

Council Chambers, 180 NE 2nd Street

September 10, 2025 at 7:00 PM

AGENDA

Other ways of viewing or participating in live meetings are available through: Zoom with Meeting ID: 836 2582 6527 Passcode: 470746 Telephone number to join is:1 253 215 8782; or submitting comments to meetings @hermiston.gov

- 1. CALL TO ORDER 7:00 PM
- 2. MINUTES
 - A. Minutes of the August 13, 2025 regular planning commission meeting
- 3. HEARINGS
 - A. Major Variance Request Eastern Oregon Development LLC, 579 E Elm Ave 4N 28 02CD Tax Lot 500

4. NEW BUSINESS

- A. Minor Partition James Maret, 395 NE 10th St, 4N 28 11AD Tax Lot 1500
- B. Minor Partition Jason Lines, 620 and 640 SE 5th Street, 4N 28 11CD Tax Lot 4502
- C. Preliminary Replat Four Bros LLC., 4N 28 11BA Tax Lots 101 and 102
- 5. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION
- 6. ADJOURN

** AMERICANS WITH DISABILITIES ACT NOTICE**

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



Regular Meeting Minutes August 13, 2025

Chairman Fialka called the regular meeting to order at 7:00PM. Present were Commissioners Misner, Caplinger, Kirkpatrick, Saylor, Hamm, and Doherty (via Zoom). Commissioners Guerrero and Serrano were excused. Staff in attendance included Planning Director C.F. Spencer, City Attorney Rich Tovey, and Planning Assistant Heather La Beau. No Youth Advisors were in attendance.

Minutes

Commissioner Misner moved, and Commissioner Caplinger seconded to approve the minutes of the July 9, 2025, regular meeting. Motion passed.

Hearing

An expansion of the Hermiston urban growth boundary, annexation of a portion of the expansion area, and amendments to the City's land use implementation documents are proposed. A hearing is scheduled to consider all changes as a single process. Seeing no conflicts of interest or ex parte contact, Chairman Fialka opened the hearing at 7:02PM and read the hearing guidelines.

Planning Director Spencer introduced the consultant team Jesse Winterowd and Larissa Gladding of Winterbrook Planning, Joshua Lott of Anderson Perry & Associates Inc, Matt Hughart of Kittelson & Associates Inc, and Adam Smith of Schwabe, Williamson & Wyatt P.C. and presented the staff report A supplemental staff report was provided to the commissioners and is attached. Revised maps and legal descriptions are included as the city received consent to annex two additional properties (Umatilla Basin Properties and Union Pacific Railroad.

Mr. Winterowd presented additional information with the attached PowerPoint to cover site selection criteria and analysis. Analysis includes

- Public facilities (water, sewer, transportation)
- Hyperscale data center conceptual layouts
- Site Characteristics (size, topography/location, and serviceability)

Mr. Lott explained the ASR (aquifer storage & recovery) well that is anticipated to provide water to the proposed sites. Sewer extensions are necessary to service the sites, some of which have already been constructed for the existing data centers. The water from the Columbia will be treated at the Regional Water System facility and stored into the aquifer. Mr. Morgan clarified the city will purchase the water from the regional water system, and the data center campuses will purchase the water from the City of Hermiston at its water rates. The campuses will not be using Regional Water System water. There are multiple options for discharge water. Discharge to the A-Line canal for irrigation is under consideration.

Commissioner Hamm declared a potential conflict of interest as he is a board member of Umatilla Electric Cooperative.

Karen Jones 1010 W Highland Ave- Ms. Jones asked for clarification of the potential conflict of interest of Commissioner Hamm.

Commissioner Hamm explained that he is on the Umatilla Electric Cooperative (UEC) Board of Directors. Tract S2 is owned by Umatilla Basin Properties, a subsidiary of UEC. He will not gain financially from the discussion.



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Ms. Jones stated she has no issue with Commissioner Hamm's declaration. There were no other objections to the declaration.

Public Testimony

Karen Jones 1010 W Highland Ave- Ms. Jones asked who would be paying for the sewer extensions.

Joshua Lott responded that typically when development occurs, the developer is responsible for extending utilities to the development and pays for that. The cost is not borne by the city or its constituents.

Commissioners discussed the limitations of the HDC overlay. The overlay zone is an important element of the site-specific expansion.

Chairman Fialka closed the hearing at 7:36PM.

Findings of Fact

The planning commission shall make a recommendation to the city council upon determination that the annexation complies with the applicable criteria in §150.05 of the Hermiston Code of Ordinances relating to annexation.

A. §150.05(1) The proposal is in conformance with all applicable state annexation requirements.

Response:

- 1. The proposed annexation of the subject property is aligned with the City of Hermiston Comprehensive Plan, acknowledged as compliant by the State of Oregon, and codified in Code Section 156.02 of Title XV.
- 2. The City has received consent to annexation from the property owners for approximately 648 acres of land and an election was deemed not necessary by the city council on February 24, 2025 (ORS 222.120(1))
- 3. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on July 23 and 30, 2025. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record. (ORS 222.120(3))
- 4. Notice of public hearing was physically posted on the property on July 23, 2025. (HZO §157.229(B))
- 5. Affected agencies were notified. (ORS 222.005)
- 6. A public hearing of the planning commission was held on August 13, 2025. Comments received at the hearing are incorporated into the planning commission record. (ORS 222.120(2))
- 7. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on August 13 and 20, 2025. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record. (ORS 222.120(3))



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8. A public hearing of the city council was held on August 25, 2025. Comments received at the hearing are incorporated into the record. (ORS 222.120(2))

The planning commission finds the proposal is consistent with all applicable state annexation requirements in ORS 222:

- a. The city has received consent from the property owners within the affected area
- b. An election has been deemed not necessary since consent from more than half the owners has been received
- c. The property is contiguous with the existing city limits
- d. All statutorily required notices have been published and posted
- **B.** §150.05(2) The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.

Response:

- 9. Since the property is contiguous to the existing city limits located at the centerline of Feedville Road, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
- 10. Annexation is consistent with Policy 5 which requires the city to establish a program for annexation and efficient and orderly provision of public services.
 - a. Property is contained within the urban portion of the UGB (See Finding 11 below)
 - b. Proposed development is consistent with applicable comprehensive plan policies and map designations (See Finding 11 below)
 - c. All city services can be extended readily (See Findings 15-20 below)
 - d. Property owner(s) is willing to bear costs associated with extension of sewer, water and roads except for major facilities -- e.g. sewer pump station or major water main -- necessary to facilitate later growth. (See Findings 15-20 below)
 - e. Proposal is consistent with all applicable state requirements including ORS Chapter 222 governing annexations and Chapter 225 governing utility extensions. (See Findings 1-8 above)
- 11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map. The land was included in the urban growth boundary and assigned an urban comprehensive plan map designation by Ordinance No. 2374. The property is designated as "I" on the comprehensive plan. The I designation is an industrial comprehensive planning designation corresponding to the M-1, M-2, and HDC zoning designations on the city zoning map.

The planning commission finds that the property is contained within the urban portion of the urban growth boundary.



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C. §150.05(3) The proposed zoning is consistent with the underlying comprehensive plan designation

Response:

- 12. The city proposes to annex the property with an M-2 zoning designation with an HDC overlay.
- 13. The proposed Heavy Industrial (M-2) zoning designation and HDC overlay are implementing zoning designations for the I comprehensive plan map designation.

The planning commission finds that the proposed zoning is consistent with the underlying comprehensive plan map designation.

D. §150.05(4) Findings of fact are developed in support or denial of the annexation.

Response:

- 14. This document, consisting of three pages of findings adopted by the planning commission on August 13, 2025 serves as findings of fact in support of annexation.
- **E.** §150.05(5) All city services can be readily extended, and the property owner is willing to bear costs associated with sewer, water, and roads.

Response:

- 15. Utilities are available to service this property at several locations. An amendment to the city public facilities plan has been prepared to detail provision of public facilities and necessary upgrades for servicing of the property.
- 16. The public facilities plan amendment has been incorporated into the Hermiston comprehensive plan by Ordinance No. 2377.
- 17. The land is proposed for development with hyperscale data centers. The developer will be responsible for coordination with the city for implementation of the public facilities plan for these sites.
- 18. An analysis of road and intersection capacity has been prepared in compliance with OAR 660-012-0060.
- 19. The findings of the transportation analysis find that mitigation will be required at full development of the sites added to the UGB by Ordinance No. 2374.
- 20. The developer of hyperscale data centers on the property proposed for annexation will be required to participate in mitigation as recommended in the analysis in proportion to the site impacts as determined by site plan review of development.

The planning commission finds that all city services can be readily extended and the property owner is willing to bear costs associated with sewer, water, and roads.



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Commissioner Saylor moved, and Commissioner Hamm seconded that the Planning Commission adopt findings of fact as contained in the "Hermiston Urban Growth Boundary Expansion and Related Plan and Code Amendments" and all appendices. Motion passed unanimously.

Commissioner Saylor moved, and Commissioner Misner seconded that the Planning Commission recommend that the City Council adopt Ordinance No. 2374 and all map and text amendments contained therein. Motion passed unanimously.

Commissioner Saylor moved, and Commissioner Caplinger seconded that the Planning Commission recommend that the City Council adopt Ordinance No. 2375 annexing certain tracts and all rights-of-way within the area added to the UGB by Ordinance No. 2374. Motion passed unanimously.

Commissioners discussed the rapid rise of data centers around the world and thanked the consultant team for their work on the amendment.

Planner Comments and Unscheduled Communication

Everyone is invited to honor Commissioner Saylor for her 50 years of service at the August 25 council meeting.

Staff continue to see an increase in development applications, both residential and commercial.

An agreement has been reached with ODOT to allow the city to assess fees in the future for overall impact on the highway system.

When asked about north/south traffic routes, Planning Director Spencer stated that 4th St and 10th St are major collectors that are basically built to local residential standards. The streets can handle the capacity if built to their classification standard.

Adjournment

Chairman Fialka adjourned the meeting at 8:05PM.

City of Hermiston

UGB Expansion, Comprehensive Plan Amendment, Annexation, and Zone Change

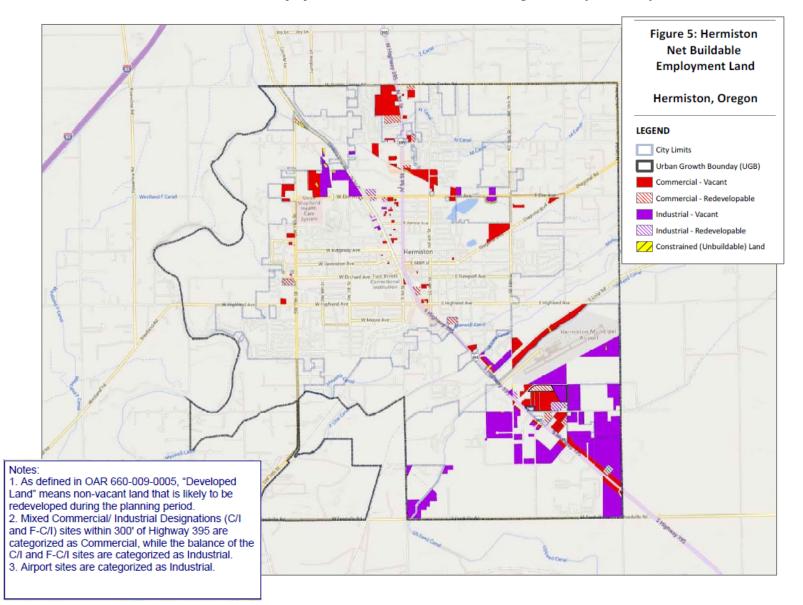
Planning Commission

August 13, 2025





2024 Economic Opportunities Analysis (EOA)



Land need: 1,838 gross buildable acres

Land inventory: 690 buildable, two suitable HDC sites under development

Deficiency: Up to nine HDC sites, each <u>at least 100</u> suitable acres

Required Hyperscale Data Center (HDC) Site Characteristics

Size:

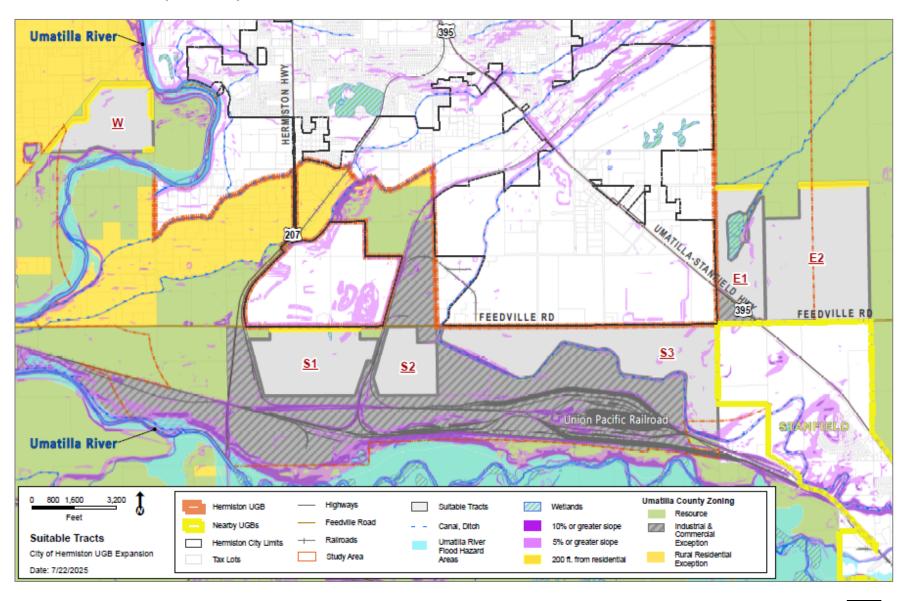
- Tracts ≥ 100 contiguous acres <u>after</u> removal of constrained land
- Individual tax lots > 20 acres
- Uninterrupted by road, railway, or water body

<u>Topography and Location:</u>

- 5% maximum grade
- Outside of special flood hazards
- 200-foot buffer from residential uses

Serviceability:

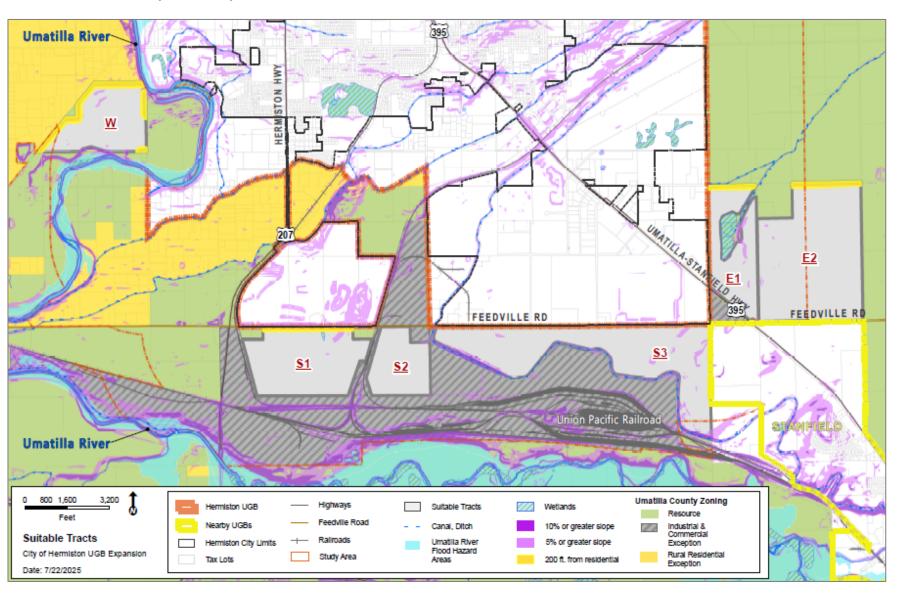
 Access to urban services from Hermiston UGB



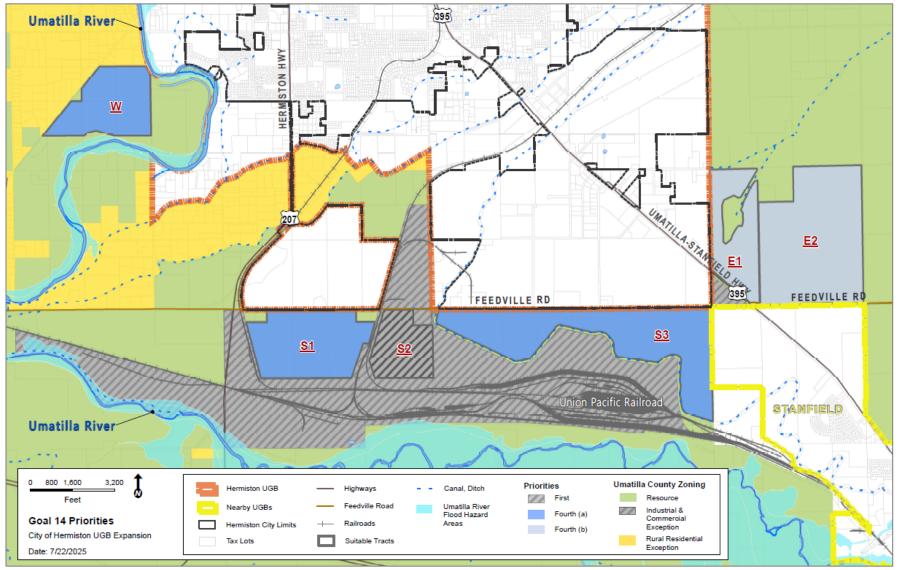
Required Hyperscale Data Center (HDC) Site Characteristics

Tract ID	Suitable Acres*
W	148
S1	226
S2	120
S3	379
E1	152
E2	422

^{*}Total acreage of constraints subtracted from total acres of site.



Suitable Goal 14 Priority Tracts

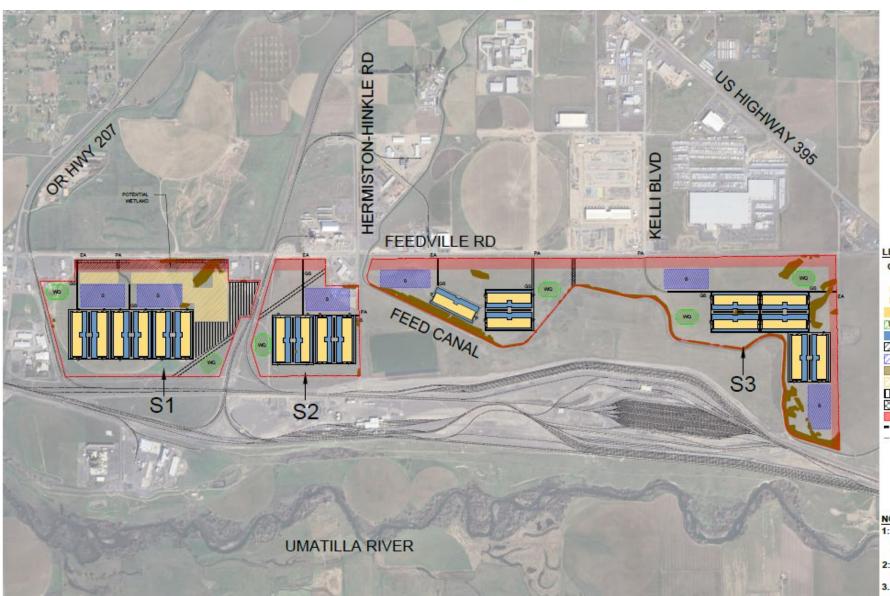


<u>First Priority:</u> Urban Reserve, exception land, and nonresource land.

Second Priority: Marginal land.

Third Priority: Forest or farm land that is not predominantly high-value farm land.

<u>Fourth Priority:</u> Agricultural land that is predominantly high-value farmland.



Expansion area evaluation	
ID	Final Suitable Acres*
S1	220
S2	111
S3	312
TOTAL	643

*Required and existing easements removed.

LEGEND

= GUARD SHACK AREA

= AUTO PARKING AREA

EA = EMERGENCY ACCESS

PA = PRIMARY ACCESS

= BUILDINGS

WQ = WATER QUALITY

= YARD/SUPPORT AREAS

= RESIDENTIAL BUFFER

S = SUBSTATION

= SLOPED AREAS (>5%)

= FUTURE ACCESSORY BLDGS

= EXISTING POWER/CELL AREA

= FEED CANAL EASEMENT

= FUTURE 1501/2501 POWER CORRIDOR

==== = EXISTING POWER EASEMENT

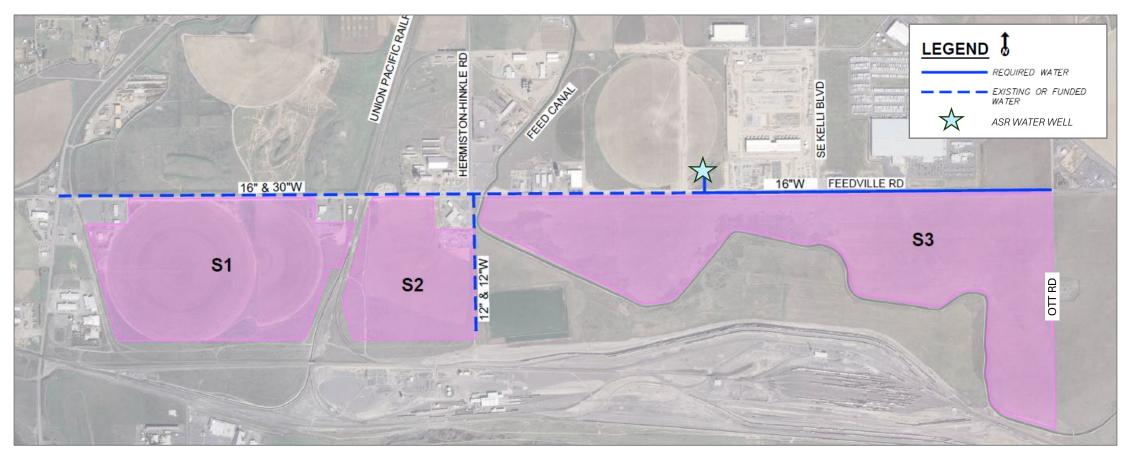
= EXISTING RAILROAD

NOTES

- 1: TYPICAL BUILDING SIZE IS 200,000 SF - 250,000 SF EACH & 35'
- 2: ALL ACCESS POINTS AND INTERIOR DRIVE AISLES ARE 30' IN WIDTH
- 3. AUTO PARKING IS LOCATED AT EACH **BUILDING END (SHORT DIMENSION)**



Public Facilities – Water



Aquifer Storage and Recovery (ASR) Water Well

- Will connect to the City's domestic water system, aid in providing sufficient water for the tracts, and increase resiliency of the City's system.
- Phase 1 of 2 is in progress.

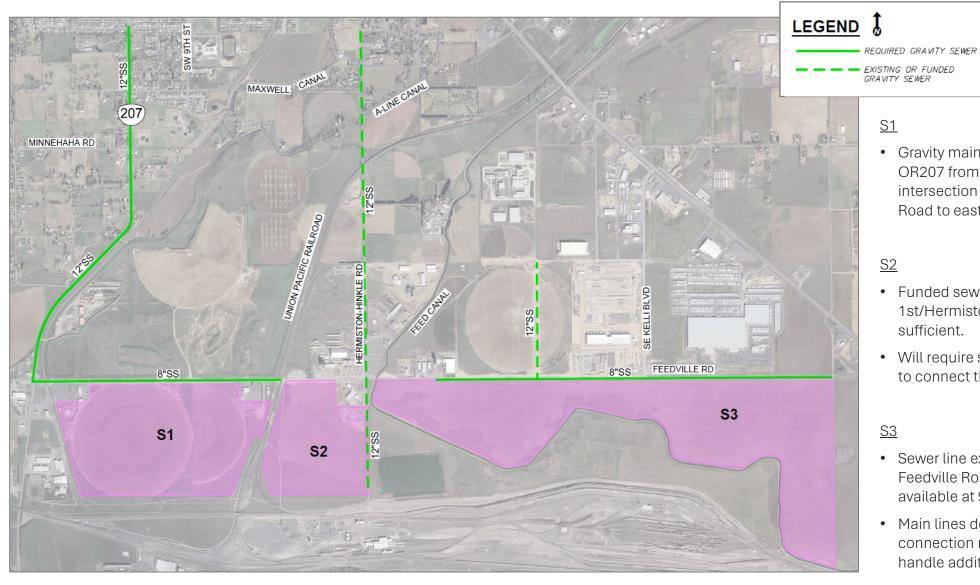
S1 and S2

- Existing or funded water mainlines along in Feedville Road and Hermiston-Hinkle Road are sufficient.
- Will require service line connections to connect the tracts.

<u>S3</u>

- A main line extension will be required from the ASR booster pump station to the intersection of Feedville Road and Ott Road.
- Will require service line connections to the tract.

Public Facilities – Sewer



<u>S1</u>

 Gravity mainline extension along OR207 from W Joseph Ave intersection and along E Feedville Road to eastern edge of tract.

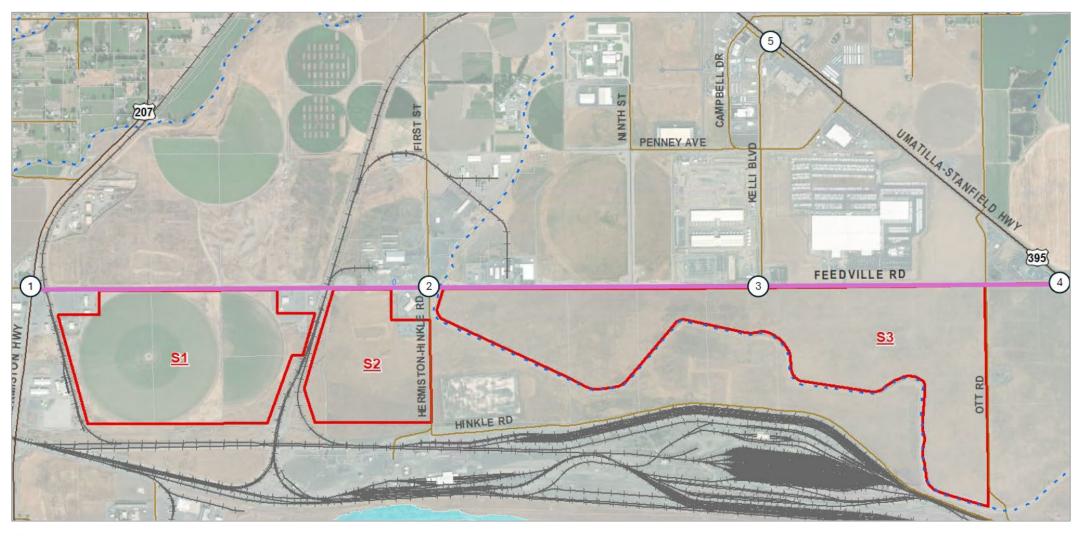
<u>S2</u>

- Funded sewer mainline along 1st/Hermiston-Hinkle Road is sufficient.
- Will require service line connections to connect the tracts.

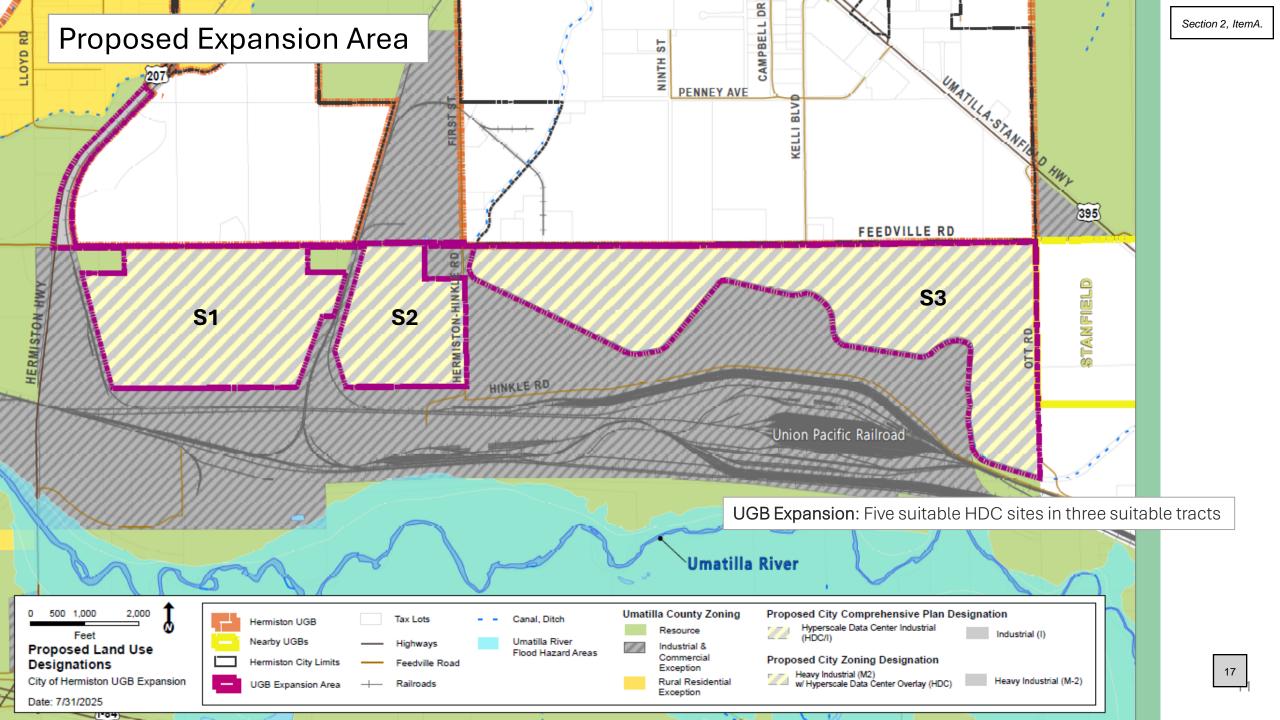
<u>S3</u>

- Sewer line extension along E Feedville Road connecting to the line available at 9th Street.
- Main lines downstream of the connection require upsizing to handle additional flow.

Public Facilities – Transportation



- 1. OR207/Feedville Road Traffic Control
 - 2. Feedville Road/Hermiston-Hinkle Road Intersection Urban Upgrades and Widening
 - 3. Feedville Road/Kelli Boulevard Intersection Urban Upgrades and Widening
 - 4. US 395/Feedville Road Intersections Turning Movement Restrictions and Indirect U-Turn Accommodations
 - 5. US 395/Kelli Boulevard Intersections Turning Movement Restrictions and Indirect U-Turn Accommodations
 - Feedville Road Urban Corridor Improvements



Proposed Annexation Area



Annexation: S1; S3; and full OR207 ROW, western half Ott Road ROW, and full and partial portions of Feedville Road ROW

• Will result in the entirety of Feedville ROW being annexed as some already within city limits.

Thank you!

Questions?



Staff recommends Planning Commission make the following motions:

- Motion 1: "I move that the Planning Commission adopt findings of fact as contained in the "Hermiston Urban Growth Boundary Expansion and Related Plan and Code Amendments" and all appendices"
- Motion 2: "I move that the Planning Commission recommend that the City Council adopt Ordinance No. 2374 and all map and text amendments contained therein."
- Motion 3: "I move that the Planning Commission recommend that the City Council adopt Ordinance No. 2375 annexing certain tracts and all rights-ofway within the area added to the UGB by Ordinance No. 2374."



Members of the Planning Commission **STAFF REPORT**For the Meeting of August 13, 2025

Title/Subject

An expansion of the Hermiston urban growth boundary, annexation of a portion of the expansion area, and amendments to the City's land use implementation documents are proposed. A hearing is scheduled to consider all changes as a single process.

Summary and Background

Supplemental Information

The staff report distributed for the August 13, 2025 planning commission meeting discussed annexation of a portion of the overall UGB expansion area due to land owner consent issues. Since the preparation of the original report the City has received the final owner consent needed. The area proposed for annexation now coincides with the overall UGB expansion area and should be considered the full 810 acres rather than the 650 acres originally identified in the staff report. All three property owner consents are attached to this report for the planning commission's reference.

No revisions to the Findings of Fact (Exhibit C) for Ordinance 2375 is necessary. However, Exhibits A and B to Ordinance 2375 are revised to mirror the exhibits to the UGB Ordinance No. 2374. No other modification to the ordinance is necessary.

Figure 4 on Page 5 of the staff report is revised below.



Figure 4 (Revised) Proposed Annexation 1

Tie-In to Council Goals

Implementation of these ordinances is part of Council Goal 1.1, "Examine the expansion of the Urban Growth Boundary (UGB) for commercial and industrial lands"

Fiscal Information

The land proposed for inclusion in the UGB currently has a cumulative assessed value of \$3,041,628. Industrial development will greatly increase the assessed value and property tax base for the City. Additionally, a portion of the property is located within the Stanfield School District and rather than the Hermiston School District and will contribute to the financing of Stanfield schools. The potential valuation of full data center development will be in the hundreds of millions of dollars.

<u>Alternatives and Recommendation</u>

Alternatives

The planning commission may choose to recommend approval or denial of Ordinances 2374 and 2375 to the City Council.

Recommended Action/Motion

Staff recommends the Planning Commission recommend to the City Council adoption of the proposed amendments and approval of the proposed annexation. The following are proposed motions that a Commissioner may make:

- Motion 1: "I move that the Planning Commission adopt findings of fact as contained in the "Hermiston Urban Growth Boundary Expansion and Related Plan and Code Amendments" and all appendices"
- Motion 2: "I move that the Planning Commission recommend that the City Council adopt Ordinance No. 2374 and all map and text amendments contained therein."
- Motion3: "I move that the Planning Commission recommend that the City Council adopt Ordinance No. 2375 annexing certain tracts and all rights-of-way within the area added to the UGB by Ordinance No. 2374."

Submitted By:

Clinton Spencer, Planning Director

Clint Spencer City Planner City of Hermiston 180 NE 2nd St. Hermiston, OR 97838

July 15, 2025

Clint,

JB Land LLC owns the properties south of Feedville Road known as 4N2827 Tax Lots 500, 600, and 700. Additionally, Bud-Rich Potato Inc. owns the adjacent property known as 4N2828A Tax Lot 100.

As the President of Bud-Rich Potato Inc., and a Member of JB Land LLC, I am writing to provide consent for including these properties in the currently proposed UGB expansion, as well as annexation in to the city limits of the City of Hermiston.

Sincerely,

Troy Betz

President- Bud-Rich Potato, Inc.

Member- JB Land, LLC

Clint Spencer
City Planner
City of Hermiston
180 NE 2nd St.
Hermiston, OR 97838

August 7, 2025

Mr. Spencer,

Umatilla Basin Properties, LLC ("UBP") owns certain property in Umatilla County located south of Feedville Road and described as 4N 28 27, Tax Lot 200 ("UBP Property"). UBP received a Notice from the City of Hermiston that it intends to expand the Urban Growth Boundary to include the UBP Property and then annex the expanded territory into the City of Hermiston.

UBP consents to including the UBP Property in the proposed Urban Growth Boundary expansion and annexation into the city limits of the City of Hermiston as described in the Notice.

Sincerely,

DAA-

Robert Echenrode

Manager

Umatilla Basin Properties, LLC



January 7, 2025 Folder 3209-49

Via E-Mail to mmorgan@hermiston.gov

City of Hermiston Attn: Mark Morgan Assistant City Manager 180 NE 2nd Street Hermiston, OR 97838

Re:

Portion of Umatilla County Tax Lots 1700, 1800, 1900, and 2500 (Tax Map 4N 28 23) lying north of the U.S.R.S. Feed Canal in Hermiston, Oregon ("Property")

Dear Mr. Morgan:

I am writing to indicate Union Pacific Railroad Company's ("UPRR") commitment to selling the Property identified above to an industrial developer. The Property is approximately 380 acres and is located north of the U.S.R.S. Feed Canal ("Canal") that runs through the site. Negotiations have been ongoing with an industrial developer, and we expect to finalize the terms of a purchase and sale transaction within the next 90 days.

UPRR understands the City of Hermiston is undertaking a process to expand its urban growth boundary ("UGB") to provide for an adequate 20-year supply of employment lands. UPRR supports this effort and believes the Property it is committed to selling is suitable for industrial and employment use and should be considered for inclusion in the City's UGB expansion.

Please note UPRR has yet to decide on the future use of its land located south of the Canal; therefore, it will not be included in the City's current UGB expansion.

Rodney S. Carroll

Singerel

General Director – Real Estate

ANNEXATION – EXHIBIT 'A'

FILE: 4N28E Annexation AP (RES) 07-23-2025

TRACT 1 – ANNEXATION

A tract of land located in Sections 21, and 28, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon, more particularly described as follows:

BEGINNING at a point on the Westerly Right-of-Way of Oregon State Highway 207 which bears N12°38'56"W, 3017.00 feet from the Southeast corner of said Section 21; thence along said Westerly Right-of-Way line the following six (6) courses:

- 1. S44°27'00"W, 1166.31 feet;
- 2. along 40-feet highway offset spiral curve to the left through a central angle of 09°00'00" (chord bears of S41°26'17"W, 605.68 feet);
- 3. 693.19 feet along a curve to the left having a radius of 1949.86 feet and a central angle of 20°22'00" (chord bears S25°16'00"W, 689.47 feet);
- 4. along 40-feet highway offset spiral curve to the left through a central angle of 09°00'00" (chord bears of S09°07'54"W 605.64 feet);
- 5. S06°05'00"W, 271.93 feet;
- 6. S11°43'09"W, 131.57 feet to the North Right-of-Way line of Feedville Road; thence S00°05'07"W, 66.00 feet to the South Right-of-Way line of Feedville Road; thence S89°54'54"E, along said South Right-of-Way line, 355.99 feet;

thence N0°05'07"E, 66.00 feet to the North Right-of-Way line and a point on the Easterly Right-of-Way line of United Pacific Railroad;

thence along said Easterly Right-of-Way line the following four (4) courses:

- 1. along a railroad offset spiral curve through a central angle of 07°05'19" (chord bears N10°20'16"W, 194.03 feet);
- 2. 1637.64 feet along a curve to the right having a radius of 1865.00 feet and a central angle of 50°18'39" (chord bears N17°22'25"E, 1585.53 feet);
- 3. along a railroad offset spiral curve through a central angle of 01°53'36" (chord bears N43°51'43"E, 131.46 feet);
- 4. N44°31'18"E, 1336.11 feet to a point on the existing city limit boundary; thence N45°33'00"W, along said boundary, 223.65 feet to the **POINT OF BEGINNING**.

Containing 810,526 Square Feet, 18.607 Acres, more or less.

TRACT 2 - ANNEXATION

A tract of land located in Sections 27 and 28, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon, more particularly described as follows:

BEGINNING at the Section corner common to section 21, 22, 27, 28 Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston;

thence N89°54'55"W, along said Section line, 1967.87 feet;

thence S00°05'07"W 33.00 feet to the South Right-of-Way line of Feedville Road; thence S89°54'54"E, along said South Right-of-Way line, 971.16 feet to the East Line

of Parcel 1 as shown on Partition Plat 2006-12, Umatilla County Records;

thence S01°02'53"E along said East Line, 471.39 feet, to the South Line of said Parcel 1;

thence N89°54'54"W along said Line of Parcel 1 and Parcel 2 of said Partition Plat, 789.39 feet to the West line of Parcel 2 as shown on Partition Plat 2005-24 Umatilla County Records;

thence S14°51'49"E along said West line, 1991.93 feet;

thence 225.60 feet along a curve to the left having a radius of 663.11 feet and a central angle of 19°29'34" (chord bears S24°36'36E, 224.51 feet) to a point on the South line of said Parcel 2;

thence S89°55'14"E along said South Line 1220.58 feet to the one-quarter corner common to Section 27 and 28, Township 4 North, Range 28 East, Willamette Meridian;

thence N89°40'02"E, along the East-West centerline of said Section 27, a distance of 2271.17 feet;

thence N15°03'38"E, 1367.00 feet to the Southwest corner of Northwest onequarter of Northeast one-quarter of said Section 27;

thence N89°35'35"E, along the South line of Northwest one-quarter of Northeast one-quarter, 219.18 feet to the Westerly Right-of-Way line of Oregon-Washington Railroad and Navigation Company (Union Pacific Railroad);

thence N15°59'03"E along said Westerly Right-of-Way line, 853.91 feet to the South line of Parcel 2 as shown on Partition Plat 2009-15, Umatilla County Records;

thence S89°35'31"W along the South line of Parcel 2 as shown on said Partition Plat and Parcel 1 as shown on Partition Plat 2004-22, a distance of 713.82 feet to the Southwest corner of said Parcel 1;

thence N01°20'32"E, along the West line of said Parcel 1, a distance of 466.80 feet to the South line of Feedville Road;

thence N89°35'09"E along said South Right-of-Way line, 227.69 feet;

thence N89°35'31"E continuing along said South Right-of-Way line, 817.71 feet to the East Right-of-Way line of Union Pacific Railroad;

thence N15°58'27"E, along said East Right-of-Way line, 68.79 feet to the North Right-of-Way line of Feedville Road;

thence S89°35'31"W along said North Right-of-Way line, 208.49 feet to the West Right-of-Way line of Union Pacific Railroad;

thence S15°59'34"W, along said West Right-of-Way line, 34.40 feet to the centerline of Feedville Road also being the North line of Section 27 said Township and Range;

thence S89°35'32"W along said centerline to the North one-quarter corner of said Section 27;

thence S89°35'09"W, along said centerline of Feedville Road, 2653.05 feet to the **POINT OF BEGINNING.**

Containing 10,714,044 Square Feet, 245.960 Acres, more or less.

TRACT 3 – ANNEXATION

A tract of land located in Sections 27, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of Section 27, said Township and Range; thence N1°03'52"W, along said East line of Section 22 said Township and Range, 33.00 feet to the North Right-of-Way line of Feedville Road Right-of-Way;

thence S89°35'31"W, along said North Right-of-Way line of Feedville Road, 1815.43 feet to the West Right-of-Way of United Pacific Railroad;

thence S15°58'27"W along said West Right-of-Way line, 68.79 feet to the South Right-of-Way line of Feedville Road;

thence from the South line of Feedville Road Right-of-Way S15°58'27"W, along the Westerly property line of said Parcel 2, Partition Plat 2018-23, 1340.21 feet;

thence continuing along the said Westerly property line, S15°55'05"W, 673.02 feet; thence continuing along said Westerly property line, S17°13'34"E, 702.40 feet to the South line of said Parcel 2;

thence N89°39'54"E along the South line of said Parcel 2, a distance of 2,260.41 feet to the East right-of-way of Hinkle-Hermiston Road (County Road No. 603);

thence N01°01'15"W along said East right-of-way 2009.84 feet;

thence S88°59'37"W, 787.72 feet;

thence N01°01'14"W, 605.45 feet to the South Line of Feedville Road Right-of-Way; thence N89°35'31"E along said South Right-of-Way line, 754.76 feet to the East line of Section 25 of Township 4 North, Range 28 East, Willamette Meridian;

thence N01°01'15"W, along said East line, 33.00 feet to the **POINT OF BEGINNING.**

Containing 5,413,412 Square Feet, 124.274 Acres, more or less.

TRACT 4 – ANNEXATION

A tract of land located in Sections 26, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of Section 26, said Township and Range; thence S01°01'15"E, along the West line of said Section 26, a distance of 33.00 feet to the South Right-of-Way line of Feedville Road;

thence N89°51'28"E, along said South Right-of-Way line, 207.06' to the centerline of Feed Canal Alignment;

thence Southeast along said centerline of Feed Canal Alignment the following thirty-one (31) courses (these courses were traced from AutoCAD Geolocation Map Aerial):

- 1. S16°16'03"W, 343.46 feet;
- 2. 357.94 feet along a curve to the left having a radius of 255.00 feet and a central angle of 80°25'33", (chord bears S23°56'44"E, 329.27 feet);
- 3. S64°09'30"E, 3077.53 feet;
- 4. 276.12 feet along a curve to the left having a radius of 455.00 feet and a central angle of 34°46'15", (chord bears S81°32'38"E, 271.91 feet);
- 5. N81°32'38"E, 290.20 feet;
- 6. 259.86 feet along a curve to the left having a radius of 360.00 feet and a central angle of 41°21'30", (chord bears N60°23'30"E, 254.26 feet);
- 7. N39°42'44"E, 1473.09 feet;
- 8. 186.64 feet along a curve to the right having a radius of 170.00 feet and a central angle of 62°54'14", (chord bears N71°09'51"E, 177.41 feet);
- 9. S77°23'02"E, 1177.78 feet;
- 10. 167.45 feet along a curve to the left having a radius of 385.00 feet and a central angle of 24°55'12", (chord bears S89°50'38"E, 166.13 feet);
- 11. 915.79 feet along a reverse curve to the right having a radius of 520.00 feet and a central angle of 100°54'21", (chord bears S51°51'04"E, 801.95 feet);
- 12. S01°23'53"E, 120.90 feet;
- 13. 524.12 feet along a curve to the left having a radius of 375.00 feet and a central angle of 80°04'48", (chord bears S41°26'17"E, 482.49 feet);
- 14. S81°28'41"E, 1252.28 feet;
- 15. 285.10 feet along a curve to the left having a radius of 360.00 feet and a central angle of 45°22'28", (chord bears N75°50'05"E, 277.70 feet);
- 16. N53°08'52"E, 205.87 feet;
- 17. 468.62 feet along a curve to the right having a radius of 550.00 feet and a central angle of 48°49'07", (chord bears N77°33'25"E, 454.58 feet);
- 18. 210.65 feet along a compound curve to the right having a radius of 150.00 feet and a central angle of 80°27'48", (chord bears S37°48'08"E, 193.76 feet);
- 19. S02°25'46"W, 747.71 feet;
- 20. 75.55 feet along a curve to the left having a radius of 400.00 feet and a central angle of 10°49'17", (chord bears S02°58'52"E, 75.44 feet);
- 21. S08°23'31"E, 142.19 feet;
- 22. 47.07 feet along a curve to the right having a radius of 200.00 feet and a central angle of 13°29'00", (chord bears S01°39'01"E, 46.96 feet);
- 23. S05°05'29"W, 252.42 feet;
- 24. 136.51 feet along a curve to the left having a radius of 400.00 feet and a central angle of 19°33'14", (chord bears S04°41'08"E, 135.85 feet);
- 25. S14°27'45"E, 58.73 feet;
- 26. 27.91 feet along a curve to the right having a radius of 200.00 feet and central angle of 07°59'43", (chord bears S10°27'53"E, 27.89 feet);
- 27. S6°28'01"E, 243.17 feet;
- 28. 275.03 feet along a curve to the left having a radius of 400.00 feet and a central angle of 39°23'42", (chord bears S26°09'53"E, 269.64 feet);

- 29. S45°51'44"E, 108.10 feet;
- 30. 234.80 feet along a curve to the left having a radius of 550.00 feet and a central angle of 24°27'37", (chord bears S62°11'40"E, 233.02 feet);
- 31. S74°25'28"E, 900.46 feet to the centerline of Ott Road also being the East line of Section 25 of Township 4 North, Range 28 East, Willamette Meridian;

thence N00°56'33"E along said East line, 4435.16 to the Northeast corner of Section 25 also being the centerline of Feedville Road;

thence S89°19'27"W, 2673.99 feet;

thence S89°20'01"W, 2674.13 feet;

thence S89°51'31"W, 2642.08 feet;

thence S89°51'28"W, 2424.25 feet to the centerline of Feed Canal Alignment;

thence N11°41'09"E, along said centerline 21.25 feet;

thence continuing along said centerline 12.71 feet along a curve to the right having a radius of 250.00 feet and a central angle of 02°54'43", (chord bears N15°53'46"E, 12.70 feet) to the North Right-of-Way of Feedville Road;

thence S89°51'28"W along said North Right-of-Way, 225.67 feet to the West line of Section 23, said Township and Range;

thence S01°03'52"E, 33.00 feet to the **POINT OF BEGINNING.**

Containing 18,942,906 Square Feet, 434.869 Acres, more or less.

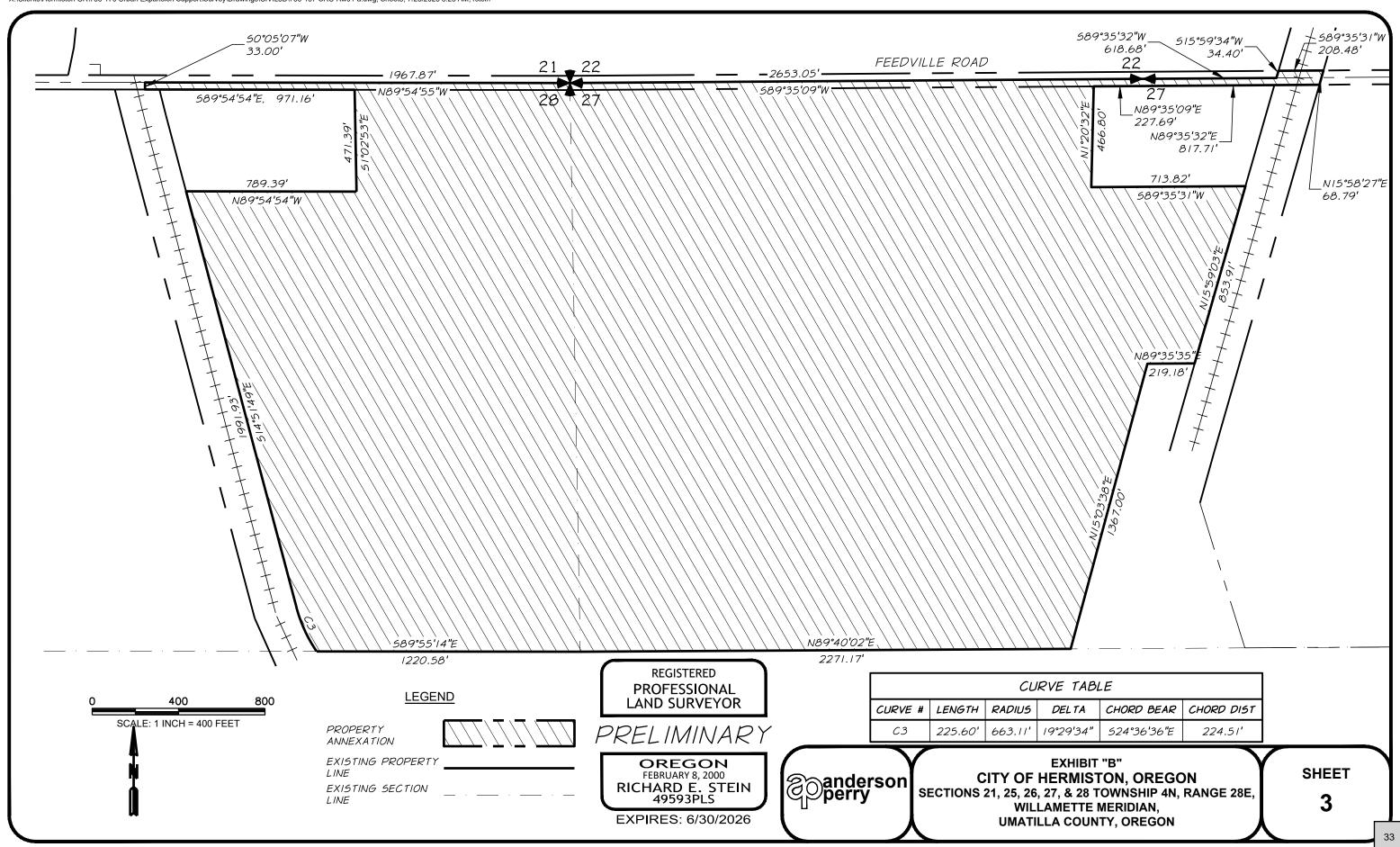
REGISTERED PROFESSIONAL LAND SURVEYOR

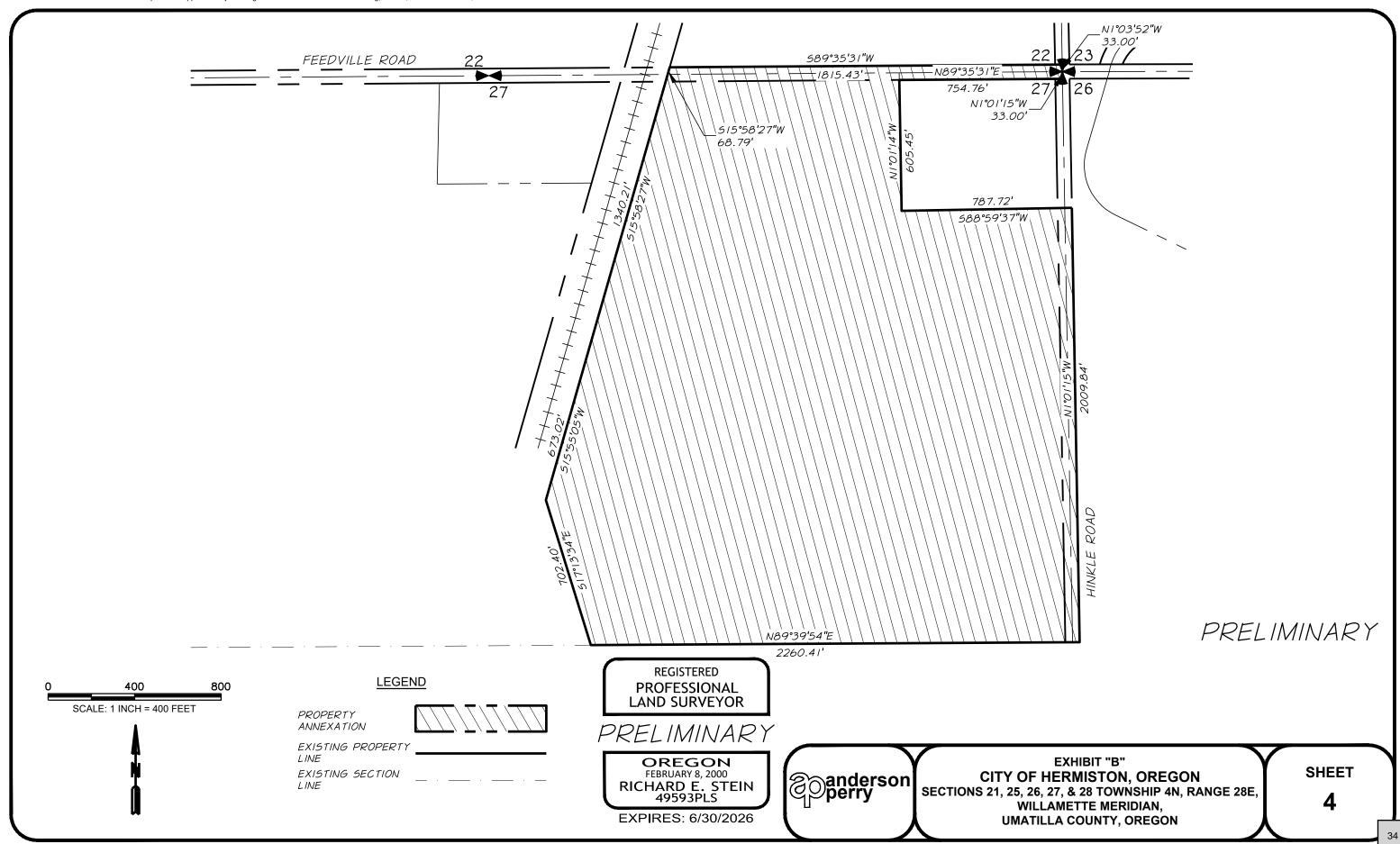
PRELIMINARY

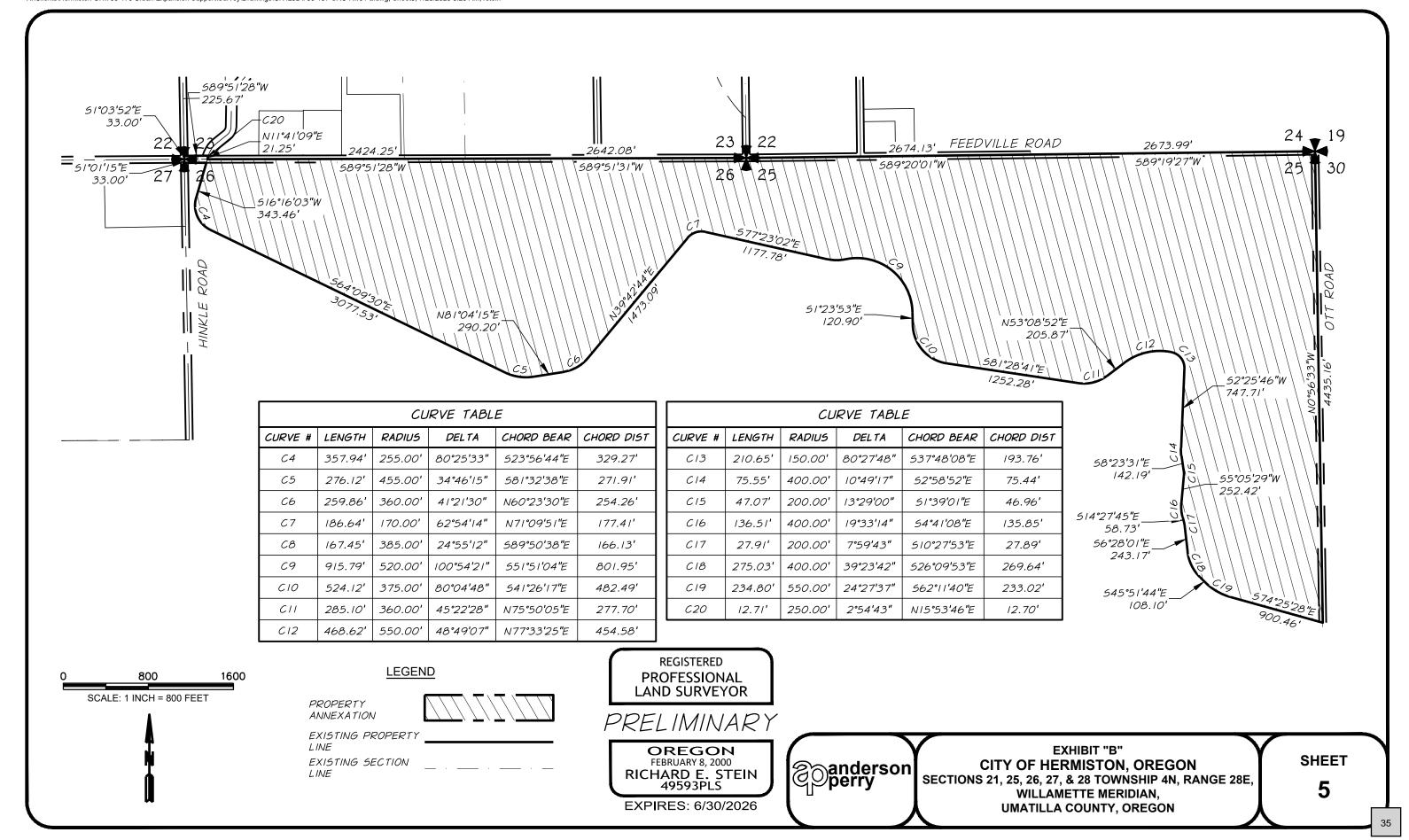
OREGON

FEBRUARY 8, 2000 RICHARD E. STEIN 49593PLS

EXPIRES: 6/30/2026









Members of the Planning Commission **STAFF REPORT**

For the Meeting of September 10, 2025

Title/Subject

Major Variance Request – Eastern Oregon Development LLC, 579 E Elm Ave 4N 28 02CD Tax Lot 500

Summary and Background

Steve Richards of Eastern Oregon Development LLC has submitted a request for a major variance for property located at 579 E Elm Ave. The property is described as 4N 28 02CD Tax Lot 500 and is zoned Outlying Commercial (C-2) with a Neighborhood Commercial overlay (NCO). The property is developed with Hermiston Mini Storage, which received conditional use approval from the planning commission in 2021.

The applicant is requesting a variance from §157.179(A) of the Hermiston Code of Ordinances in order to add additional RV parking. This section of the zoning code requires hard surfaces for parking areas. The relevant section states:

157.179 DESIGN REQUIREMENTS.

(A) Hard surfaces required; maintenance. Areas used for standing and maneuvering of vehicles shall have a hard surface and be maintained adequately for all-weather use and so drained as to avoid flow of water across a property line.

The applicant is requesting to use the existing gravel which has been laid down on the property as the parking surface for RV storage rather than using concrete or asphalt as the required hard surface. The area proposed for the variance also has an approved site plan and conditional use permit for the construction of additional mini-storage buildings on the proposed parking area in the future. The existing conditional use permit considered construction of the mini-storage buildings in two phases, the unbuilt portion under consideration is part of phase two on the plans.

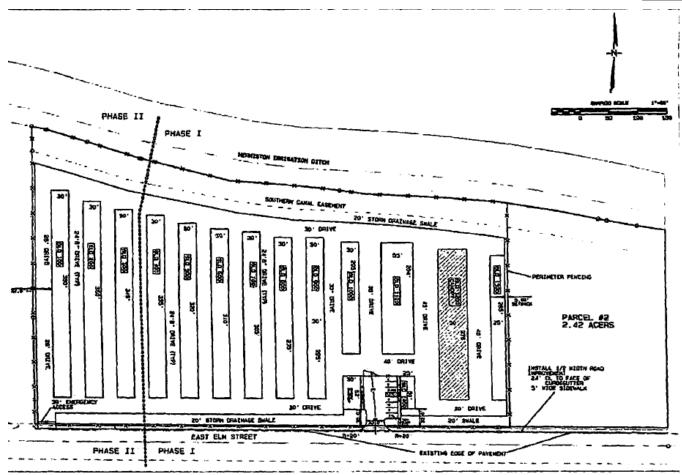


Figure 1 Approved Phase I and II Plan



Figure 2 Proposed Gravel RV Storage

The applicant contends that the existing gravel area has been prepared for Phase II usage and is adequate for RV storage as-is. The gravel was installed as part of the construction of Phase I and is functioning adequately as dust control and is seeing vehicle crossings with no significant dust issues.

The planning commission has considered a similar issue in the past. In 2015, the planning commission approved a conditional use permit from Preferred Properties for RV storage near the intersection of E Highland Ave and S 1st St. At the time of approval for that storage development, the city imposed a condition of approval requiring paving for the storage of RVs. The planning commission imposed a condition of approval on the Preferred Property RV storage stating:

All parking areas and travel lanes must be paved or finished with concrete prior to use for storage. Paving may be installed in phases, but vehicles may not be stored in any unpaved paved unless and until paving is installed and verified by city staff.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

The specific criteria relied upon by the planning commission are contained in §157.225(A) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

- 1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
- The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
- The authorization of the variance shall not be materially detrimental to the purposes of this chapter, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.
- 4. The variance requested is the minimum variance from the provisions and standards of this chapter which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

Public notice was provided to all property owners within 300 feet by direct mail on August 27, 2025. A sign was physically posted on the property on August 27, 2025. A notice of hearing was also published in the East Oregonian on August 27, 2025.

The property operates under an existing land use approval from the city which was subject to sixteen conditions of approval. The applicant has met or is complying with all of the approval conditions. No additional conditions of approval are recommended.

The applicant has provided findings of fact in support of the application. Staff has also drafted findings of fact in denial of the application. The planning commission should make a motion to adopt the preferred set of findings and make a final decision on the variance based on the adopted findings. Hard surfaced parking areas are a foundational policy of the city wherever possible. Staff does not support the variance request and recommends denial of the application.

Tie-In to Council Goals

N/A

Fiscal Information

The property has an assessed value of \$2.6 million and generates approximately \$16,000 in city property tax revenue annually.

<u>Alternatives and Recommendation</u>

Alternatives

The planning commission may choose to approve or deny the variance request.

Recommended Action/Motion

Staff recommends that the planning commission make the following motions:

- Motion to approve findings of fact contained in Exhibit A.2
- Motion to deny variance request

Should the motion to approve the findings of fact in Exhibit A.2 fail, the planning commission should make a motion to adopt the findings of fact contained in Exhibit A.1 and render a decision to approve the variance request.

Submitted By:

Clinton Spencer, Planning Director

Exhibit A.1

Findings of Fact - Support

Eastern Oregon Development Major Variance

579 E Elm Ave

September 10, 2024

Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

- The area proposed for the variance is approximately two acres of the overall 8.5 acre site. It currently contains flat, compacted gravel installed at the time of ministorage development.
- 2. The existing gravel has been installed to create a base for future paving and building pads when the second phase of the storage is constructed and is adequate for travel as demonstrated by two years of continuous use.
- 3. The improvements are installed as part of a phased site plan and has substantial infrastructure in place.
- 4. There is existing paving in place within the mini-storage development allowing vehicular access to the storage site in compliance with the hard surface requirement.
- 5. The existence of a substantial gravel base creates an exceptional circumstance not found in similar nearby undeveloped sites.

The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

- 6. The site is located within the Neighborhood Commercial Overlay which allows mini-storage and RV storage through the conditional use permit process.
- 7. RV storage is an extension of the approved mini-storage and RV storage use, responding to community demand.
- 8. The paving requirement presents a challenge utilizing the existing compacted and graveled area.

The authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

The proposed outdoor parking will take place entirely within a fenced, secure storage facility which already includes privacy fencing, drainage swales, and

- natural buffers such as the 50' wide Hermiston Irrigation District canal and easement.
- 10. The gravel surface has been in place since the facility opened in 2022 and there have been no complaints related to dust or maintenance during that time.
- 11.RVs in storage are used infrequently. Vehicle trips across the gravel surface will be rare as most tenants rarely access their vehicles.
- 12. The facility is equipped with more than 80 security cameras and electronic gate access, helping to protect vehicles and surrounding property.
- 13. The use itself is low impact and helps reduce on-street clutter by providing more off-street storage options to city residents.

It is impractical to maintain the zoning ordinance requirements and at the same time build, erect, or use the structure.

- 14. It is impractical to pave the entire two acre gravel area from a financial and operational perspective. It is unlikely the operation would recoup the significant cost of paving. Maintaining the existing gravel surface, allows the applicant to offer secure, affordable RV parking at multiple price points.
- 15. The majority of the facility's existing vehicle alleys are already paved, minimizing dust and allowing compliant access. The existing gravel area would be available for the storage of vehicles which are infrequently moved.
- 16. Requiring paving of the RV storage area restricts the applicant's ability to use otherwise functional land and adds costly improvements which will be removed with the eventual development of the second phase of storage buildings.

The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

- 17. The variance request seeks a limited exception to the paving requirement for a specific, already improved gravel area within the existing storage facility. The area is in place and has been functioning without issue for over two years. The remainder of the site is improved and complies with city paving standards.
- 18. The use of this area for RV parking does not change the approved use of the property and requires no other modifications to the zoning rules.
- 19. Allowing use of this gravel area for low traffic RV parking allows practical use of the area without compromising safety, appearance, or generating adverse impact to neighboring properties.

Exhibit A.2

Findings of Fact - Denial

Eastern Oregon Development Major Variance

579 E Elm Ave

September 10, 2024

Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

- 1. The site is generally flat and well-suited for commercial development.
- 2. The site is improved with paved surfaces for all vehicle travel areas and RV storage within phase one of the development as required by the conditional use approval from the planning commission issued March 10, 2021.
- 3. Existing paved surfaces are designed to accommodate all storm water within the site boundary and have sufficient capacity to accommodate a 25-year storm event.
- 4. Based upon the current site operations and approved civil engineering for the site, there is no evidence to demonstrate that there is insufficient drainage capacity necessitating gravel rather than pavement improvements for parking.
- The existing site topography and drainage conditions do not demonstrate that exceptional circumstances exist on the site preventing installation of paving improvements.

The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

- 6. The city has authorized RV storage on this site through the conditional use process in 2021 and required installation of paved parking for RV storage.
- 7. The city has authorized RV storage on a site located at 705 S 1st Street through the conditional use process in 2015 and required installation of paved parking for RV storage.
- 8. Each site authorized for RV storage is zoned Outlying Commercial and the subject site has the Neighborhood Commercial Overlay added to the C-2 zoning.
- 9. The city allows exercise of property rights for RV storage in commercial zones in compliance with the parking standards contained in §157.197(A).
- 10. The city approved the requested variance area for mini-storage use through the conditional use process in 2021. The applicant has not yet constructed the second phase of the mini-storage structures. However, evidence in the record demonstrates that the existing gravel within the subject has been placed in preparation for the second phase of construction and the applicant's approval for the second phase of storage is a vested right based upon the time limit standards

in §157.228(B). Therefore, denial of the variance does not preclude the applicant's exercise of property rights to construct the approved storage units.

The authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

- 11. The City has interpreted §157.179(A) as defining "hard surface" as concrete, chip seal, and asphalt.
- 12. The parking lot design standards in Chapter 157 have been adopted by the city council through a participatory, representative process and implemented equally on all development throughout the city where applicable.
- 13. Compliance with the hard surface requirement is uniform across all commercial and residential development and compliance often requires a significant investment.
- 14. It is injurious to the rights of previous compliers with the requirement and to the objectives of the zoning ordinance to grant waivers from this requirement for storage use. RVs, even if moved infrequently, are standing vehicles as identified in §157.179(A).

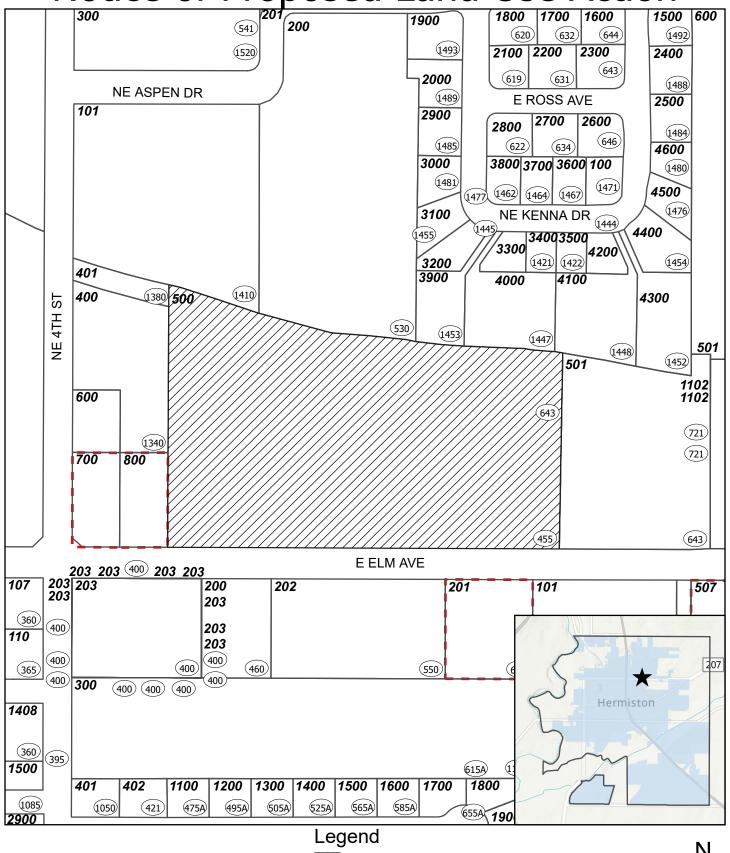
It is impractical to maintain the zoning ordinance requirements and at the same time build, erect, or use the structure.

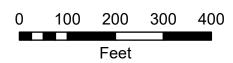
- 15. The application identifies that the area of requested variance is traversed by vehicles using the storage facility. The evidence in the record therefore demonstrates that it is not impractical to use the area.
- 16. The area cannot be used for RV storage under the municipal code unless it is improved with a hard surface. However, nothing in the code prevents other uses on the site. Such use may include construction of the three approved storage buildings in the 2021 conditional use permit, or separation of the area for commercial development.
- 17. Evidence in the record demonstrates that it is impractical financially to improve the area with a hard surface. However, cost alone is not the determining factor in deciding which provisions of the zoning ordinance are applicable to development and the site is suitable for improvement with structures or with paving.

The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

18. Improve of the site with gravel parking is the minimum variance from the provisions and standards of the zoning ordinance. An alternative such as returning the surface to natural conditions would be more injurious in terms of dust and noise.

Notice of Proposed Land Use Action





Area of Proposed Land Use Action
Property Line
Urban Growth Boundary
City Limits



Notice of Proposed Land Use Action

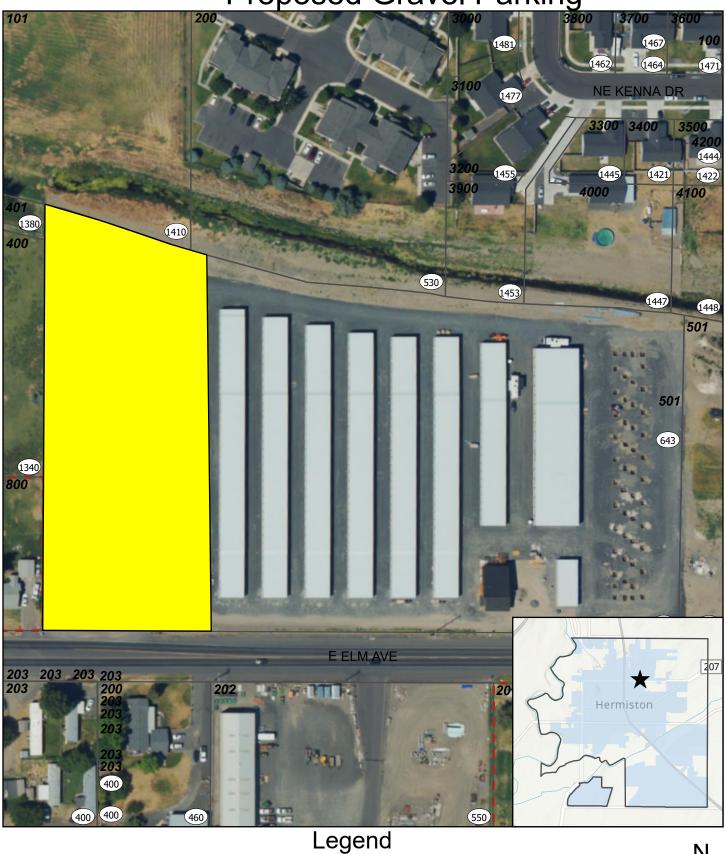


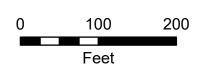


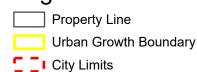




Proposed Gravel Parking









CITY OF HERMISTON APPLICATION FOR MAJOR VARIANCE

for the following described property:
Name of Applicant: ED. DEVELOPMENT, LLC - STEVE RICHARDS Phone: 541-969-6634
Mailing Address: 579 E. ELM AVE., HERMISTIN, OR 97838
Name of Owner (If Different):Phone:
Mailing Address:
Legal Description: Assessor's Map No: 4N2802c & Tax Lot No: Subdivision:
Please Attach a Metes and Bounds Legal Description
Street Address: 579 E. ECM AVE, HEAMISTON, OR 97838
Current Zoning Designation:
Variance Requested: 157.179 DESIGN REDNIBEMENT RELATED TO PAVING
IMPORTANT!: Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the findings of fact with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will help you to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application. 1. Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)
REFER TO ADDENDAM
2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity? REFER TO ABSENDUM

Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be other

detrimental to the objectives of any development pattern or policy.
REFER TO ADEND KAN
4. Explain why it is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.
REFER TO ADDEND WM
5. Explain why the variance requested is the minimum variance from the provisions and standards of the zoning
REFER TO ADDENDUM
(CEPEL) V AVENUENT
ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:
1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.
The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative. I am theV_ ownerowner's authorized representative. If authorized representative, please attach letter signed
Signature of Applicant: Date: 7-9-2025
OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COSTS WILL BE BILLED LATER
NOTE: The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than four weeks prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 NE 2 nd Street, Hermiston, Oregon 97838, or telephone (541)667-5025. The City's fax number is (541)567-5530.
Date Filed: 7 15 25 Received By: Marketing Date: 15 2025 Receipt No: 7.000000 336

CITY OF HERMISTON APPLICATION FOR MAJOR VARIANCE ADDENDUM

1. Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

This property includes approximately two acres of flat, compacted ground that has been graveled since development began under a city-approved conditional use permit in 2022. This gravel area was prepared for future building pads and alleyways and has remained stable and functional for over two years. The exceptional circumstance is that this land was developed under a phased site plan and is already improved with 4–6 inches of graded and compacted gravel. Unlike other raw or undeveloped lots, this site is in active use, has substantial infrastructure in place, and was not originally required to pave under the initial CUP. Furthermore, most of the facility's main drive aisles are already paved, and the remaining gravel areas experience limited vehicle movement. The physical condition, prior investment, and functional performance of the gravel surface create unique circumstances not common to nearby properties, and these conditions are tied to the land rather than any personal situation of the owner.

2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?

The subject property operates under a unique overlay zoning and conditional use permit (CUP) granted by the City in 2022, allowing for self-storage uses on this site. As part of a modern storage facility, outdoor vehicle and RV parking is a natural extension of the approved use and responds directly to community demand for secure, off-street storage options.

The variance is necessary to allow the property to be used in a manner consistent with the storage function already permitted. Although the CUP enables storage use, the paving requirement presents a challenge for utilizing the existing compacted and graveled area, which was prepared during initial site development and has functioned effectively for over two years without issue. Granting the variance would allow the applicant to make full, appropriate use of the site while remaining consistent with the intent of the overlay zoning and CUP—supporting a secure, low-impact storage environment that serves local needs.

3. Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

Approving this variance would not negatively affect nearby properties or conflict with the purpose of the zoning ordinance. The proposed outdoor parking would take place entirely within a fenced, secure storage

facility that already includes privacy fencing, drainage swales, and natural buffers like the 50' wide Hermiston Irrigation District canal and easement. The gravel surface has been in place since the facility opened in 2022, and there have been no known complaints related to dust or maintenance during that time.

In discussions with the City of Hermiston code enforcement officer, it was noted that RV parking on public streets is a significant issue in the community. Allowing secure, off-street RV storage at this facility would help address that concern by giving residents a safe and legal place to park their vehicles. Most RV tenants rarely access their vehicles, so traffic on the gravel area would be minimal.

The facility is also equipped with more than 80 security cameras and electronic gate access, which helps protect both vehicles and surrounding property. Overall, the proposed use is low-impact, well-managed, and supports broader city goals, including reducing clutter on public streets and providing more storage options to residents.

4. Explain why it is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

Paving the entire two-acre gravel area is impractical from both a financial and operational perspective. The cost of paving such a large area would be significant and may not be recouped, especially considering that not all residents can afford the cost of enclosed or covered RV storage. By maintaining the gravel surface - which is already compacted and functional - the applicant can offer secure, affordable parking options at multiple price points, responding to clear and consistent community demand.

The majority of the facility's high-traffic alleys are already paved, minimizing dust and ensuring safe access. The remaining gravel areas would be available for vehicles that are infrequently moved, making the paving requirement excessive relative to the actual use. Enforcing full paving would restrict the applicant's ability to use otherwise functional land and prevent the facility from offering a widely needed service to the community.

5. Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

This request seeks a limited exception to the paving requirement for a specific, already improved gravel area within the existing storage facility. The area has been in place and functioning without issue for over two years, and the rest of the site—including the main drive aisles—already complies with city paving and development standards.

The use of this gravel area for vehicle parking does not change the approved use of the property and requires no other modifications to zoning rules. Avoiding the cost and disruption of paving this low-traffic area allows for practical use of the land without compromising safety, appearance, or neighboring properties. This is the smallest adjustment needed to put the space to productive use while still meeting the intent of the zoning code.

After recording return to grantee herein. Until a change is requested send all tax statements to grantee herein.

GRANTEE'S NAME AND ADDRESS: BASTERN OREGON DEVELOPMENT, LLC 42980 HANEY LN PENDLETON, OR 97801 GRANTOR'S NAME AND ADDRESS: RAQUEL MEDELEZ 1186 PUNKIN CENTER RD HERMISTON, OR 97838

State of Oregon County of Umatilla Instrument received and recorded on 05/21/2021 02:25:42 PM in the record of instrument code type DE Instrument number 2021-7210573 S101.00 Office of County Records Charolill Records Officer

WARRANTY DEED -- STATUTORY FORM

(INDIVIDUAL or CORPORATION)

RAQUEL MEDELEE Grantor, conveys and warrants to: EASTERN OREGON DEVELOPMENT, LLC, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT 'A' FOR LEGAL DESCRIPTION

Encumbrances: SEE ATTACHED EXHIBIT 'A' FOR PERMITTED EXCEPTIONS

The true consideration for this conveyance is \$1,050,000.00 PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is the whole of the consideration.

BEFORE SECRING OR ACCEPTING THIS RESTRIBURNT, THE PERSON TRANSFERRING WEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195300 (Definitions for ORS 195300 to 195330), 195301 (Legistative flucings) AND 195305 (Compensation of use of real property due to land use regulation) TO 1953306 (Compensation and Compensation and Compen

If grantor is a corporation, this has been signed by authority of the Board of Directors.

State of Oregon

County of UMATILLA

This instrument was acknowledged before me on Meu

OFFICIALISTAMP

A MARGIA MARIE ROSENBERG

MOTARY PUBLIC-OREGON

COMMISSION NO. 974189

MY COMMISSION EXPRES APRIL 50, 2022

2/_ 2021 by RAQUEL MEDELEZ.

(Notary Public fo

PIONEER TITLE CO. 101557 109 SW COURT, PEND. OR 97801

51

EXHIBIT "A"

Legal Description:

All that portion of the Southeast Quarter of the Southwest Quarter of Section 2, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, lying and being 8 feet Southerly from the South line of the Hermiston Irrigation District Drainage Canal;

Excepting therefrom the West 230 feet thereof;

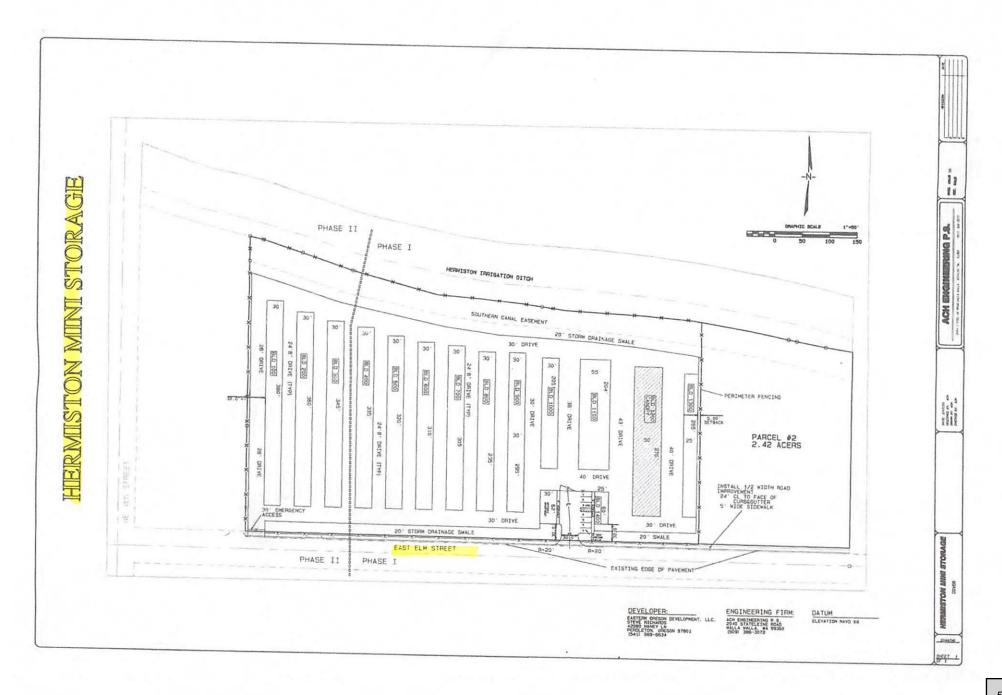
Also excepting therefrom any portion lying within the County Road and Street rights-of-ways.

Subject to the following permitted exceptions:

- Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
- 2. The premises herein described are within the boundaries of the Hermiston Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.
- Water right reservations, including the terms and provisions thereof, contained in Deed,

Grantor : Harm H. Casper, etux

Recorded: November 21, 1946, Book 179, Page 237, Deed Records.





Members of the Planning Commission **STAFF REPORT**

For the Meeting of September 10, 2025

Title/Subject

Minor Partition – James Maret, 395 NE 10th St, 4N 28 11AD Tax Lot 1500

Summary and Background

James Maret has submitted a minor partition application for land located at 395 NE 10th Street. The proposed partition will divide the existing 61,000 square foot (1.4 acres) lot into two parcels. The property contains a single-family dwelling and several out-buildings. The property is zoned Low Density Residential (R-1). The proposed partition creates a 27,700 square foot (0.63 acre) parcel for the existing dwelling and shop. A 33,583 square foot (0.77 acre) second parcel containing an existing shop proposed for future residential development is also created. The minimum lot size in the R-1 zone is 8,000 square feet for single and two-family dwellings.

The proposed partition encompasses three previously platted lots. The lot contains portions of Lots 3, 17, and 18 of the Ridgeway Tracts. The partition acts as a replat which will eliminate the existing lot lines. There are existing utility easements along the rear lot lines of each parcel and along the line common to the newly created Parcels 1 and 2.

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 August 27, 2025. A sign informing the public of the proposal was placed on the property on August 27, 2025.

The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.66, 157.025 and 157.101 of the Hermiston Code of Ordinances. The final plat requirements and findings are attached to this report as Exhibit A. Conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets, and parcels is attached as Exhibit C. An aerial photo is attached as Exhibit D. The final plat as prepared by the surveyor is attached as Exhibit E.

Tie-In to Council Goals

Approval of plats is a matter of administration of City ordinances.

Fiscal Information

The property has an assessed value of \$220,000. Creation of a second lot will increase the taxable value by a similar amount.

Alternatives and Recommendation

<u>Alternatives</u>

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

Recommended Action/Motion

Staff recommends the planning commission approve the final plat subject to conditions of approval.

- Motion to approve the findings of fact
- Motion to approve the final plat

Submitted By:

Clinton Spencer, Planning Director

Exhibit A Findings of Fact Maret Minor Partition 395 NE 10th Street September 10, 2025

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is serviced by NE 10th Street. NE 10th Street is partially improved adjacent to Parcels 1 and 2. All street rights of way are already platted and no changes are proposed.

§154.16 Street and Alley Width.

All existing rights of way are 60 feet in width and in compliance with the city standards for collector streets.

§154.17 Easements.

There are existing 5-foot power easements along the rear lot lines of Parcels 1 and 2. There are also two 5-foot power easements running perpendicular to the front and rear lot lines. All easements are shown on the plat. ORS 92.044 only permits cities to require easements abutting a street.

§154.18 Blocks.

Block length is not applicable to this plat.

§154.19 Lots.

Parcel 1 is 27,741 square feet or 0.63 acres. Parcel 2 is 33,583 square feet or 0.77 acres. Parcel 1 contains an existing dwelling and out-buildings. Parcel 2 contains an existing outbuilding. Each lot exceeds the minimum lot size for single- and two-family housing in the R-1 zone. Each lot exceeds the minimum lot width of 60 feet and the minimum lot depth of 80 feet in the R-1 zone. Lot design standards are satisfied.

§154.20 Character of Development.

The development is occupied with a single-family dwelling and out-buildings on Parcel 1. Parcel 2 contains an outbuilding and is intended for additional residential development. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

§154.61 General Improvements

NE 10th Street is partially improved with paving but no curb, gutter, or sidewalk. A non-remonstrance agreement agreeing to participate in a future LID for Parcels 1 and 2 was signed and recorded in January of 2025 for the issuance of a building permit for the outbuilding on Parcel 2. Additionally, at the time of new residential construction on Parcel 2, street improvements consisting of infill paving, curb, gutter, and sidewalk will be required consistent with §157.164(D) of the Hermiston Code of Ordinances.

§154.62 Water Lines

Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in NE 10th Street. Parcel 2 will be required to connect to municipal water service at the time of residential development. The applicant or owner is responsible for all costs associated with connection to water service.

§154.63 Sanitary Sewer System.

Each parcel is adjacent to municipal sewer service along the entire parcel frontage. An 8 inch sanitary sewer line is installed in NE 10th Street. Parcel 2 will be required to connect to sanitary sewer service at the time of residential development. The applicant or owner is responsible for all costs associated with connection to sewer services.

Preliminary Plat

Staff has reviewed the plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances which

states:

"...Minor partitions containing three lots or less may be exempted from the provisions of this section."

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- B) The lines of all proposed streets and alleys with their width and names. **Shown** as required
- C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- D) The line of departure of one street from another. Shown as required
- E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- F) All lot lines together with an identification system for all lots and blocks. **Shown** as required
- G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. Shown as required
- I) All necessary curve data. Shown as required
- J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required**
- M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. No restrictions are proposed or referenced on the plat
- N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown

thereon, and the granting of easements required. Shown as required

O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required**

Chapter 157: Zoning

§157.025 Low Density Residential (R-1)

Each lot exceeds the minimum lot size of 8,000 square feet for single and two-family dwellings. Each lot exceeds the minimum lot width of 60 feet and the minimum lot depth of 80 feet. Total coverage of all structures on Parcel 1 and Parcel 2 is less than the 40% maximum lot coverage for each lot. The R-1 development standards are satisfied. Uses permitted in the R-1 zone are listed in §157.025(A) and (B) of the Hermiston Code of Ordinances.

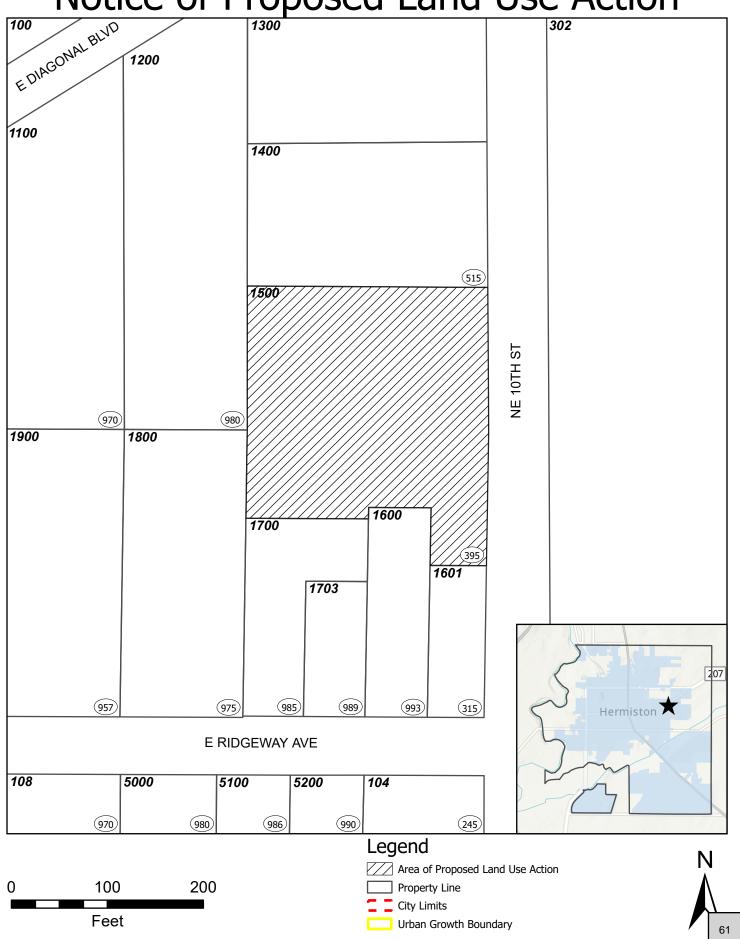
§157.101 Development Hazard Overlay

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

Exhibit B Conditions of Approval Maret Minor Partition 395 NE 10th Street September 10, 2025

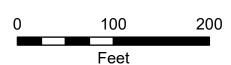
- Applicant shall work with and receive certification from the Hermiston Irrigation
 District prior to final plat approval. Applicant should be aware that the City of
 Hermiston will not sign the final plat until the irrigation district has been satisfied
 and signs the final plat.
- 2. Comprehensive 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. Parcel 2 will be required to complete street improvements to NE 10th Street, including consisting of infill paving, curb, gutter, and sidewalk will be required consistent with §157.164(D) of the Hermiston Code of Ordinances.
- 4. A residence shall be constructed on Parcel 2 within 18 months of plat recording. If a residence is not constructed on Parcel 2 within 18 months of plat recording, the property owner shall sign and record with Umatilla County records a covenant not to sell separately if property owner is the same for Parcels 1 & 2 or remove the structure, if property is not held in same ownership as Parcel 1.

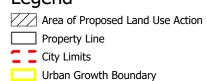
Notice of Proposed Land Use Action



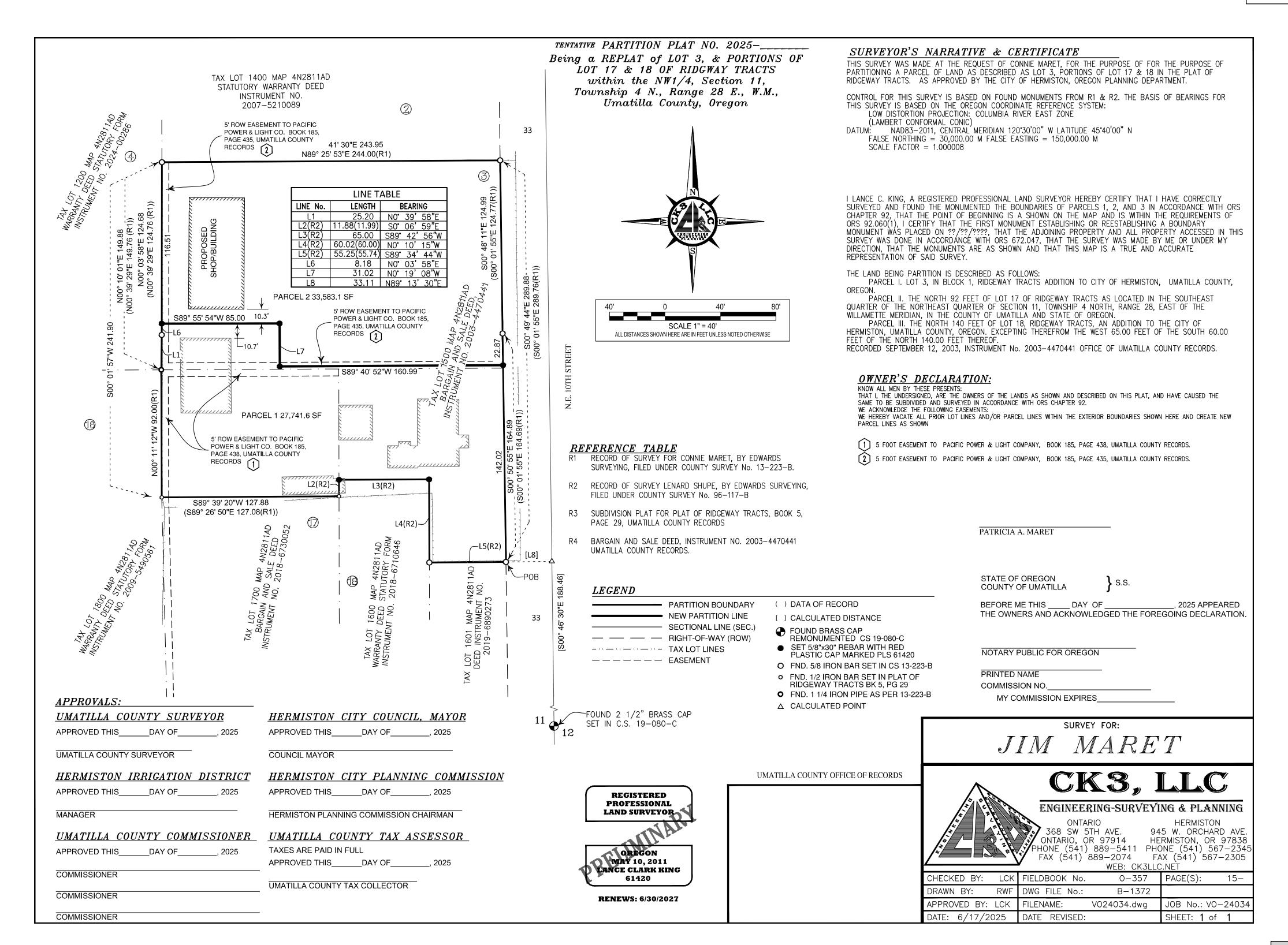
Notice of Proposed Land Use Action













Members of the Planning Commission **STAFF REPORT**

For the Meeting of September 10, 2025

Title/Subject

Minor Partition – Jason Lines, 620 and 640 SE 5th Street, 4N 28 11CD Tax Lot 4502

Summary and Background

Jason Lines has submitted a minor partition application for land located at 620 and 640 SE 5th Street. The proposed partition will divide the existing 11,278 square foot (0.26 acres) lot into two parcels. Each parcel contains an existing single-family dwelling. The property is zoned Medium-High Density Residential (R-3). The proposed partition creates two lots, each encompassing 5,639 square feet (0.12 acres) The minimum lot size in the R-3 zone is 5,000 square feet for single and two-family dwellings.

The applicant received a variance from the minimum lot width standard from the planning commission on September 11, 2024. The granting of the variance allows the applicant to pursue the partition with a minimum lot width of 47 feet rather than the required minimum 60 foot lot width.

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 August 27, 2025. A sign informing the public of the proposal was placed on the property on August 27, 2025.

The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.66, and 157.027 of the Hermiston Code of Ordinances. The final plat requirements and findings are attached to this report as Exhibit A. Conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets, and parcels is attached as Exhibit C. An aerial photo is attached as Exhibit D. The final plat as prepared by the surveyor is attached as Exhibit E.

Tie-In to Council Goals

Approval of plats is a matter of administration of City ordinances.

Fiscal Information

The property has an assessed value of \$138,000. No change in assessed value is anticipated beyond that created by assessing two buildable lots.

Alternatives and Recommendation

<u>Alternatives</u>

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

Recommended Action/Motion

Staff recommends the planning commission approve the final plat subject to conditions of approval.

- Motion to approve the findings of fact
- Motion to approve the final plat

Submitted By:

Clinton Spencer, Planning Director

Exhibit A Findings of Fact Lines Minor Partition 620 and 640 SE 5th Street September 10, 2025

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is serviced by SE 5th Street. SE 5th Street is partially improved adjacent to Parcels 1 and 2. All street rights of way are already platted and no changes are proposed.

§154.16 Street and Alley Width.

All existing rights of way are 50 feet in width and in compliance with the city standards for local streets.

§154.17 Easements.

No easements are shown on the plat. ORS 92.044 only permits cities to require easements abutting a street.

§154.18 Blocks.

Block length is not applicable to this plat.

§154.19 Lots.

Parcels 1 and 2 are each 5,639 square feet (0.12 acres) The minimum lot size in the R-3 zone is 5,000 square feet for single and two-family dwellings. Each parcel contains a single-family dwelling. Each lot exceeds the minimum lot size for single- and two-family housing in the R-3 zone. Each lot exceeds the minimum lot depth of 80 feet in the R-3 zone. The lots do not meet the 60 foot lot width standard and a variance from this standard was granted on September 11, 2024. There is a shed which straddles the lot line common to Parcels 1 and 2. The applicant has indicated the shed will be relocated to only one parcel. Upon relocation of the shed, the lot design standards are satisfied.

§154.20 Character of Development.

The development is occupied with two single-family dwellings. Uses permitted in the R-3 zone are listed in 157.027 of the Hermiston Code of Ordinances.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

§154.61 General Improvements

SE 5th Street is partially improved with paving but no curb, gutter, or sidewalk. A non-remonstrance agreement agreeing to participate in a future LID for Parcels 1 and 2 was signed and recorded in February of 2025 as a condition of approval for the major variance.

§154.62 Water Lines

Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in SE 5th Street. Each dwelling is connected to the municipal water supply.

§154.63 Sanitary Sewer System.

Each parcel is adjacent to municipal sewer service along the entire parcel frontage. An 8 inch sanitary sewer line is installed in SE 5th Street. Each dwelling is connected to the sanitary sewer system.

Preliminary Plat

Staff has reviewed the plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances which states:

"...Minor partitions containing three lots or less may be exempted from the provisions of this section."

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- B) The lines of all proposed streets and alleys with their width and names. **Shown** as required
- C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- D) The line of departure of one street from another. Shown as required
- E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- F) All lot lines together with an identification system for all lots and blocks. **Shown** as required
- G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. Shown as required
- I) All necessary curve data. Shown as required
- J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required**
- M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. No restrictions are proposed or referenced on the plat
- N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required**
- O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. Shown as required

Chapter 157: Zoning

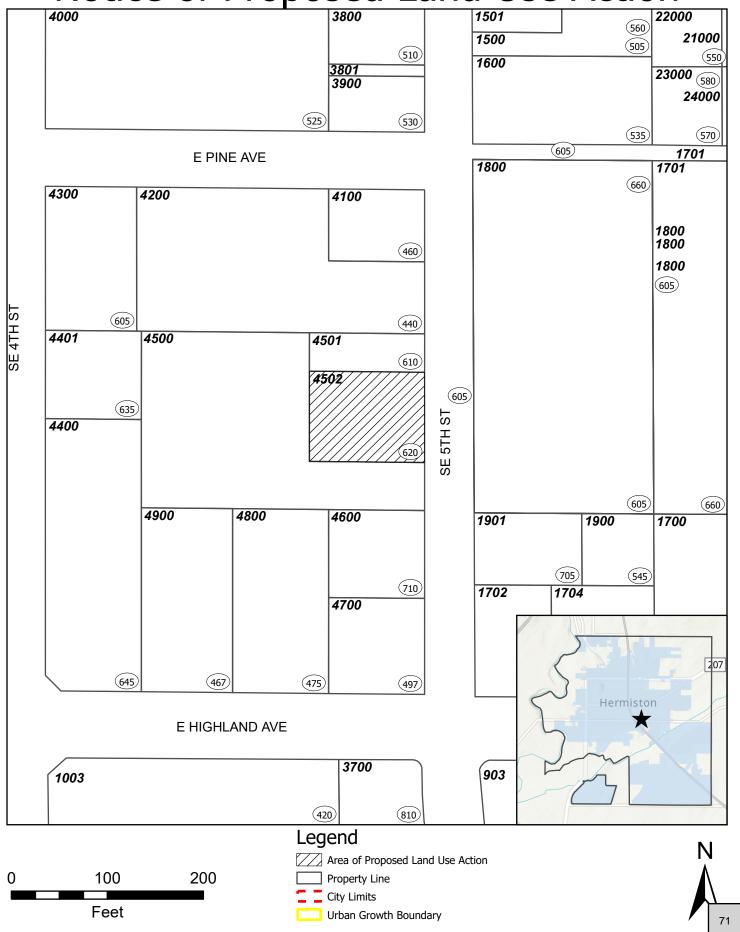
§157.027 Medium-High Density Residential (R-3)

Each lot exceeds the minimum lot size of 5,000 square feet for single and two-family dwellings. Each lot exceeds the minimum lot depth of 80 feet. A variance was granted on September 11, 2024 allowing a 47 foot lot width based on the existing configuration of the dwellings. Total coverage of all structures on Parcel 1 and Parcel 2 is less than the 45% maximum lot coverage for each lot. The R-3 development standards are satisfied. Uses permitted in the R-3 zone are listed in §157.027(A) and (B) of the Hermiston Code of Ordinances.

Exhibit B Conditions of Approval Lines Minor Partition 620 and 640 SE 5th Street September 10, 2025

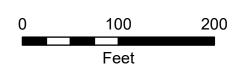
- Applicant shall work with and receive certification from the Hermiston Irrigation
 District prior to final plat approval. Applicant should be aware that the City of
 Hermiston will not sign the final plat until the irrigation district has been satisfied
 and signs the final plat.
- 2. The outbuilding straddling the property line common to Parcels 1 and 2 shall be moved within 90 days of plat recording. Should the building not be moved within the 90-day period, the city reserves the right to remove the building and place a lien on the property for the expenses associated with enforcement.

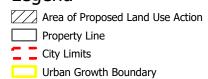
Notice of Proposed Land Use Action



Notice of Proposed Land Use Action









RECORDING INFORMATION PARTITION PLAT NO. 2025-I CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL LAND PARTITION OF INSTRUMENT NO. 2022-7380272 LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 11, T4N, R28E, W.M., MATTHEW PATRICK KENNY 89374PLS CITY OF HERMISTON, UMATILLA COUNTY, OREGON SURVEYOR'S CERTIFICATE & NARRATIVE SW1/16 S11 I, MATTHEW PATRICK KENNY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, THE LAND AS SHOWN HEREON IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE LAND USE CODE OF HERMISTON, OR. I FURTHER CERTIFY THAT THE INITIAL POINT HAS BEEN IDENTIFIED AS THE SET 5/8" REBAR MARKING THE NORTHWEST CORNER OF PARCEL \bigcirc B 1 OF THIS PLAT. I FURTHER CERTIFY THAT I HAVE PROVIDED THE TRACT LEGAL DESCRIPTION IN ACCORDANCE WITH ORS 92.070(1). THE LINES TRACT IS BASED UPON LOT 18, BLOCK 15 OF NEWPORT ADDITION. SURVEY 05-168-B ESTABLISHED OR COMPUTED THE BOUNDARIES OF LOTS 15-20 OF BLOCK 15, NEWPORT ADDITION AND FURTHER ESTABLISHED THE SOUTH AND WEST BOUNDARIES OF WHAT IS NOW THE LINES TRACT. I SEARCHED FOR ALL CORNERS REPORTED ON THIS SURVEY WITH THOSE FOUND BEING NOTED HEREON. REMAINING CORNERS WERE COMPUTED BY REPLICATING THE BOUNDARY RESOLUTION PER SURVEY 05-168-B. PARCELS 1 AND 2 OF THIS PLAT HAVE BEEN COMPUTED AT THE DIRECTION OF MY CLIENT. THIS SURVEY WAS PERFORMED USING TWO TOPCON HIPER HR GNSS UNITS OPERATED IN RTK MODE. THE BASIS OF BEARINGS IS THE WEST LINE OF THE SE1/4 OF THE SW1/4 OF SECTION 11 PER SURVEY 05-168-B. DISTANCES ARE GROUND, INTERNATIONAL FEET. PARTITION DETAIL MATTHEW PATRICK KENNY, PLS REGISTERED SCALE: 1"=20' CERTIFICATE NO. 89374 CITY OF HERMISTON **PROFESSIONAL** PLANNING COMMISSION NE CORNER LOT 18, BLOCK 15 LAND SURVEYOR LEGAL DESCRIPTION I CERTIFY THAT I HAVE EXAMINED AND APPROVED NEWPORT ADDITION PER (1) -BEGINNING AT THE NORTHEAST CORNER OF LOT 18, BLOCK 15, NEWPORT ADDITION TO THE TOWN, NOW CITY OF HERMISTON, UMATILLA COUNTY, OREGON; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 120 FEET; POB PER (4) - POC PER (3) THIS PLAT, ON THIS FOR REVIEW THENCE SOUTH, PARALLEL TO THE EAST LINE OF SAID LOT 18, A DISTANCE OF 40 FEET TO THE TRUE POINT OF BEGINNING (120.00')3,4 FOR THIS DESCRIPTION; THENCE CONTINUING SOUTH, PARALLEL WITH THE EAST LINE OF SAID LOT 18, A DISTANCE OF 94 OREGON FEET: THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 120 FEET TO A POINT ON THE (N 89°21'53" W 120.00')1 _DAY OF ___ JAN 12, 2016 EAST LINE OF SAID LOT 18; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 18, A DISTANCE OF 94 FEET; THENCE WEST, PARALLEL TO THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 120 FEET TO THE POINT OF BEGINNING. N 89°21'30" W 120.00' MATTHEW PATRICK KENNY 89374PLS SUBJECT TO WATER RIGHTS. CLAIMS TO WATER OR TITLE TO WATER, WHETHER OR NOT SUCH RIGHTS ARE A MATTER OF RENEWS: 6-30-25 PUBLIC RECORD. CHAIRMAN-HERMISTON PLANNING COMMISSION OWNER'S DECLARATION HERMISTON CITY COUNCIL I CERTIFY THAT I HAVE EXAMINED AND APPROVED I, JASON LINES, OWNER OF THE LAND BEING DIVIDED BY THIS PARTITION, DO HEREBY ACKNOWLEDGE THAT I HAVE CAUSED THIS PLAT TO BE PREPARED AND INITIAL POINT THIS PLAT, ON THIS THE PROPERTY DIVIDED AS SHOWN HEREON, IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS REVISED, AND THE LAND USE CODE OF THE CITY POB PER (3) OF HERMISTON, OR. DAY OF ____ (120.00')3,4 - 0.8' N 89°21'30" W 120.00' JASON LINES ±7' ±7' STATE OF OREGON MAYOR, CITY OF HERMISTON COUNTY OF UMATILLA PARCEL 1 HERMISTON IRRIGATION DISTRICT _, 2025, THE ABOVE NAMED INDIVIDUAL APPEARED PERSONALLY BEFORE ME AND IS KNOWN TO ME TO BE 5639 S.F. M/L __DAY OF____ HOUSE I CERTIFY THAT I HAVE EXAMINED AND APPROVED THE IDENTICAL INDIVIDUAL WHO EXECUTED THE OWNER'S DECLARATION AND ACKNOWLEDGED THAT THEY DID SO FREELY AND VOLUNTARILY. THIS PLAT, ON THIS NOTARY PUBLIC FOR THE STATE OF OREGON DAY OF ___ (N 89°31'21" W 445.02')1 PRINTED NAME: ±11 N 89°21'02" W 445.01 ZZ N 89°21'30" W 120.00' 395.01' COMMISSION NUMBER: MANAGER-HERMISTON IRRIGATION DISTRICT (395.02')1SHED ±10' ±11' MY COMMISSION EXPIRES: UMATILLA COUNTY SURVEYOR 1 30 I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT, ON THIS .74' 80')1 .80')2 PARCEL 2 MONUMENT TABLE NE CORNER LOT 18, BLOCK 15 NEWPORT ADDITION PER (1) 5639 S.F. M/L (A) WEST 1/16 CORNER S11 AND S14. HELD 5/8" REBAR IN MONUMENT _DAY OF _____ , 2025 HOUSE (N 89°21'53" W 395.11')1 N 89°21'30" W 395.13' BOX ORIGIN UNKNOWN. (B) SW 1/16 CORNER S11. HELD NAIL INSIDE IRON PIPE. ORIGIN UNKNOWN. 35'56" 16'03" 5'011" UMATILLA COUNTY SURVEYOR (275.11')1 (120.00')1 C HELD 5/8" REBAR WITH YELLOW PLASTIC CAP PER SURVEY 05-168-B. 90.00 (c) ±8' D FOUND 5/8" REBAR, NO CAP, POSSIBLY DISTURBED. NOT HELD. BEARS UMATILLA COUNTY TAX COLLECTOR SEE zzz (DETAIL) & 8 S 85'53'19" E, 0.27' FROM COMPUTED LOCATION PER 05-168-B. io I N 89°21'30" W 120.00' I CERTIFY THAT I HAVE EXAMINED AND APPROVED FOURTH 183 83. (N 89°21'53" W 120.00')1 (E) HELD CONCRETE NAIL IN SIDEWALK PER PARTITION PLAT 2002-18. THIS PLAT. TAXES ARE PAID IN FULL, ON THIS 120.00' Z (120.00')3 N 89°21'30" W (F) HELD 5/8" REBAR, ORIGIN UNKNOWN. (N 89°21'53" W (100.10')1 DAY OF (G) HELD 5/8" REBAR, NO CAP, PER SURVEY 97-164-A. (295.10')1 120.00')1 100.23 (H) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP, BENT, MEASURED SPIN SE N 89°22'14" W 395.17' ST. POINT, PER 96-086-A. NOT HELD. BEARS S 72'33'56" E, 0.12' FROM (N 89°22'15" W 395.20')1 COMPUTED LOCATION PER 05-168-B. FIFTH UMATILLA COUNTY TAX COLLECTOR 200 LEGEND P.O. BOX 447, HEPPNER, OR 97836 541-379-0242 O FOUND SURVEY MONUMENT AS NOTED ● SET 5/8" X 30" STEEL REBAR WITH 1-1/4" PINK KENNY LAND SURVEYING www.kennylandsurveying.com ı 30' PLASTIC CAP, MARKED "KENNY LS 89374" LAND PARTITION (395.29')1 z^z z z MONUMENT IDENTIFIER - SEE MONUMENT TABLE RECORDS OF REFERENCE 395.24 LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 11, TOWNSHIP 4 NORTH, 50' (A)S 89°24'02" E 445.24' RANGE 28 EAST, W.M., CITY OF HERMISTON, UMATILLA COUNTY, OR SURVEY NO. 05-168-B, DATED 7-27-2005. (E) 🖔 EXISTING FENCE LINE (S 89°24'26" E 445.29')1 RECORD INFORMATION - KEYED TO THE RECORDS OF SURVEY NO. 98-086-A, DATED 2-10-1998. CLIENT: HIGHLAND AVE. REFERENCE TABLE W1/16JASON LINES INSTRUMENT NO. 2022-7380272. SQUARE FEET <u>S11</u> S14 INSTRUMENT NO. 2013-6050786. POB POINT OF BEGINNING POC POINT OF COMMENCEMENT PROJECT: 2517 DATE: MAY 16, 2025 SHEET 1 OF 1



Members of the Planning Commission **STAFF REPORT**

For the Meeting of September 10, 2025

Title/Subject

Preliminary Replat – Four Bros LLC., 4N 28 11BA Tax Lots 101 and 102

Summary and Background

Robert English has submitted a preliminary replat application for land located at 678 and 692 E Elm Ave. The proposed replat reconfigures the boundary between two existing parcels and creates a third, new commercial parcel. All parcels are currently vacant. The property is zoned Outlying Commercial (C-2). After replatting, the existing flag providing access to Parcel 2 will shift 100 feet to the west and Parcel 2 will be renumbered as Parcel 3. Parcel 1 will decrease in size from 1.43 acres to 0.81 acres (35,169 square feet). A new Parcel 2 of 0.62 acres (26,906 square feet) is also created. The property is owned by Four Bros LLC and the City of Hermiston.

The replat is necessary for development of a new tire shop on Parcel 1. The owner, city, and ODOT have been working on access permitting for the site. Since E Elm Ave is a state highway (OR 207), the city does not issue access permits which are instead issued by the Oregon Department of Transportation. The lot configuration as platted in 2022 created one lot for commercial development and one flag lot under city ownership for future public purposes. As the development plans have been reviewed by ODOT, state highway spacing standards will not permit a driveway for Parcel 1, a driveway for Parcel 2, and adequate spacing from an existing driveway on private land to the east. The replat is proposed to shift the city's flag to the approximate center of the parcel and then to utilize the flag to provide one point of access for all properties. This relocation of the flag meets spacing standards. Moving the flag to the center of the parcel allows a new parcel to be created which may develop commercially in the future. The first 60 feet of the access flag is then encumbered with an access easement to ensure all parcels have the right to cross this area. All property owners will be jointly responsible for shared maintenance of the first 60 feet of driveway and the city will continue to be responsible for city access beyond the first 60 feet.

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 August 27, 2025. A sign informing the public of the proposal was placed on the property on August 27, 2025.

The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.66, 157.041 and 157.101 of the Hermiston Code of Ordinances. The preliminary plat requirements and findings are attached to this report as Exhibit A. Conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets,

and parcels is attached as Exhibit C. An aerial photo is attached as Exhibit D. The final plat as prepared by the surveyor is attached as Exhibit E.

Tie-In to Council Goals

Approval of plats is a matter of administration of City ordinances.

Fiscal Information

The property has an assessed value of \$87,500. Commercial development on Parcels 1 and 2 will substantially increase the assessed value of each site.

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

Staff recommends the planning commission approve the preliminary plat subject to conditions of approval.

- Motion to approve the findings of fact
- Motion to approve the preliminary plat

Submitted By:

Clinton Spencer, Planning Director

Exhibit A

Findings of Fact Four Brothers LLC Preliminary Replat 678 and 692 E Elm Ave September 10, 2025

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is serviced by E Elm Ave (OR 207). E Elm Ave is partially improved adjacent to Parcels 1, 2, and 3. All street rights of way are already platted and no changes are proposed.

§154.16 Street and Alley Width.

All existing rights of way are 66 feet in width and in compliance with the city standards for minor arterial streets.

§154.17 Easements.

A new 36 foot wide and 60 foot deep shared access easement is created on Parcel 3 for the benefit of Parcels 1, 2, and 3. Maintenance responsibilities for this area shall be spelled out in a separate instrument. ORS 92.044 only permits cities to require easements abutting a street.

§154.18 Blocks.

Block length is not applicable to this plat.

§154.19 Lots.

Parcel 1 is 35,169 square feet or 0.81 acres. Parcel 2 is 26,906 square feet or 0.62 acres. Parcel 3 is 156,966 square feet or 3.6 acres. All parcels are currently vacant. There is an approved development to construct a tire shop on Parcel 1. Parcel 3 is owned by the City of Hermiston and is intended for future public use, either for additional public works storage or for future park use.

§154.20 Character of Development.

The development is currently vacant. All parcels are zoned for commercial use and a tire shop has received site plan approval from the city for Parcel 1. Uses permitted in the C-2 zone are listed in 157.041 of the Hermiston Code of Ordinances.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

§154.61 General Improvements

E Elm Ave is partially improved with paving but no curb, gutter, or sidewalk. As a condition of approval for the tire shop on Parcel 1, the city is requiring completion of the street with curb, gutter, sidewalk, and paving adjacent to the property frontage. As each additional parcel develops, the same improvements will be required.

§154.62 Water Lines

Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in E Elm Ave. The applicant and city have agreed to jointly bore under E Elm Ave to connect to this water line with one point of connection..

§154.63 Sanitary Sewer System.

There are no sewer services available in E Elm Ave and the site is more than 300 feet from the nearest sewer service. Each parcel may utilize a private septic system for sanitary service.

Preliminary Plat

Per §154.35(C) the preliminary plat shall show:

- 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; The 12 inch water line in E Elm Ave is not shown on the plat. However, the location of this line shall be provided with civil drawings for the development
- 4. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract; A proper name for the replat shall be provided on the final plat
- 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**
- 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; and This information is required with civil improvement drawings and not recommended for this replat.
- 9. All the above information unless waived by the Planning Commission.

Staff recommends that the planning commission waive the requirements in 3, 6 and 8 above, but to require a proper name for the replat to be submitted with the final plat.

Chapter 157: Zoning

§157.041 Outlying Commercial (C-2)

Parcel 1 is 35,169 square feet or 0.81 acres. Parcel 2 is 26,906 square feet or 0.62 acres. Parcel 3 is 156,966 square feet or 3.6 acres. All parcels are currently vacant. There is an approved development to construct a tire shop on Parcel 1. There is no minimum lot size, width, or depth requirement in the C-2 zone. Uses permitted in the C-2 zone are listed in §157.041(A) and (B) of the Hermiston Code of Ordinances. A tire shop as proposed for Parcel 1 is a permitted use per §157.041(A)(12).

§157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to a high water table. In accord with 157.101 of the

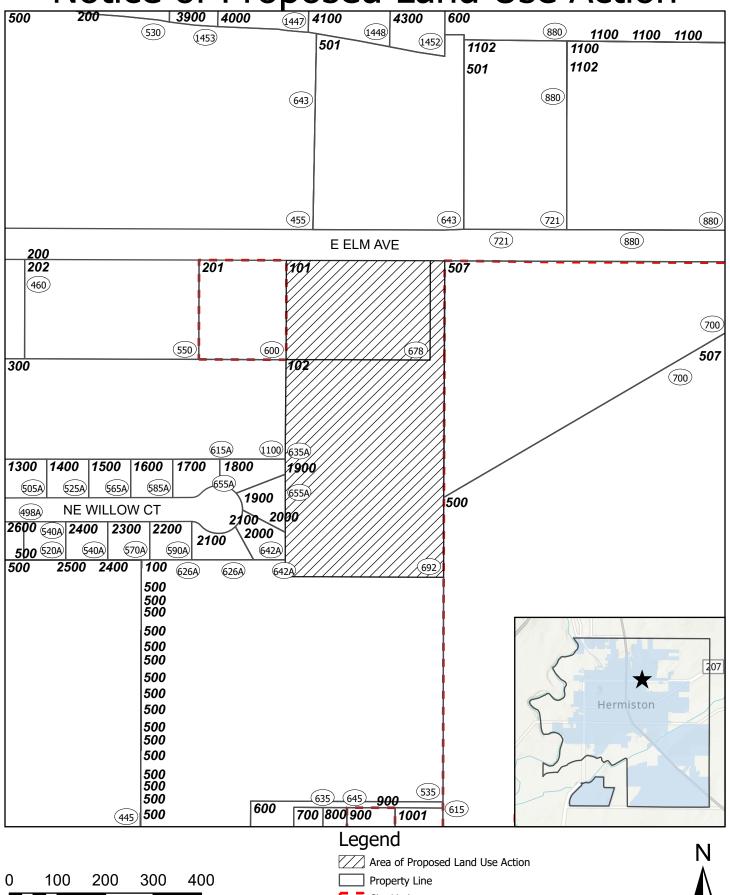
Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments 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.

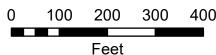
Exhibit B

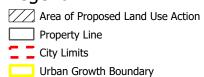
Conditions of Approval Four Brothers LLC Preliminary Replat 678 and 692 E Elm Ave September 10, 2025

- 1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.
- 2. The following corrections shall be made to the plat:
 - a) A name for the subdivision shall be submitted with the final plat consistent with §154.35(4) of the Hermiston Code of Ordinances.
 - b) The Lands of City of Hermiston parcel shall be renamed as Parcel 3.
- 3. All conditions of approval from the June 4, 2025 Four Bros tire shop site plan approval remain in effect and are incorporated into the conditions by reference.
- 4. The property lies within an area subject to potential groundwater pollution hazards due to high water table. 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.

Notice of Proposed Land Use Action



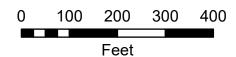


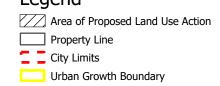




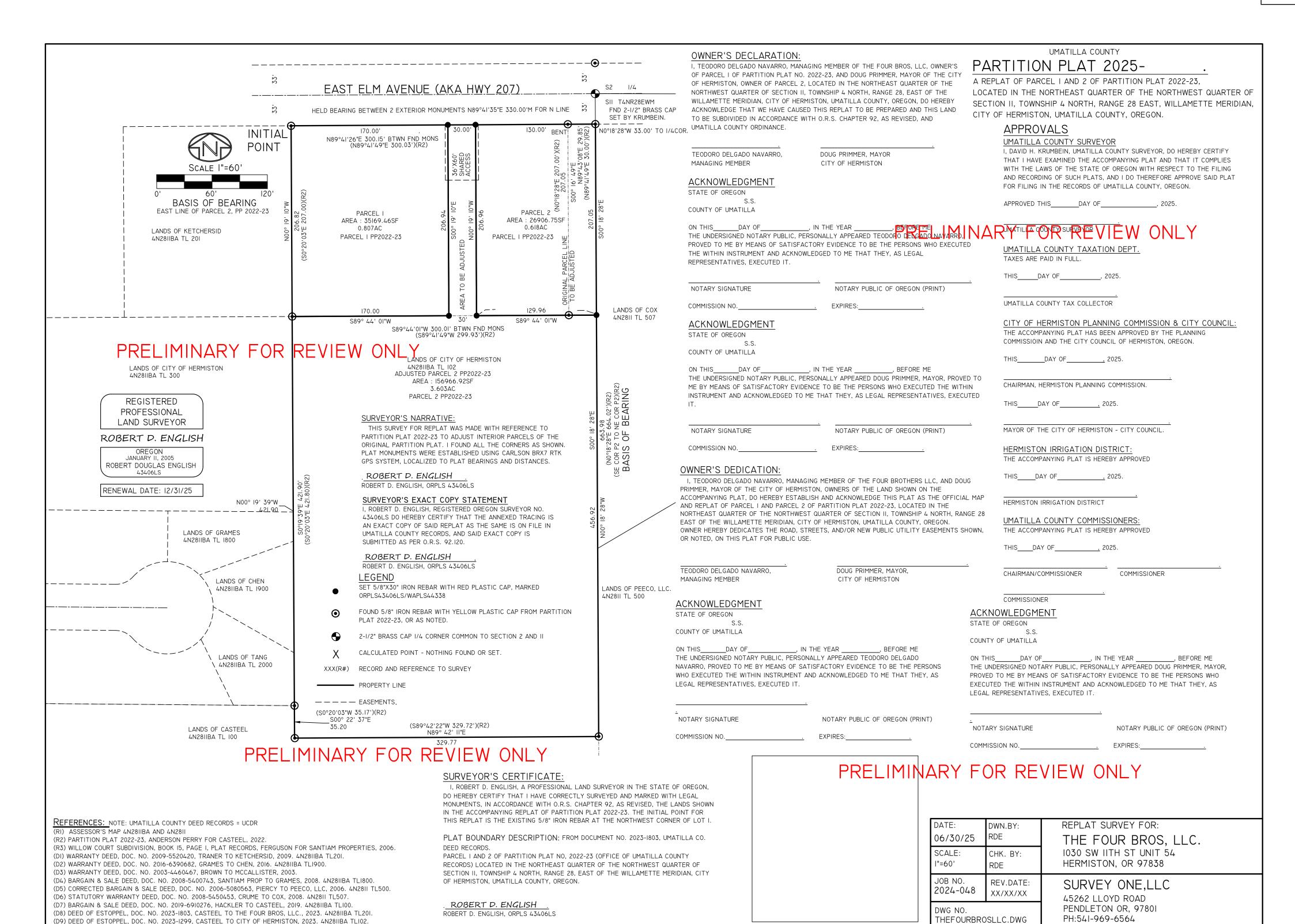
Notice of Proposed Land Use Action











June 4, 2025

J & J Northeast Construction 620 W Ridgeway Ave Hermiston OR 97838



Re: Notice of Decision - Site Plan Approval - The Four Bros LLC Tire Shop

The City of Hermiston has reviewed and conditionally approved the application for construction of a new two-story, 4,000 square feet tire repair shop on property described as 4N 28 11BA Tax Lot 101.

Assignment of Addresses

The new building will use the existing property address of 678 E Elm Ave.

Conditions of Approval

- 1. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of development.
- 2. All storm water shall be retained on-site. The city engineer will review the proposed drainage plan and storm report as part of the civil drawing review process.
- 3. Civil drawings shall be submitted to the city engineer for review and approval prior to issuance of a building permit. Civil drawings shall be prepared in accordance with the design guidelines for plan preparation contained in the city's standard plans and specifications located at:

 https://www.hermiston.or.us/commdev/page/hermiston-design-standards-specifications-and-plans
- 4. Where signage is proposed, said signage shall be installed consistent with the requirements of 155.37 of the Hermiston Code of Ordinances.
- 5. The property lies within an area subject to potential groundwater pollution hazards due to high water table. 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

City of Hermiston PLANNING DEPARTMENT

- registered engineer that the storage will not contribute to groundwater pollution.
- 6. The E Elm Ave frontage of the development site, as defined in 157.161, shall be improved to minor arterial standards. Improvements shall include infill paving, curb, gutter, drainage improvement, and sidewalk consistent with the urban minor arterial standard ST-08. Improvements to E Elm Ave shall be approved by the city engineer and the Oregon Department of Transportation.
- 7. All driveway approaches to E Elm Ave requires approval from Oregon Department of Transportation. The City of Hermiston has agreed to relocate its driveway access approximately 127 feet to the west of its existing location, creating a 36 feet wide shared access driveway. Applicant shall bear the costs associated with replatting Tax Lots 101 and 102 to move the access to Tax Lot 102 to the proposed location. The replat shall be completed prior to occupancy of the structure.
- 8. The applicant shall submit a letter of approval from the fire marshal stating that the proposed site plan has been reviewed, and all fire related safety measures are approved prior to issuance of a building permit.
- 9. All areas for the standing and maneuvering of vehicles shall be improved with concrete or asphalt in accordance with §157.179(A) of the Hermiston Code of Ordinances. Parking improvements shall be completed prior to occupancy. The site plan indicates nine spaces are proposed and seven are required. The proposed parking is approved.
- 10. The driveway shared between the proposed tire shop and city lot shall be paved as shown on the site plan and a driveway approach and sidewalk compliant with City and ODOT standards shall be constructed onto E Elm Ave.
- 11. Where site lighting and parking lot lighting is proposed, said lighting shall be designed and installed to avoid any glare projected onto adjacent residential uses per 157.179(D) of the Hermiston Code of Ordinances.
- 12. Consistent with 157.179(B) of the Hermiston Code of Ordinances (*Minimal Resident Disturbance*), a sight-obscuring fence of at least five feet in height and not more than six feet in height shall be installed along the west property line.
- 13. Resolution #2264, passed in March of 2023, assessed the property \$6,815.26 for reimbursement to Eastern Oregon Development LLC for the water improvements constructed as part of the mini-storage development at 455 E Elm Ave. The assessment must be paid at the time of connection to the improvement. The assessment is in addition to any other fees and/or system development charges required when connections to the system is made.

You may now submit your plans to the city engineer for civil review and to the building department to obtain the necessary permits to begin construction of your facility. Additionally, you have the right to file an appeal of the city's decision. An

City of Hermiston

PLANNING DEPARTMENT

appeal must be filed within 12 days of the date this letter is mailed. If no appeal is filed by 5 pm on June 16, 2025, the city's decision is considered final.

If you have any questions, please feel free to contact me at (541)667-5025.

Sincerely,

Clinton Spencer Planning Director

C: Joshua Lott, Anderson Perry Byron Smith

Mark Morgan Development Staff

Building Department Tom Lapp, ODOT