SECTION CORNER, SE 10TH ST, PROJECT BENCHMARK, ELEV: 510.92	792,880.00	8,515,722.66
51	RR SPIKE, SE 10TH ST & SE 9TH ST	792,893.53	8,514,395.03
53	PROP CORNER	792,519.84	8,514,755.18
54	PROP CORNER	792,859.84	8,514,755.02
55	PROP CORNER	792,856.86	8,515,048.90

EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR TO VERIFY LOCATIONS WITH UTILITY COMPANIES AND/OR PRIVATE UTILITY LOCATOR PRIOR TO TRENCHING

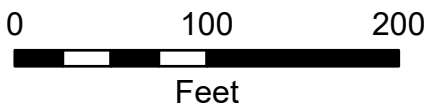
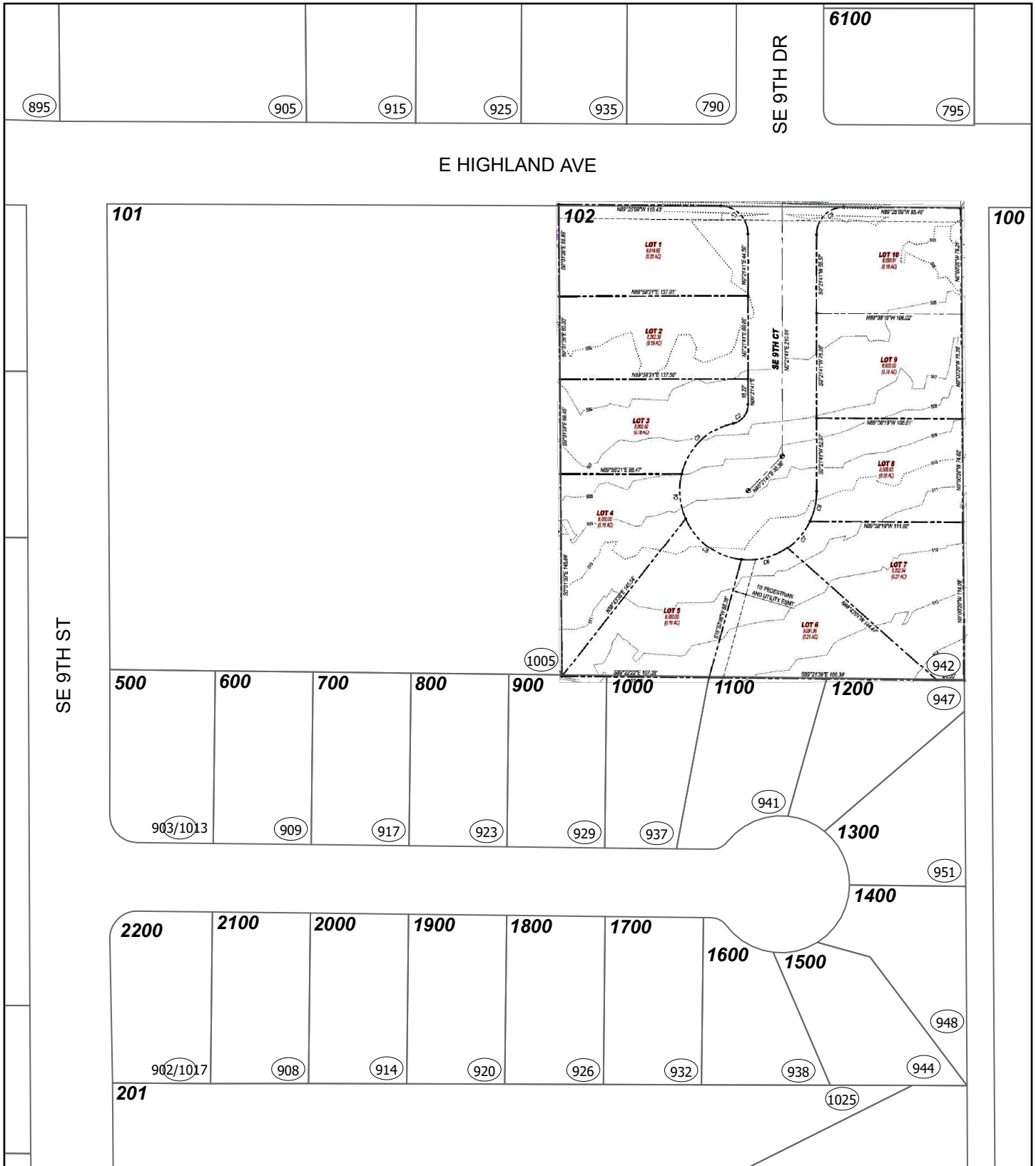
CALL 2 BUSINESS DAYS BEFORE YOU DIG: 811

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 Designed By: G. Clark | Checked By: M. Clark | Drawn By: R. Harms
 File Path: P:\2020\2020\1. Brand_Type_Subdivision\Infrastructure\Hermiston\030

HIGHLAND MEADOWS PHASE 2 PRELIMINARY PLAT
 NE 1/4 NE 1/4 SECT 14 T4N R28E W4E
 MAP 4N2814AA00102, SE 9TH ST AND E HIGHLAND AVE, HERMISTON, OR
 Client/Project Information
TYLER BRANDT
(541) 720-4533
 PO BOX 833, HERMISTON, OR 97838
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Rev	Description	Date	By
1	PRELIMINARY PLAT - SUBMITTAL 2	10-26-2021	MLC
2	PRELIMINARY PLAT	05-14-21	MLC

Date: **10-26-2021**
 Project Number: **20-070.2**
 Sheet Number: **C1P**





Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of February 8, 2023

Title/Subject

Revisions to the scoring criteria and match for facade grants are proposed.

Summary and Background

The planning commission requested that staff review the scoring criteria for façade grants. Commissioners have expressed dissatisfaction with the current criteria in the past. Complaints center on the overall vagueness and subjectivity of the criteria. Some of the subjectiveness is intentional, requiring value judgement on the part of the scorer. However, it is desirable to analyze the scoring criteria and evaluate if rewording is necessary or even if different criteria should be considered. This report lists the current criteria and suggests modifications where necessary.

- 1. Are the proposed improvements consistent with type of architectural features found in the existing historical buildings in the district*

Commentary: This item causes the most difficulty in scoring. The historic buildings in the downtown urban renewal area are historic, but not particularly distinctive. The Carnegie Building and HID Building utilize stucco facades, while the others all utilize brick. Columns, ornate windows, signage, grand entrances, and other features are all absent. Since historic preservation is not one of the goals of the downtown urban renewal area, perhaps this criterion should be eliminated entirely.

Suggested edit: **Eliminate and use five criteria instead of six.**

- 2. Does the proposed improvement contain features designed to contribute to aesthetic enhancement?*

Commentary: This question is relatively straightforward. Is the proposed façade improvement a visual improvement over what is in place on that site today? A window replacement would not score as high as new siding or additional signage. In essence, pure maintenance projects should score lower than a project where the applicant is making an effort to go above the bare minimum for architectural features. New construction will always score highly in this category since the baseline is low.

Suggested edit: **Does the proposed improvement add new aesthetic elements beyond the existing improvements?**

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

Commentary: This question also causes difficulty in scoring. Is the proposed improvement making an overall contribution to the downtown, not only aesthetically, but economically? An improvement adding outdoor seating, similar to what was funded for Yo Country's outdoor tables, creates an environment that encourages people to visit and linger downtown. The goal of the downtown urban renewal area at its essence is to build up the economic health of the downtown. The façade grants are intended to reduce visual blight on aging buildings. The underlying logic is that improved facades will encourage other nearby properties to also wish to upgrade so as not to fall visually behind.

Suggested edit: **Will the proposed improvements enhance the economic well-being of the downtown as well as the site?**

4. *Are the proposed improvements compatible with the overall downtown character?*

Commentary: There is a lot of overlap between this criterion and criterion #1. The intent is to consider how the proposed façade improvements fit in with the existing neighborhood. However, the overall character of the downtown is quite mixed. There are single-family, duplex, and multi-family residential users. There are standalone commercial uses as well as common wall attached commercial uses. Some commercial uses are auto oriented, and some are focused on pedestrian customers. To create a score based on such a varied character is difficult. This question should be reworded to focus on more objective aesthetic elements which can be considered on a case-by-case basis. The suggested edit below adds a scaling element to consider but could be limited to color and materials as well.

Suggested edit: **Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?**

5. *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.*

Commentary: This question is again straightforward. It is intended to be a somewhat objective judgement on the part of the scorer as to how long the improvement will last and benefit the property and the downtown. A façade grant could be given to buy hanging flower baskets for parking lot lighting, but they will only last a season. Building a new retaining wall and regrading a landscape bed will be an improvement that lasts for decades.

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

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

Commentary: This question is subjective on the part of the scorer. However, no edits are suggested at this time. It is a value judgment which will be relative to each scorer.

Staff offers the following revised scoring criteria for discussion to the planning commission:

1. Does the proposed improvement add new aesthetic elements beyond the existing improvements?
2. Will the proposed improvements enhance the economic well-being of the downtown as well as the site?
3. Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?
4. Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.
5. Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?

Scoring is proposed to retain the 1-10 value for each question, giving a total of 50 total points.

41-50 points: 50% match

31-40 points: 40% match

21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

Staff also reported in November that discussions with local contractors determined that \$10,000 was inadequate for a match under most circumstances. The planning commission agreed at that time that potentially upping the match amount to \$20,000 is desirable and appropriate.

Tie-In to Council Goals

NA

Fiscal Information

Increasing the match amount will decrease the number of grants available each year. Under the urban renewal plan, a maximum of \$500,000 is available over the life of the district. Expending 100% of funds may result in termination of the program or reallocation of funds from other projects.

Alternatives and Recommendation

Alternatives

The planning commission should discuss proposed revisions to the scoring criteria and matching cap. A consensus on new criteria should be developed.

Recommended Action/Motion

Motion to recommend adoption of revised criteria to the urban renewal board

Motion to recommend increasing the matching cap to the urban renewal board

Submitted By:

Clinton Spencer, Planning Director