



PLANNING COMMISSION

Community Center – 415 S. Hwy 395

Where Life is Sweet

July 13, 2022 at 7:00 PM

AGENDA

*Other ways of viewing or participating in live meetings are available through:
Zoom with Meeting ID: 882 2908 9006 Passcode: 377906 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.or.us*

1. CALL TO ORDER - 7:00 PM

A. Elect Chair and Vice-Chair

2. MINUTES

A. Minutes of the June 8, 2022, regular planning commission meeting

3. HEARINGS

A. Annexation- Pena 120 E Oregon Ave/1650 NE North St 4N2802CB Tax Lots 5400 & 5500

B. Conditional Use - Hermiston School District Rocky Heights Elementary 650 W Standard Ave 4N2810 TL 100

4. NEW BUSINESS

A. Replat- Campbell 1660 N First St 4N2802CB Tax Lot 5900

5. UNFINISHED BUSINESS

6. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

7. ADJOURN

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

Please contact Hermiston City Hall, 235 E Gladys Ave, 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.

HERMISTON PLANNING COMMISSION

Regular Planning Commission Meeting

June 8, 2022

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

Minutes

Commissioner Caplinger moved and Commissioner Fialka seconded to approve the minutes of the April 13, 2022, regular meeting. Motion passed.

Hearing- Major Variance Gilbert 4N2802CB Tax Lot 5900- 1660 N First St

There were no conflicts of interests declared. Chairman Saylor opened the hearing at 7:01PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. The variance is for a request to reduce the setback requirement from a street. The property owner is unwilling to sell additional property in order for the purchaser to meet the building setback. The travel lanes, parking area, building and drive-through lane does not have enough space to meet the setback of 20 feet. A setback of 15’11” is proposed. The C-2 zone allows a setback from a street be reduced to 10’ if solid landscaping is installed. This is not an option for this proposal due to the drive-through lane. E Oregon Ave is 60’ wide and a condition of approval is to install and maintain landscaping in the area between the back of sidewalk and property line.

Commissioners discussed drive through car stacking, Hermiston Drain easement, street improvements, and Highway 395 access.

Testimony

Ian Plum Chief Development Officer of Ambrosia QSR 400 E Mill Plain Blvd Vancouver WA 98660- The staff report is appreciated. They have worked with ODOT and the E Oregon Ave access is considered the best option. They are hopeful to get the variance to bring Popeye’s restaurant and the jobs to Hermiston.

Chairman Saylor closed the hearing at 7:15pm.

Findings of Fact

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 property is described as 4N 28 02CB Tax Lot 5900 and is zoned Outlying Commercial (C-2).
2. The site is proposed for development of a new 2,536 square foot restaurant. A restaurant is an outright permitted use in the C-2 zone.
3. The applicant has negotiated a purchase agreement with the underlying landowner for a new lot of 100 feet in width. The landowner is unwilling to sell more than the north 100 feet of the property.
4. There are design requirements for vehicle circulation on the site which must be met. Specifically, two-way circulation south of the proposed building requires 20 feet and parking south of the building requires an additional 20 feet. Thus, the building cannot be located closer than 40 feet from the south lot line.
5. The proposed building and sidewalk width are 41.5 feet (33-foot building width and 8.5 feet for sidewalk).
6. Fifteen feet, eleven inches remains to between the north building line and the property line on E Oregon Ave. At least twelve feet is required for the drive-up lane.

7. The setback in the C-2 zone is 20 feet from a street but may be reduced to 10 feet where solid ground cover landscaping is provided (§157.041(D)(1)).
8. Parking and travel lanes are permitted in setback areas.
9. The building cannot be located closer than proposed to the south property line without sacrificing safe corridors for two-way vehicle traffic.

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

10. Other restaurants with drive-up windows in the vicinity have travel lanes and parking within their required setback areas.
11. Without variance approval, the site will not be able to accommodate the permitted use and necessary vehicle facilities.
12. Similar businesses in the vicinity have utilized other means to achieve similar development. For example, the Jack in the Box restaurant at 1305 N First St meets the setback requirement, but was required to utilize an adjacent property for vehicle travel lanes. In this instance, the adjacent property owner is not willing to grant vehicular access.

The authorization of the variance shall 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.

13. Through the imposition of appropriate approval conditions, the variance can preserve the intent of the setback requirement.
14. The proposed variance exceeds the minimum setback of 10 feet with solid landscaping and sets the building at 15 feet 11 inches with 12 feet of travel lane and 3.5 feet of landscaping south of the property line, plus an additional 4 feet of landscaping between the property line and back of sidewalk within the E Oregon Ave right of way.
15. The site is constrained by access restrictions relating to N First St which is also a state highway. ODOT has reviewed several access options and found that this option best reduces N First St congestion and ensures a safe intersection. The necessity of locating the E Oregon Driveway at the proposed location 150 feet east of N First St reduces the development options for locating the restaurant itself. After reviewing several iterations of development proposal, city staff, ODOT, and the applicant determined there was not another suitable location for the building that preserves safety and creates a viable development site.

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

16. As noted in findings 4, 9 and 15 above, the building must be located at the proposed location to guarantee adequate moving space for two-way traffic south and east of the building. There is not enough space on the property to accommodate two-way traffic in the parking area as required by §157.150(G)(5) and meet the 20-foot setback required by §157.041(D)(1).
17. Without a variance it is impossible to erect the structure in compliance with code.

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

18. The proposal to reduce the setback from 20 feet to 15 feet 11 inches is the minimum setback which will accommodate city standards for access management and allow use of the structure as proposed.
19. The city will require landscape improvements between the drive up lane and right of way line to maintain the spirit of the ordinance requirement allowing a reduction in setback where landscaping is provided.

Conditions of Approval

1. E Oregon Ave shall be improved with a half-street improvement to local commercial status per Hermiston standard detail ST11. ST11 is designed for a 50-foot right of way and E Oregon Ave has a 60-foot right of way. Therefore, all area between the back of sidewalk and property line (approximately five feet) shall be landscaped and continuously maintained in the same manner as the on-site landscaping.
2. A landscape plan shall be included with the site plan review application and approved by planning staff as part of the site plan review process.

Commissioner Caplinger moved and Commissioner Burns seconded to make the project file a part of the record. Motion passed. Commissioner Caplinger moved and Commissioner Burns seconded to adopt the findings of fact. Motion passed. Commissioner Hamm moved and Commissioner Sargent seconded to approve the variance subject to the conditions of approval.

Youth Advisor Member Heredia introduced herself per Chairman Saylor's direction.

New Business- Replat Diamond Run Subdivision Phase 1 1210 E Elm Ave 4N2812B

Planning Director Spencer presented the staff report for this expedited land division. This replat is being processed as a middle housing land division regulated under ORS 197.360 through 197.380 and ORS 92.031. Administrative approval was mailed to the applicant on June 2. Comments were received from the applicant's attorney, Wendie Kellington, and are attached. The applicant feels the requirement of individual utility connections from the main line to each property creates an unreasonable cost and requests the condition be removed. After review of the comments, staff amended the findings and conditions. Attached is an amended letter of approval dated June 8 which withdraws the June 2 letter. Upon emailing the updated June 8 letter to the applicant's attorney, comments were received requesting further clarification and the findings were again amended as reflected below.

Commissioners discussed concerns with the proposed utility connections including water pressure, building codes, and property owner disputes with future problems (clogs, breaks, and access). While the cost to make the necessary changes to comply may be substantial, it is a self-created problem of the developer due to changing the development plan. Commissioners do not want to set a precedent. Future phases of the development will comply with the City's public works standards and require a separate utility connection (from the main line) for each dwelling unit. It was noted that while covenants are important for zero lot line properties, the property owners may not be aware of any existing covenants or utility line locations. Livability is an important issue. It was acknowledged that the economic environment continues to change. Interest rates will affect all homebuilders, the planning commission cannot control those macro issues. The planning commission's job is not to make the project feasible, but to hold standards and deviate from standards when required. Changing economics is not a circumstance that merits a variance.

Testimony

Scott Smith Home Run Land 2947 Blue Jay St Umatilla- Mr. Smith stated the developer has sold the lots. Mr. Smith stated that interested buyers cannot afford to purchase a duplex lot due to the current interest rates. By splitting the duplex into two homes, homeownership becomes available to those who can afford it. He would rather have homeowners on each side than having them available for rent. A duplex on one lot could have one utility connection. Due to the groundwater conditions on site, adding a new service to each house costs about \$20,000 each and will affect the integrity of the road over a long period of time by all the patches. Mr. Smith mentioned the lag time in acquiring materials. There is a wait of 28 weeks for meter setters. The area behind the walking path on Elm will be cleaned up as construction continues.

Jackie Sielaff 82552 D Street- Ms. Sielaff appreciates and is thankful for the Commissioners' comment of bait and switch. The comment was brought up at the last planning commission meeting and she feels it was unfair and uncalled for as they would not go in with a purposeful intent of switching the plan.

Findings of Fact**ORS 92.031**

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

Findings:

1. The City of Hermiston has received an application to replat Lots 1 through 72 of Phase 1 of Diamond Run Subdivision. Said replat facilitates the development of common-wall attached single-family dwellings (i.e. duplex dwellings) on Lots 1 through 7, Lots 9 through 20, Lots 29 through 35, Lots 37 through 41, Lots 44 through 48, Lots 51 and 52, Lot 54, Lots 58 through 63, Lot 66, and Lots 68 through 72. Lots not included are not replatted for attached single-family but are renumbered consistent with the revised lot numbering.
2. Under ORS 197.758(3) Hermiston is defined a medium-sized city (having a population between 10,000 and 25,000) and shall permit development of two-family dwellings on all lots zoned for single-family development. All lots proposed for division in (1) above are zoned Medium-High Density Residential (R-3) and permit one and two-family dwellings per 157.027(A) of the Hermiston Code of Ordinances.
3. Ten building permits have been submitted to the Hermiston Building Department to construct duplex dwellings permitted under ORS 197.758(3) and the builder has participated in meetings before the planning commission on April 13, 2022 and with city development staff on May 23, 2022 and committed to developing all remaining lots not able to accommodate multi-family dwellings with two-family dwellings as permitted by the State of Oregon.
4. The City of Hermiston finds that the proposal to develop the lots listed in (1) above with duplex dwellings is a qualifying proposal for the development of middle housing and therefore eligible for a middle housing land division subject to the requirements listed herein.

(b) Separate utilities for each dwelling unit;*Findings:*

5. Separate utility connections are provided for each dwelling unit. Utility connections consist of one shared service for water and sewer connecting to the respective mainline in the adjacent public street. Each utility will branch within the utility easement or right-of-way depending upon the lot configuration.
6. The proposed utility connections constitute a deviation from the city's public works standards.
7. A deviation from the city's public works standards is hereby approved for Phase 1 of Diamond Run subdivision. Approval of said deviation is a site-specific process and does not constitute a precedent nor waiver of future imposition of public works standards.

(c) Proposed easements necessary for each dwelling unit on the plan for:**(A) Locating, accessing, replacing and servicing all utilities;***Finding:*

8. Utility easements of 10 feet in width are provided along the front property line of all lots. Said easements were dedicated on the plat for Diamond Run Phase 1. These easements are preserved on the plat.
9. Multiple easements providing for electrical transmission are provided extending service from the UEC electric substation at the northwest corner of the site.

(B) Pedestrian access from each dwelling unit to a private or public road;*Finding:*

10. Each lot abuts public right of way and no easements are needed to accommodate pedestrian access to each unit.
11. Pedestrian access easements providing access from the development to public trail facilities, required as part of the original Diamond Run approval, are preserved.

(C) Any common use areas or shared building elements;*Finding:*

12. No common areas or shared building elements are proposed. This requirement is not applicable.

(D) Any dedicated driveways or parking; and*Finding:*

13. All driveways will be the sole responsibility of the property owner on which the driveway is located. This requirement is not applicable.

(E) Any dedicated common area;*Finding:*

14. No common areas are proposed. This requirement is not applicable.

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and*Finding:*

15. Each lot is proposed for exactly one dwelling unit. Building permit applications are on file for 10 units as of May 27, 2022 and additional permit applications are expected to be filed.
16. Pursuant to ORS 92.031(3) the city will prohibit further division of the lots listed in (1) above.
17. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in (1) above.

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.*Finding:*

18. As noted in (3) above, the building permits on file with the City of Hermiston have been reviewed and demonstrate compliance with the applicable building code requirements relating to property lines and separation of structures. The City will continue to require this compliance on all future attached single-family dwellings created for middle housing.

Conditions of Approval

1. Pursuant to ORS 92.031(3)(a) the city will prohibit further division of the lots split for middle housing. Said lots are Lots 1-14, Lots 16-39, Lots 47-52, Lots 56 and 57, Lots 60-67, Lots 69-78, Lots 80-83, Lots 86-95, Lots 98-107, and Lots 109-122.
2. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in Condition 1 above.
3. Pursuant to ORS 92.031(3)(b) a notation shall be placed on the plat stating that approval was granted under ORS 92.031.

4. Pursuant to ORS 92.031(2)(e) all attached single-family dwellings constructed on the lots listed in Condition 1 above shall be constructed in accordance with applicable building codes provisions relating to new property lines and the Oregon residential specialty code.
5. Addresses shall be removed from the final plat.

Commissioner Doherty moved and Commissioner Burns seconded to make the project file a part of the record. Motion passed. Commissioner Burns moved and Commissioner Hamm seconded to adopt the findings of fact as amended. Motion passed. Commissioner Doherty moved and Commissioner Burns seconded to approve the final plat subject to the conditions of approval. Motion passed.

New Business- Conditional Use Permit Review Hermiston High School Athletic Fields 425-435 W Orchard Ave

Planning Director Spencer presented the staff report. Staff recommends delaying the review of the conditional use permit until June 2023, when two full years of operation will have been conducted.

Commissioner Hamm moved and Commissioner Fialka seconded to delay review of the conditional use permit until the June 2023 planning commission meeting. Motion passed.

Planner Comments and Unscheduled Communications

Items discussed included-

- Commissioner Sheffield resignation
- Prairie Meadows (Hayfields)
- City Hall Construction
- Santiago Manufactured Home Park
- Walking path/sidewalk on Diagonal Blvd
- Project PATH shelter
- Code Amendments for Middle Housing
- Introduction of Commissioners for Youth Advisor Members

Adjourn

Chairman Saylor adjourned the meeting at 8:40PM.

Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
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Facsimile (503) 636-0102
Email: wk@klgpc.com

June 7, 2022

Via Electronic Mail
Clint Spencer
Planning Director
City of Hermiston
180 NE 2nd St
Hermiston, OR
97838

RE: Diamond Run Phase 1 Middle Housing Land Division 1210 E Elm Ave 4N2812B

Dear Clint:

This firm represents the applicants in the above entitled matter, AAA Renovation & Construction LLC and its managing member, Anthony Potts as well as Lloyd and Lois Piercy. Please include this letter in the record of the above matter. We further request that you provide this letter and its exhibit to the planning commission for their proceeding regarding plat approval tomorrow evening.

We have reviewed your June 2, 2022 letter to the Piercy's regarding the City's apparent decision regarding above application for the requested Middle Housing Land Division. We have comments and concerns about the City decision reflected in the June 2, 2022 letter and in the planning commission staff report recommendation regarding the plat for a Middle Housing Land Division. Our concerns both relate to the City's mistaken application of the state SB 458 standards as well as the City local rules' embellishment regarding the City's interpretation of its public works standards, to require separate water and sewer mains be provided to each *property line*, rather than separate utilities being provided to each *dwelling unit*, the latter is what SB 458 expressly allows. In fact, there is really no dispute about separate utilities being provided to each dwelling unit under the proposal; the proposal clearly does that. On this, as you will see below, the proposal very definitely provides separate utilities to each dwelling unit as required by SB 458. A graphic attached as Exhibit 1¹ demonstrates how utilities will be provided to each dwelling unit.

Thus, we are, respectfully, concerned about Condition 4, that is appended to the City's June 2, 2022 letter decision attached to your staff report and that we understand is being recommended to the planning commission to be imposed on the approval of the plat. We request that you remove Condition 4 altogether, as it is unlawful and, respectfully, simply

¹ One page shows the traditional engineering designation for a water meter – of a box with multiple internal squares. The other image shows the water meter divided as it will be to provide separate utilities to each dwelling unit.

inappropriate. The proposal is only a Middle Housing Land Division if it provides separate utilities to each dwelling unit and there is no dispute the proposal is for a Middle Housing Land Division. That is the end of the matter under SB 458. That the City public works provisions may be capable of being interpreted to provide different guidelines for utility connections to property lines or building sites under certain interpretations, is irrelevant under SB 458.² And regardless, clearly, the City public works guidelines expressly allow deviation in appropriate circumstances, regardless of the general directives they may suggest. Complying with state law, is one of them.

The Proposal Will Provide Separate Utilities to Each Dwelling Unit as SB 458 Requires and Allows

The proposal is for a SB 458 Middle Housing Land Division. As such, state law in SB 458 provides a limited decisional paradigm for City actions on applications like this one for “Middle Housing.” This is because Oregon has decided it needs “Middle Housing” and the Oregon legislature decided that local standards were otherwise imposing unreasonable costs on the delivery of that housing, making it next to impossible for the state to deliver affordable housing. Accordingly, the legislature stepped in to limit the restrictions that local government could impose, in SB 458. Accordingly, SB 458 imposes significant constraints on the City decision here, meaning that the City cannot impose expensive conditions like Condition 4. If allowed, the City’s Condition 4 and related findings will **add more than \$1 million dollars in cost to this modest Middle Housing Land Division.** Stopping the application of local provisions that result in the imposition of such astronomical costs on housing is exactly what SB 458 was designed to prohibit. We discuss below, specific problems.

SB 458 limits the conditions that may be imposed on a Middle Housing Land Division like this one, to two:

- (3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:**
 - (a) Prohibit the further division of the resulting lots or parcels.**
 - (b) Require that a notation appear on the final plat indicating that the approval was given under this section.**

² In truth, the public works guidelines are not hard and fast rules anyway. They give the City the flexibility to approve the proposal without Condition 4 and related findings. In this regard, those public works guidelines say, for example: “These Design Standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by design professionals and experienced Contractors. It is expected that engineers and Contractors will bring to each project the best of skills from their respective disciplines.”

“These Design Standards are not intended to unreasonably limit any innovative or creative effort that could result in better quality, better cost savings, or both. Any proposed departure from the Design Standards will be judged, however, on the likelihood that such variances will produce a compensating or comparable result, in every way adequate for the user and City residents.”

“Alternate materials and methods will be considered for approval by the City Engineer as the need arises and conditions warrant modification. This consideration will be on a case-by-case basis and require sufficient justification prior to approval (see Section 1.5 of this section).”

The City then proposes a condition of approval that is really a denial of the proposal, which is not allowed under SB 458. The City conditions not only violate the above restriction on conditions and denials, but also reflect the application of local guidelines that are contrary to the state's limited grant of authority, in circumstances like that here:

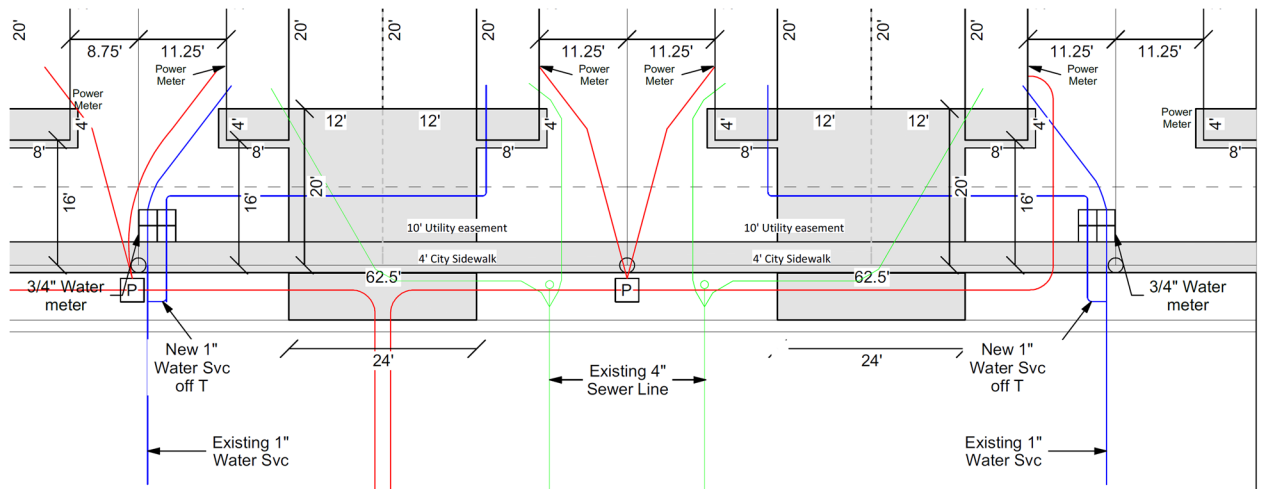
- 4. Separate utilities are required for each dwelling unit. A utility service as defined as a separate utility service between the public utility line located in the right of way adjacent to the unit and the water meter or sewer connection for each dwelling unit. Shared connection to city main lines are not permitted under City of Hermiston public works standards.

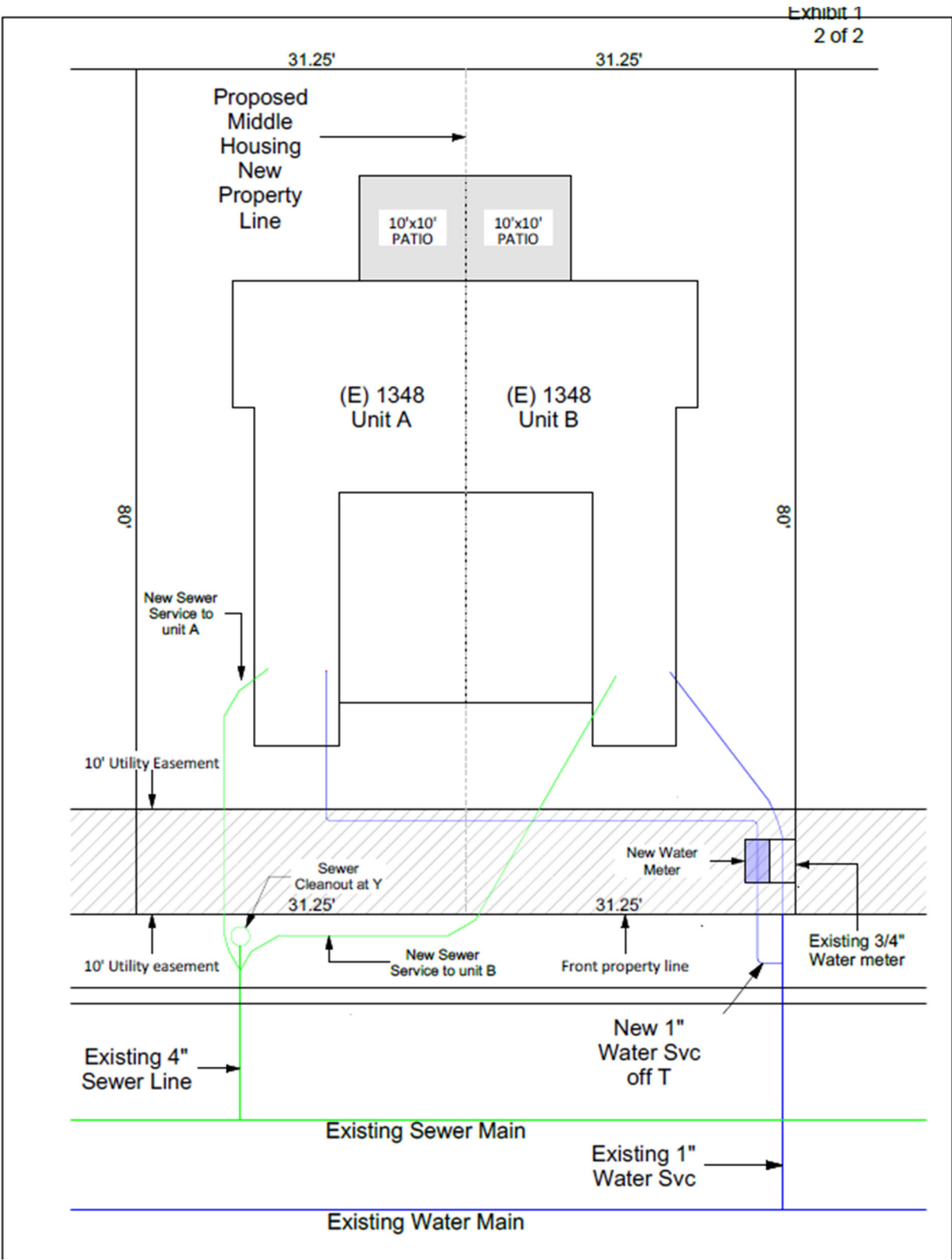
SB 458 further prohibits the City from applying and interpreting local provisions like the City public works guidelines that are inconsistent with SB 458:

(c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

The issue here is whether the proposal provides “separate utilities to each dwelling unit.” There is no dispute that the proposal does so, as is plain from the two pages in Exhibit 1:



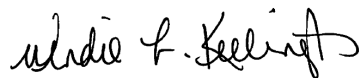


The only issue here is that the City public works guidelines are being applied and interpreted to require something different than state law expressly and unequivocally allows. This the City is simply not permitted to do under the express terms of SB 458. The City justification for the disputed condition that City public works guidelines state that “Each individual building *site* shall be connected ***” is simply irrelevant. SB 458 requires that separate utilities be provided to each “dwelling unit.” Not to each individual lot or building site. The distinction is important and conclusive. The proposal meets the state law requirement of separate utilities to each dwelling unit, and so must be approved without Condition 4 and related findings. The proposal may not be effectively denied on the basis of a, respectfully, tail-wagging -the-dog condition like Condition 4. And regardless, please keep in mind that the City rules can be applied by their express terms to not impose Condition 4, in any event. We also note that it is hard to dispute that the interpretation here that leads to Condition 4 serves no useful purpose, in addition to violating state law.

Finally, we wish to point out that imposing Condition 4 is prohibited by ORS 197.758(5) that forbids the City applying regulations that individually or cumulatively discourage middle housing through unreasonable cost or delay. Adding a million dollars in costs to a proposal for middle housing, as here, when state law does not allow it and for no real good reason, is unreasonable.

It is respectfully requested that you decline to impose Condition 4 and related findings. Thank you.

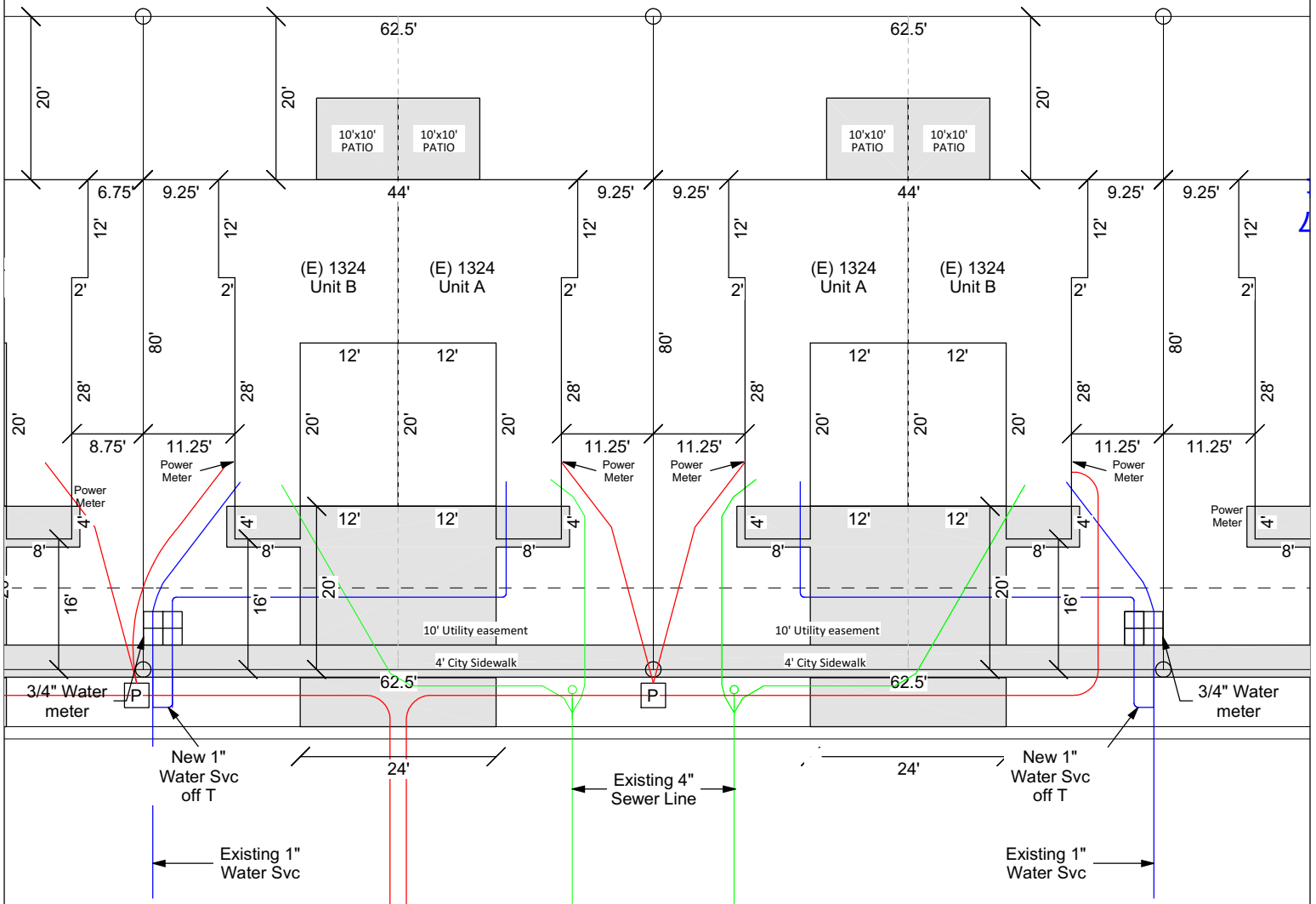
Very truly yours,



Wendie L. Kellington

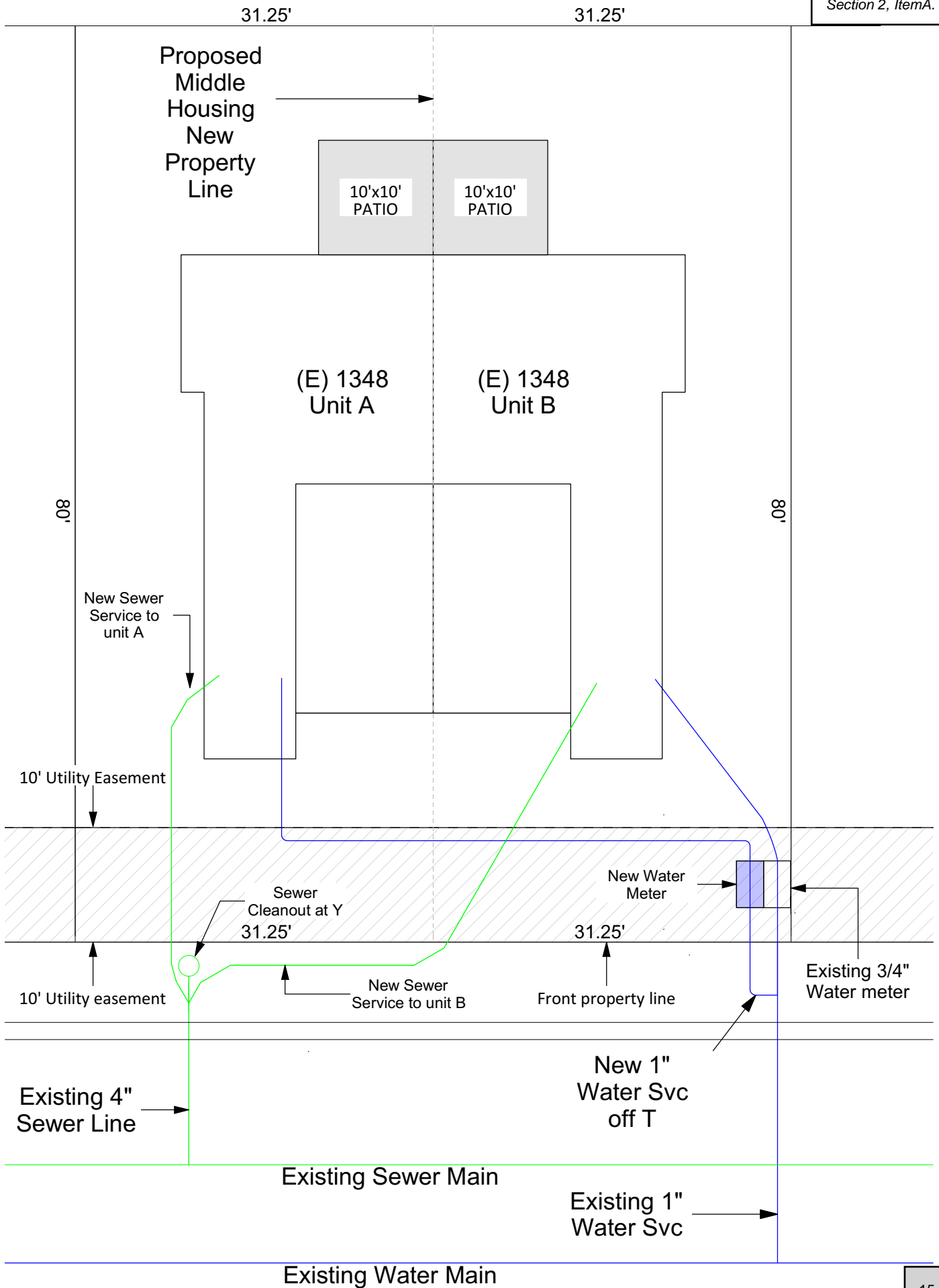
WLK:wlk
Enclosure
CC: Anthony Potts
Lloyd and Lois Piercy

Lot 11 & 12
5000 Sq Ft



PLAN NAME: 1324 Side Popout = 1348 sq ft
 PLOT MAP & LEGAL DESCRIPTION:
 - Diamond Run Phase 1 Lot 11 & 12
 SCALE: 1"=20'
 PARCEL: PARENT PARCEL
 ADDRESS: 1061 NE Emerald Dr





June 8, 2022

Lloyd and Lois Piercy
PO Box 249
Echo, OR 97826



Re: **Notice of Decision** – Middle Housing Land Division – Diamond Run Phase 1

This letter is intended to supersede and replace the city’s June 2, 2022 letter approving the above referenced middle housing land division. The June 2 letter is hereby withdrawn. The findings of fact and conditions of approval from the June 2 approval are no longer in effect and the amended findings and conditions are attached to this letter.

The City of Hermiston has reviewed and granted tentative approval of your application for a replat of Diamond Run Subdivision Phase 1. The replat is intended to provide individual lots for duplex dwellings within the development. This request is considered a middle housing land division under ORS 197.360 and regulated under ORS 197.360 through 197.380 and ORS 92.031 and is processed differently than a standard replat governed under Chapter 154 of the Hermiston Code of Ordinances.

In reviewing your application, the city has applied the standards contained in ORS 92.031 to your tentative plan. Attached to this letter are findings of fact demonstrating compliance with these standards. Additionally, conditions of approval relating to compliance with State of Oregon rules for middle housing land divisions are attached.

This letter constitutes a tentative approval as required by the State of Oregon under ORS 92.031(2). This approval is an administrative approval. Under the provisions of Chapter 154 of the Hermiston Code of Ordinances, all land divisions must also be approved by the Hermiston Planning Commission and City Council. Pursuant to ORS 197.365(3)(b), the planning commission and city council will not hold hearings on this proposal as the required notice was provided by the city for the administrative review of the tentative plan. However, the planning commission will meet on June 8, 2022 to review and approve the final plat and the city council will meet on June 27, 2022 to review and approve the final plat. Both meetings will be held at 7:00 pm at the Hermiston Community Center, 415 Highway 395 S, Hermiston, OR.

You have the right to file an appeal of the city’s decision. An appeal must be filed within 14 days of the date this letter is mailed. If no appeal is filed by 5 pm on June 22, 2022, the city’s decision is considered final.

City of Hermiston
PLANNING DEPARTMENT

Sincerely,



Clinton Spencer
Planning Director

- C: Ambience Homes
- Byron Smith
- Development Staff
- Building Department
- Rich Tovey

Findings of Fact for Diamond Run Phase 1 Middle Housing Land Division

June 8, 2022

E Diagonal Blvd

ORS 92.031

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

Findings:

1. The City of Hermiston has received an application to replat Lots 1 through 72 of Phase 1 of Diamond Run Subdivision. Said replat facilitates the development of common-wall attached single-family dwellings (i.e. duplex dwellings) on Lots 1 through 7, Lots 9 through 20, Lots 29 through 35, Lots 37 through 41, Lots 44 through 48, Lots 51 and 52, Lot 54, Lots 58 through 63, Lot 66, and Lots 68 through 72. Lots not included are not replatted for attached single-family but are renumbered consistent with the revised lot numbering.
2. Under ORS 197.758(3) Hermiston is defined a medium-sized city (having a population between 10,000 and 25,000) and shall permit development of two-family dwellings on all lots zoned for single-family development. All lots proposed for division in (1) above are zoned Medium-High Density Residential (R-3) and permit one and two-family dwellings per 157.027(A) of the Hermiston Code of Ordinances.
3. Ten building permits have been submitted to the Hermiston Building Department to construct duplex dwellings permitted under ORS 197.758(3) and the builder has participated in meetings before the planning commission on April 13, 2022 and with city development staff on May 23, 2022 and committed to developing all remaining lots not able to accommodate multi-family dwellings with two-family dwellings as permitted by the State of Oregon.
4. The City of Hermiston finds that the proposal to develop the lots listed in (1) above with duplex dwellings is a qualifying proposal for the development of middle housing and therefore eligible for a middle housing land division subject to the requirements listed herein.

(b) Separate utilities for each dwelling unit;

Findings:

5. Separate utility connections are provided for each dwelling unit. Utility connections consist of one shared service for water and sewer connecting to the respective mainline in the adjacent public street. Each utility will branch at the property line, providing a separate water meter and sewer connection for each dwelling unit.
6. The proposed utility connections constitute a deviation from the city's public works standards.
7. A deviation from the city's public works standards is hereby approved for Phase 1 of Diamond Run subdivision. Approval of said deviation is a site specific process and does not constitute a precedent nor waiver of future imposition of public works standards.

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

Finding:

- 8. Utility easements of 10 feet in width are provided along the front property line of all lots. Said easements were dedicated on the plat for Diamond Run Phase 1. These easements are preserved on the plat.
- 9. Multiple easements providing for electrical transmission are provided extending service from the UEC electric substation at the northwest corner of the site.

(B) Pedestrian access from each dwelling unit to a private or public road;

Finding:

- 10. Each lot abuts public right of way and no easements are needed to accommodate pedestrian access to each unit.
- 11. Pedestrian access easements providing access from the development to public trail facilities, required as part of the original Diamond Run approval, are preserved.

(C) Any common use areas or shared building elements;

Finding:

- 12. No common areas or shared building elements are proposed. This requirement is not applicable.

(D) Any dedicated driveways or parking; and

Finding:

- 13. All driveways will be the sole responsibility of the property owner on which the driveway is located. This requirement is not applicable.

(E) Any dedicated common area;

Finding:

- 14. No common areas are proposed. This requirement is not applicable.

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and

Finding:

- 15. Each lot is proposed for exactly one dwelling unit. Building permit applications are on file for 10 units as of May 27, 2022 and additional permit applications are expected to be filed.
- 16. Pursuant to ORS 92.031(3) the city will prohibit further division of the lots listed in (1) above.
- 17. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in (1) above.

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

Finding:

18. As noted in (3) above, the building permits on file with the City of Hermiston have been reviewed and demonstrate compliance with the applicable building code requirements relating to property lines and separation of structures. The City will continue to require this compliance on all future attached single-family dwellings created for middle housing.

Conditions of Approval for Diamond Run Phase 1 Middle Housing Land Division

June 8, 2022

E Diagonal Blvd

1. Pursuant to ORS 92.031(3)(a) the city will prohibit further division of the lots split for middle housing. Said lots are Lots 1-14, Lots 16-39, Lots 47-52, Lots 56 and 57, Lots 60-67, Lots 69-78, Lots 80-83, Lots 86-95, Lots 98-107, and Lots 109-122.
2. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in Condition 1 above.
3. Pursuant to ORS 92.031(3)(b) a notation shall be placed on the plat stating that approval was granted under ORS 92.031.
4. Pursuant to ORS 92.031(2)(e) all attached single-family dwellings constructed on the lots listed in Condition 1 above shall be constructed in accordance with applicable building codes provisions relating to new property lines and the Oregon residential specialty code.
5. Addresses shall be removed from the final plat.



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of July 13, 2022

Title/Subject

Annexation- Pena 120 E Oregon Ave/1650 NE North St 4N2802CB Tax Lots 5400 & 5500

Summary and Background

Jesus Pena has submitted an application to annex 0.45 acres of land located at 120 E Oregon Ave and 1650 NE North St. The properties lie within the urban portion of the urban growth boundary and is adjacent to city limits on the north, south and west sides, and a portion of the east side. The applicant wishes to annex the property to allow connection to city services.

The properties are described as 4N2802CB Tax Lots 5400 & 5500. The properties have a comprehensive plan map designation of Medium Density/Mobile Home Residential (MH) which corresponds to an (R-4) Multi-Structure Residential zoning designation. The properties abut single-family residences on the north, south and east property lines. The general neighborhood character is low density residential with existing and proposed commercial uses to the west.

E Oregon Ave adjacent to the site is a city street with paving only. NE North St adjacent to the site is an unimproved section of right-of-way. As a condition of approval for annexation, staff recommends that the applicant sign a street improvement agreement agreeing to future improvements to E Oregon Ave and NE North St, including the installation of curb, gutter, and sidewalk.

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

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

Tie-In to Council Goals

The city has a goal to remove as many county islands as possible within the urban growth boundary. These parcels are adjacent to city limits on multiple sides.

Fiscal Information

The properties have a combined assessed value of \$74,760. Following annexation, an additional \$500 will be paid in property taxes to the city annually.

Alternatives and Recommendation

Alternatives

The planning commission may choose to

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

Recommended Action/Motion

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

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

Submitted By:

Clint Spencer

Draft Findings and Conditions for Pena Annexation

July 13, 2022

120 E Oregon Ave & 1650 NE North St

1. The City has received consent to annexation from the property owner for approximately 0.45 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on June 22 and 29, 2022. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on June 22, 2022.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on July 13, 2022. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on June 29 and July 6, 2022. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on July 25, 2022. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
 - a. The city has received consent from the property owners within the affected area
 - b. An election has been deemed not necessary since consent from more than half the owners has been received
 - c. The property is contiguous with the existing city limits
 - d. All statutorily required notices have been published and posted
9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
12. Sewer is available to service this property in NE North St and E Oregon Ave. At the time of connection, the applicant is responsible for all connection fees.
13. Water is available to service this property in E Oregon Ave. At the time of connection, the applicant is responsible for all connection fees.

Draft Findings on Zoning Designation

1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Medium Density/Mobile Home Residential (MH).

- 2. The proposed Multi-Structure Residential (R-4) zoning designation corresponds with the underlying comprehensive plan map designation.

Draft Condition of Approval

- 1. Applicant shall sign a street improvement agreement agreeing to future improvement of E Oregon Ave adjacent to the frontage of the property.
- 2. Applicant shall sign a street improvement agreement agreeing to future improvement of NE North St adjacent to the frontage of the property.

CITY OF HERMISTON

APPLICATION FOR ANNEXATION

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

Name of Applicant: Josue A. Pena PENA Phone: 541-567-0335

Mailing Address: 120 Oregon Ave

Contact Person: _____ Phone: _____

Mailing Address: _____

Name of Owner (If Different): _____ Phone: _____

Mailing Address: _____

Legal Description: Assessor's Map No: 4N 28 02^{CB} PC Tax Lot No: 5500 + 5400

Subdivision (If Applicable): HAL BRANDT TRACTS Block 7 Lots 1, 2, 3

Street Address: 120 ~~NE NORTH ST~~ E Oregon Ave / 1650 NEMAH ST

Current Comprehensive Plan Designation: MH Proposed Zoning Designation: R-4

Land Area (In Acres): 0.3 AC .45 acres

Existing Use of Property:

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

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

Public Facilities or Other Uses: N/A

Population: Owners: 3 Tenants: _____ Voters: _____

Please Include the Names and Ages of All Residents:

3 PEOPLE 2 M 1 F
83 62 83

Surrounding Use of Property:

North: RESIDENTIAL

South: "

East: RESIDENTIAL

West: COMMERCIAL

Current Year Taxes: \$861.64 + \$306.18 Previous Year Taxes: \$829.73 + \$294.

Total Assessed Valuation: \$55,160 + 19,600 = \$74,760.

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

GENERALLY FLAT AND DEVELOPED RESIDENTIALLY

Please explain why the annexation has been proposed:

FAILING SEPTIC

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

N/A

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

YES

Please provide the following information regarding services and utilities:

Location and size of the nearest water line:

E OREGON 8"

Location and size of the nearest sewer line:

E OREGON 8"

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

N/A

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

AT ANNEXATION

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

OWNER PAID

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

N/A

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

E OREGON AVE
NE NORTH ST

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

NE NORTH ST IS GRAVEL
E OREGON AVE IS PARTIALLY PAVED

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

N/A

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

Rural Fire District: UCFD #1 Irrigation District: HID
School District: HSD 8R Drainage District: N/A
Library District: UMATILLA COUNTY Parks and Recreation District: N/A
Special Road District: N/A

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

N/A

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

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

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

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


Signature of Applicant

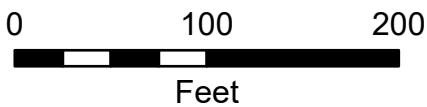
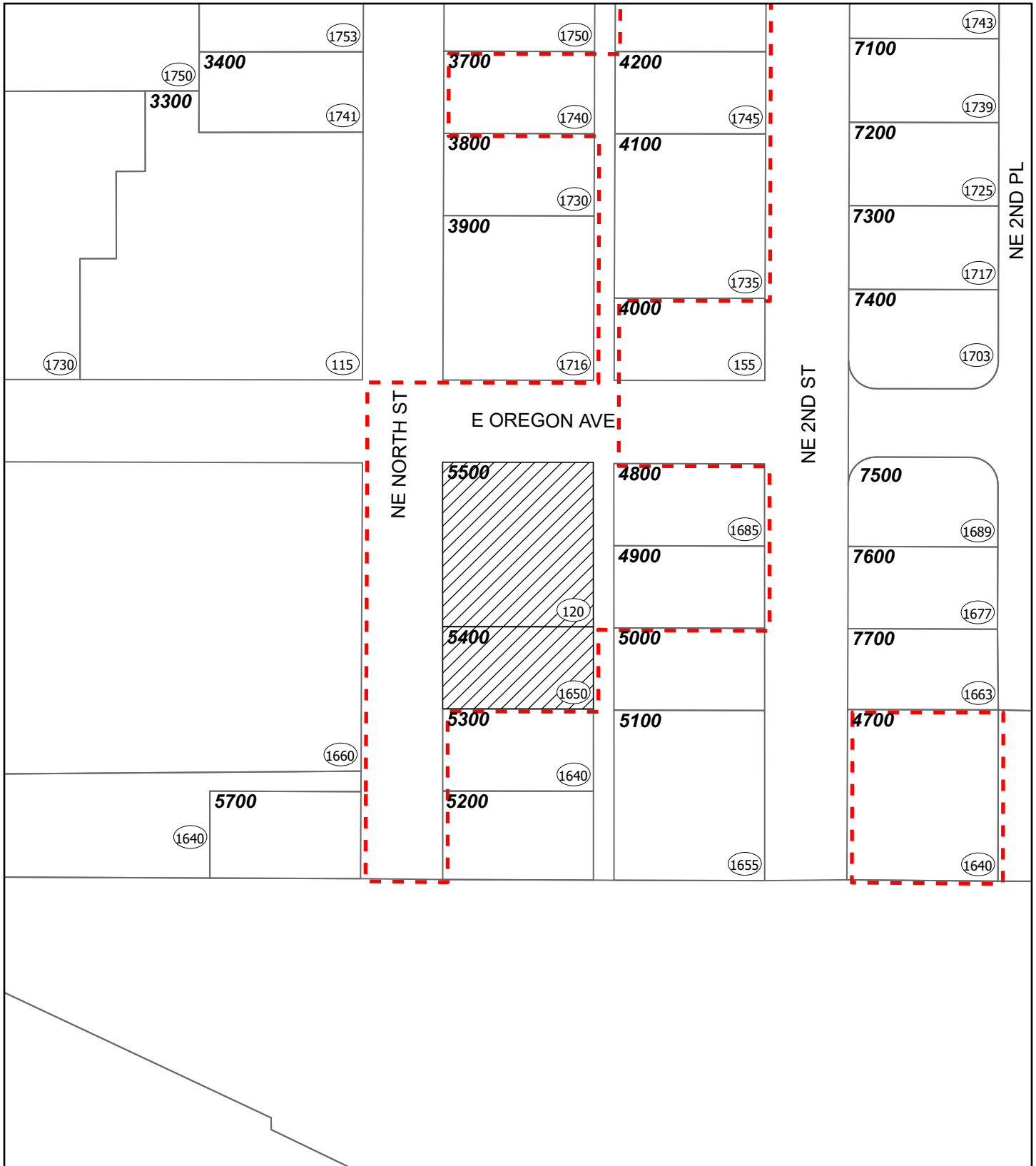
June 1, 2022
Date

OUT OF POCKET EXPENSES FOR PUBLICATION COSTS WILL BE BILLED LATER





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

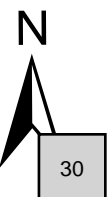
OFFICE USE ONLY

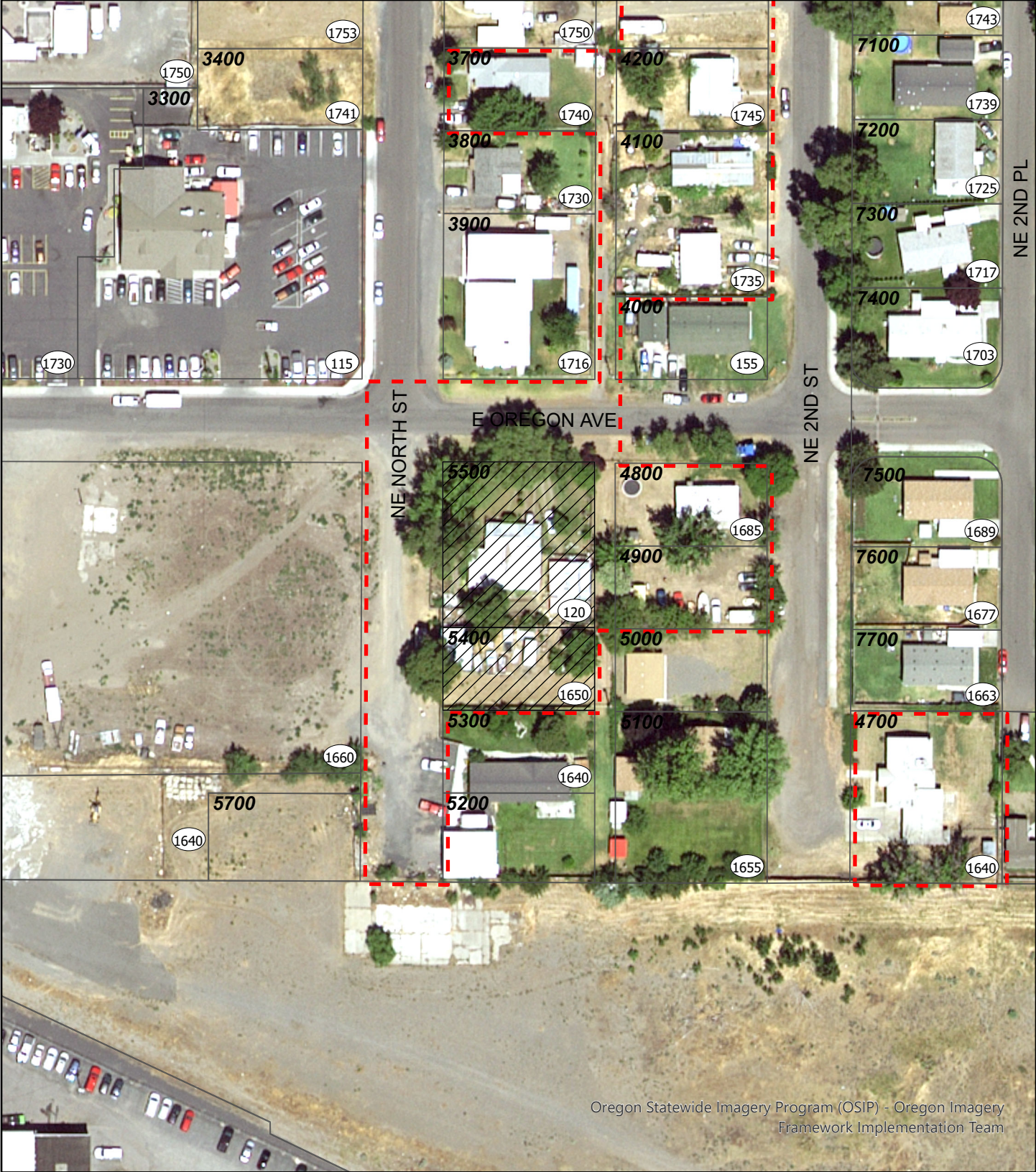
Date Filed: 6-2-22 Received By: CS Meeting Date: 7-13-22
Fee: \$700.00 Date Paid: 6-1-22 Receipt No: 8.04523



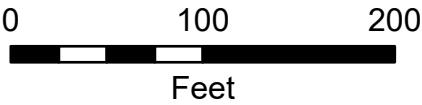
Legend

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





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



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



HERMISTON IRRIGATION DISTRICT



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

June 27, 2022

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

**RE: PENA, JESUS & ROSA
4N2802CB 5400 & 5500**

Planner Spencer,

HID has reviewed the information regarding the application for a propose of annexing the property to the City to connect to city services on property located at 120 E Oregon Ave and 1650 NE St, Hermiston OR, submitted by Jesus & Rosa Pena. Our records show that this property is within the District boundary. There are no water rights located on the property. There are no HID or federal easements on or adjacent to this property.

HID has no objections or stipulations to this application. Thank you for the opportunity to review and comment on this application.

Respectfully,

Annette Kirkpatrick
District Manager



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of July 13, 2022

Title/Subject

Conditional Use - Hermiston School District Rocky Heights Elementary 650 W Standard Ave
4N2810 TL 100

Summary and Background

Cameron McCarthy Landscape Architecture & Planning has submitted a conditional use permit application on behalf of the Hermiston School District. The permit is for the Rocky Heights Elementary School property located at 650 W Standard Ave. The property is described as 4N 28 10, Tax Lot 100 and is zoned R-2, Medium Density Residential.

The planning commission approved a conditional use permit to rebuild Rocky Heights Elementary School on this site in November of 2020. This conditional use permit granted approval for the construction of a new 67,800 square foot elementary school, demolition of the existing school, removal of three modular classrooms, and retention of three modular buildings in the southeast corner of the property. The permit request before the planning commission is a modification of the permit to retain two of the modulares planned for removal and relocation of these modulares to the southeast corner and adjacent to the three remaining modulares. After relocation, the two relocated modular units will supplement the childcare and preschool program operating in the modular buildings. Two additional outbuildings, a shed and a trash enclosure, are also proposed.

Schools are defined as conditional uses in all of the city's residential zones. The R-2 zone lists a school as a conditional use in 157.026(B)(1). Since the 2020 conditional use permit approved the construction of a new elementary school and retention of three modular buildings, adding two of the existing modular buildings to the overall plan is considered a modification of the conditional use permit. Modifications of existing permits are governed under 157.205(B).

It is not necessary to consider the overall requirements for the rebuilt Rocky Heights Elementary as part of this modification. The planning commission determined the school itself met or exceeded all zoning requirements in 2020 and no modifications to the school are proposed under this permit. The accessory preschool use is the only portion proposed for expansion.

The proposal adds two new portable classrooms to the existing three classrooms, adding four classrooms to the preschool area. Addition of four new preschool classrooms necessitates that 7.5 parking spaces are required. There are 47 spaces provided after restriping the existing parking lot. The proposed modular classrooms are placed exceeding all setback requirements.

The total site area is 21.12 acres and total lot coverage, including the new school, will be over 7% of the lot area, well below the maximum lot coverage of 45%.

The proposed shed and trash enclosure are accessory uses and do not have specific zoning standards to meet. No other amendments to the site are proposed.

All conditions of approval from the 2020 conditional use permit remain in effect.

The site is serviced by municipal services. There are existing water lines in NW 7th Street and W Standard Ave. No additional water improvements are required. There are existing sewer lines in NW 7th Street and W Standard Ave. No additional sewer improvements are required.

Multiple exhibits are attached to the staff report. The applicant has prepared an extensive set of findings to accompany the application. The applicant's findings are attached as Exhibit A. The application and site plan package is attached as Exhibit B. Photos of the existing modular buildings on-site are attached as Exhibit C. The recommended conditions of approval are attached as Exhibit D. Also included are a property map and aerial photo of the development site.

Tie-In to Council Goals

N/A

Fiscal Information

Schools are exempt from property taxes. There is no financial impact from this development.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Approve the conditional use permit and conditions of approval as submitted
- Request additional information from the applicant and continue the hearing
- Approve the conditional use permit and modify the conditions of approval
- Reject the conditional use permit

Recommended Action/Motion

- Motion to make the project file a part of the record
- Motion to adopt the findings of fact as prepared by the applicant
- Motion to adopt conditions of approval
- Motion to approve the conditional use permit subject to the conditions of approval

Submitted By:

Clinton Spencer

HERMISTON SCHOOL DISTRICT HERMISTON ROCKY HEIGHTS ELEMENTARY PORTABLE BUILDINGS CONDITIONAL USE PERMIT APPLICATION

WRITTEN STATEMENT

1.0 PROJECT INFORMATION

Applicant's Request: Hermiston School District #8R requests Conditional Use Permit application approval to relocate two existing portable buildings on the Hermiston Rocky Heights Elementary School site.

Property Owner: Hermiston School District #8R
305 SW 11th St.
Hermiston, OR 97838
541.667.6000

Applicant: Tricia Mooney, Superintendent
Hermiston School District #8R
305 SW 11th St.
Hermiston, OR 97838
541.667.6000

Applicant's Representative: Colin McArthur, AICP
Cameron McCarthy
160 E. Broadway, Eugene OR 97401
541.485.7385
cmcarthur@cameronmccarthy.com

Project Name: Hermiston Rocky Heights Elementary Portable Buildings

Subject Property: Assessor's Map No. 4N281000
Tax Lot 00100

Location: 650 W Standard Avenue

Property Size: 21.12 acres (919,987.2 square feet)

Development Area: 1.07 acres (46,428 square feet)

Zoning Designation: R-2 Duplex Residential

Overlay Zoning Designation: None

Plan Designation: Medium Density Residential

Plan Overlay Designation: None

2.0 DESCRIPTION OF PROPOSAL

Hermiston School District #8R (the Applicant) requests Conditional Use Permit application approval to relocate two existing portable buildings on the Rocky Heights Elementary School site. The development area is located at the southeast corner of the Rocky Heights Elementary School site at 650 W Standard Avenue.

The subject site is comprised of one parcel identified on Assessor's Map No. 4N281000, Tax Lot 00100. The property is zoned R-2 Duplex Residential. The subject property is located within Hermiston city limits, and accordingly within Hermiston's UGB. The subject site is owned by the Applicant.

The Rocky Heights Elementary School site is 21.12 acres in a primarily residential area near downtown Hermiston. The site is bordered by Northwest 7th Street to the west, West Standard Avenue to the south, and residential development to the north and east. A replacement elementary school is currently under construction in the northwest corner of the site. Athletic fields and open lawn area are located to the east and south of the new elementary school. The site is relatively flat, with only about five feet of elevation change. The site also contains three existing portables and a parking lot in the southeast corner of the site, which is adjacent to the development area.

As shown on Sheet L100 Existing Conditions & Demo Plan and Sheet L200 & 204 Site Plans (Exhibit B), the site design proposes the relocation of two existing portable buildings from the north side of the former elementary school building to the southeast corner of the site, where they will be adjacent to three existing portable buildings. The existing parking stalls in the west portion of the parking lot will be restriped and will provide 2 ADA stalls adjacent to the relocated portable buildings. A new curb and sidewalk are proposed along the north edge of the existing parking lot to serve the new portables. A fenced lawn area will be located on the northern edge of the development area. In addition, a relocated shed and trash service area is proposed to the northeast of the relocated portable buildings. The relocated portables will be accessible via a proposed concrete sidewalk and ramp. The existing sidewalk and driveways along W Standard Avenue, south of the relocated portables, will be replaced and improve to meet ADA compliance.

The portable buildings will be used to house a childcare/preschool program that will expand capacity to what is currently being offered in the Hermiston community. The proposal will enhance the overall design of the site by organizing all the portable buildings in one location and improving the southeast corner of the property. The relocation of the portable buildings, and the accompanying site improvements, is also complementary to the design of the replacement elementary school building and landscape resulting in a cohesive design for the entire site.

As shown in Exhibit C Portable Building Photographs, both existing portable buildings have a rectangular footprint and gable roofs. The portables are painted light gray with dark gray trim. The building exterior is clad in wood siding. Each portable building has a footprint of 1,792 square feet.

In summary, the applicant requests Conditional Use Permit approval per HC §157.208. Findings of compliance with applicable approval criteria are provided in Section 4.0.

3.0 SUBMITTAL REQUIREMENTS

Described below are each of the required procedural and informational requirements necessary for the submittal of a Conditional Use Permit application. Findings of compliance with applicable provisions are provided in Section 4 Approval Criteria and Standards.

3.1 Conditional Use Permit

.1 Filing Fee

The required filing fee for the CUP is provided with the initial submittal.

.2 Written Statement

A written statement is provided as part of the initial application submittal. Findings of compliance with applicable criteria in HC §157.208 are provided in Section 4.0.

.3 Evidence that the applicant is the owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.

A deed is included in Exhibit A.

.4 Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets and alleys.

A site plan is included in Exhibit B.

4.0 APPROVAL CRITERIA & STANDARDS

As noted previously, Hermiston School District #8R (the Applicant) requests Conditional Use Permit application approval to relocate two existing portable buildings on the Rocky Heights Elementary School site.

As shown on Sheet L100 Existing Conditions & Demo Plan and Sheet L200 Site Plan (Exhibit B), the site design proposes the relocation of two existing portable buildings from the north side of the former elementary school building to the southeast corner of the property, where they will be adjacent to three other existing portable buildings. The parking stalls on the west side of the existing parking lot will be restriped and to provide 2 ADA stalls adjacent to the relocated portable buildings. A fenced lawn area is located on the northern edge of the development area, and a relocated shed and trash service area are in the northeast corner of the development area. The relocated portables will be accessible via a proposed concrete sidewalk and ramp. Existing sidewalks and driveways along W Standard Avenue, south of the relocated portables, will be replaced and improved to meet ADA compliance.

The subject site is zoned R-2 Duplex Residential and is in accordance with standards and procedures outlined in Title XV – Land Usage – of the municipal code and the Comprehensive Plan. The applicability of the development criteria necessary for a Conditional Use Permit per HC §157.208 is outlined below.

1. The proposal is in conformance with the comprehensive plan and zoning ordinance. Explain fully:

This Conditional Use Permit application is in accordance with the applicable criteria listed below from the Hermiston Comprehensive Plan. The applicable policies and implementing actions are provided in **bold** text. Findings addressing compliance with each policy are provided in plain text. The findings demonstrate that the proposal is in conformance with the applicable comprehensive plan policies and standards outlined in the R-2 zone.

POLICY 26: Schools

The City of Hermiston will support and facilitate the provision of high-quality elementary and secondary education in the community.

Implementing Actions:

- 1) ***
- 2) **May engage in joint planning activities with the school district and county intermediate educational district to:**
 - a. **Identify future facility needs;**
 - b. **Acquire appropriate sites;**
 - c. **Utilize school facilities during non-school hours for community educational and recreational activities.**

The Applicant proposes the relocation of two existing portable buildings at the Rocky Heights Elementary School site. The proposed relocation allows the District to continue to serve the growing youth and future student population by providing childcare and preschool programming in the portable buildings. The proposal will also enhance the experience of the childcare users by

relocating the use to an area adjacent to other portables which provide added convenience and cohesion to the site. The relocation also includes site improvements, such as circulation, ADA accessibility, and lawn areas, around the portable buildings. These site improvements heighten the quality of the development site and a use that is necessary to meet childcare and educational needs of the community.

The proposed relocation enables the provision of high-quality educational facilities, which directly aligns with Policy 26. The relocation ensures that the District can continue to meet the community's needs for early education and childcare services since these portable buildings will add capacity to the current childcare and preschool options in Hermiston. This Policy is satisfied.

Hermiston Zoning Code

The proposed development is also in accordance with the Hermiston Zoning Code given a school is a conditional use in the R-2 zone per §157.026(B)(1). In a R-2 zone, a use permitted as a conditional use in a R-1 zone and their accessory uses are permitted (§157.025 (B-10)). The proposed development includes the relocation of two existing portable buildings, restriping of parking stalls, a fenced lawn area, relocated shed and trash service area, and accessible sidewalks and ramps and improved driveways.

§157.026(C) states that in a R-2 zone, minimum lot depth shall be 80 feet, and the minimum lot width shall be 60 feet. As shown on Exhibit B, the lot exceeds these requirements.

§157.210(A) of the Hermiston Code of Ordinances establishes that conditional uses must have setbacks that are at least two thirds the height of the principal structure. In this case, the principal structure is 12 feet and 0 inches at the highest point, necessitating an 8-foot setback from all lot lines. Provided setbacks are over 124 feet on all sides.

§157.026(E) states that in a R-2 zone, no building shall exceed a height of 35 feet. The maximum height of each existing portable building is 12 feet and 0 inches. §157.026(F) states in a R-2 zone, buildings shall not occupy more than 45% of the lot area. Tax Lot 4N281000 00100 is 21.12 acres (919,987.2 square feet). The two existing portable buildings proposed for relocation are 1,792 square feet each (3,584 total square feet), and therefore are 0.4% of the lot area.

Per §157.175 Off-Street Parking Requirements and Table 157.176, elementary schools require 1.5 spaces per teacher. In this context, 7.5 spaces would be required. Parking spaces are illustrated in Exhibit B L204 and provided below:

- 1.5 spaces x (5 teachers) = 7.5 spaces
- Total = 7.5 spaces required (47 provided)

Proposed parking numbers total 47 spaces, as shown in Exhibit B, and provided below:

- Restriped Southeast Parking Lot: 47 total parking spaces (2 ADA)

§157.179 Design Requirements outline the following design standards for Off-Street Parking:

(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.

- (B) Minimal resident disturbance.** Except for parking to serve single or duplex residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five or more than six feet in height except where vision clearance is required.
- (C) Extension beyond property line prohibited.** Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line.
- (D) Glare from lighting prohibited.** Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
- (E) Access aisles.** Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
- (F) Driveways required.** All parking spaces, except single-family and duplex residential, shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.
- (G) Safety for traffic and pedestrians required.**
 - (1) Off-street parking areas.** Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.
 - (2) Minimum vision clearance area.** Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center-line, the street right-of-way line and a straight line joining the lines through points of ten feet from their intersection.

The existing Southeast parking lot is currently a durable asphalt surface. The proposed development includes restriping the existing parking lot, with current asphalt paving to remain, and adding a curb and sidewalk in front of relocated portable buildings. The new striping will provide ADA parking stalls adjacent to the relocated portable buildings. The number of stalls included in the restriping design exceeds the required parking spaces. The existing parking lot driveways are to be replaced with ADA-compliant driveways.

As such, the parking lot will maintain and include hard surfaces per criterion A. The parking lot restriping will result in minimal resident disturbance per the plan and setbacks shown on Exhibit B L204, as the parking lot footprint is unaltered from its current design, therefore, creating no disturbance per criterion B. Per criterion C, no parked vehicle will extend beyond the property line, and lighting will not create or reflect substantial glare per criterion D. Access aisles are of sufficient width for vehicle turning and maneuvering as shown in Exhibit B, per criterion E. Driveways are existing and will be replaced with ADA-compliant driveways in their current locations, per criterion F,

and safety for traffic and pedestrians is illustrated in Exhibit B with designated pedestrian concrete and landscape.

In sum, the proposed development is in accordance with the Hermiston Zoning Code, as summarized on Sheet L200 and L204 Site Plans (Exhibit B).

2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission. Explain fully:

The property is owned by the Applicant. The site is fully contained within the Urban Growth Boundary (UGB). The total site area is 21.12 acres and the subject site is capable of accommodating the proposed development, which is 1.07 acres. As shown on Sheet L200 and L204 Site Plan (Exhibit B), the proposed site development includes the relocation of two existing portable buildings, restriping of parking stalls at the existing Southeast parking lot, a fenced lawn area, relocated shed, and trash service area, improved driveways, and accessible sidewalks and ramps.

The site is zoned R-2 and the proposed use is for childcare and preschool. This use complies with the current zoning, as specified in the Hermiston Code sections 157.026(B)(1) & 157.025 (B)(10). Given the acreage of the site, and its current use, the site is physically capable of continuing to accommodate the existing portable buildings, the landscape improvements, the restriping of the existing southeast parking lot, and the sidewalk and driveway improvements along W Standard Avenue. §157.026(F) states in a R-2 zone, buildings shall not occupy more than 45% of the lot area. Tax Lot 4N281000 00100 is 21.12 acres (919,987.2 square feet). The two existing portable buildings proposed for relocation are 1,792 square feet each (3,584 total square feet), and therefore are 0.4% of the lot area.

§157.210(A) of the Hermiston Code of Ordinances establishes that conditional uses must have setbacks that are at least two-thirds the height of the principal structure. In this case, the principal structure is approximately 12 feet and 0 inches at the highest point, necessitating an 8-foot setback from all lot lines. Provided setbacks are over 124 feet on all sides. As such, the proposed development is adequate in size and shape to accommodate the proposed use, as summarized on Sheets L200 and L204 Site Plan (Exhibit B). This criterion is satisfied.

3. Public facilities are of adequate size and quality to serve the proposed use. Explain fully:

As previously noted, the proposed site development includes the relocation of two existing portable buildings, restriping of parking stalls at the existing Southeast parking lot, a fenced lawn area on the north side of the development area, a relocated shed and trash service area on the northeast corner of the development area, and accessible sidewalks, driveways, and ramps that connect the relocated portable buildings to the site and adjacent parking lot.

Currently, 41 parking stalls exist (2 ADA stalls). The parking lot restriping will result in an additional 6 stalls for a total of 47 parking stalls (2 ADA stalls). The site is already served by municipal water and sewer lines. Additional findings pertaining to electrical and utility capacity are provided below.

Electrical

The proposal involves reconnecting the two portables with a new electrical utility service and fiber from RHES. No new lighting is proposed in the existing parking lot area.

Sanitary Sewer

A 4-inch lateral will be extended to the portables from the existing sewer main in Standard Ave.

Water System

A 1-inch service will be extended to the portables from the existing water main in Standard Avenue.

Storm System

The existing grade of the southeast parking lot directs runoff to the adjacent lawn area along 7th Street. Building roof runoff will drain and infiltrate within drywells located adjacent to the portable buildings and northern lawn area.

Erosion and Sediment Control

Onsite erosion and sediment control measures will be required. The District will obtain coverage under an Oregon DEQ 1200-C Permit.

Offsite Improvements

The sidewalk and driveways along W Standard Avenue are to be replaced and meet ADA compliance.

In summary, public facilities are of adequate size and quality to serve the proposed use.

**4. The proposed use will prove reasonably compatible with surrounding properties.
Explain fully:**

The development area is within the Rocky Heights Elementary School site. The proposed development is to relocate two existing portable buildings to the southeast corner of the site, provide landscape improvements adjacent to the portables, restripe parking stalls in the western half of the southeast parking lot, fence the northern lawn area adjacent to the portables, relocate a shed and trash service area to the northeast corner of the portables, and improve circulation with accessible concrete sidewalks and ramps that connect the relocated portable buildings to the site and adjacent parking lot. Existing sidewalk, ramps, and driveways along W Standard Avenue will be replaced and improved to meet ADA compliance. The proposed relocation and related improvements are designed to complement the design of the replacement elementary school and will enhance the user experience of these childcare and early educational facilities.

As shown in Exhibit C Portable Building Photographs, both existing portable buildings have a rectangular footprint and gable roofs. The portable buildings are painted light gray with dark gray trim. The building exterior is clad in wood siding. Each portable building has a footprint of 1792 square feet. The building size and architectural style align with the design of the three existing portables to the east of the development area in the southeast corner of the site.

4.2 Conclusion

Based on the preceding findings, and the evidence incorporated herein, this request for Conditional Use Permit and Site Plan Review approval establishes compliance with all applicable approval criteria and standards.

CONDITIONAL USE PERMIT APPLICATION

Pursuant to the provisions of §157.205 of the Hermiston Code of Ordinances, application is hereby made for a conditional use permit for the following described property:

Applicant's Name: Tricia Mooney, Superintendent, HSD #8R Date: 5/26/2022
Address: 305 SW 11th Street, Hermiston, OR 97838 Phone: 541-969-9236
(Daytime)

Property Owner(s) Name (If Different): Hermiston School District #8R
Address: 305 SW 11th St, Hermiston, OR 97838 Phone: 541-667-6000
(Daytime)

Legal Description of Property: Assessor's Map No: 4N281000 Tax Lot No: 100
Comprehensive Plan Designation: LDR Zoning Designation: R-2
Current Use of Property: Elementary School

Request to Allow:

Relocate two existing portable buildings on site.

IMPORTANT! Oregon's Land Use Planning Laws and §157.208 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to requests for conditional use permits. 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 be used by the City 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. The proposal is in conformance with the comprehensive plan and zoning ordinance. Explain fully:

See attached document, Section 4: Approval Criteria and Standards.

- 2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission. Explain fully:

See attached document, Section 4: Approval Criteria and Standards.

- 3. Public facilities are of adequate size and quality to serve the proposed use. Explain fully:

See attached document, Section 4: Approval Criteria and Standards.

- 4. The proposed use will prove reasonably compatible with surrounding properties. Explain fully:

See attached document, Section 4: Approval Criteria and Standards.

APPLICATION FOR CONDITIONAL USE PERMIT - PAGE 3

- 1) Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
- 2) Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), 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 representative, at the meeting(s) where this request is scheduled for consideration, and may grant or deny this request based upon the testimony provided at the hearing.

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

Applicant's Signature: Tymoney Date: 5/26/22

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of the 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 public hearing date. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, OR 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

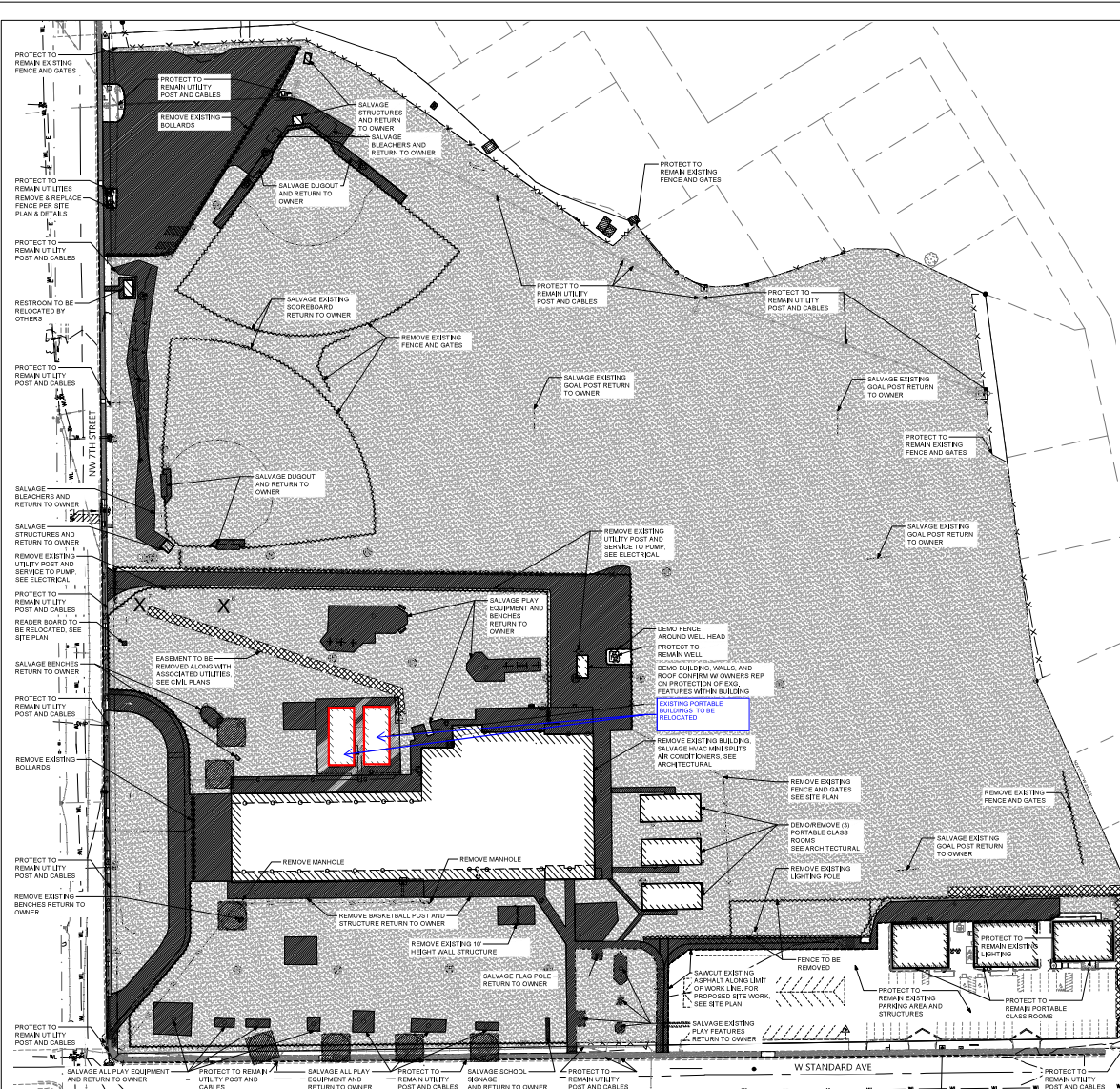
OFFICE USE ONLY

Date Filed: 05-31-2022 Received By: hkpl Meeting Date: 07-13-2022

Fee: \$475.00 Date Paid: 05-31-2022 Receipt No: 1.157394

EXHIBIT B

PLAN SET

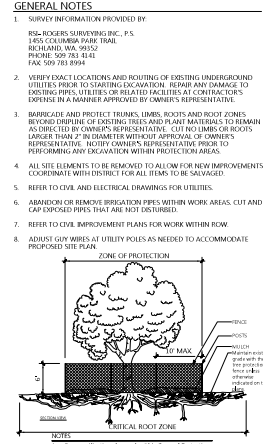


LEGEND

- EXISTING EASEMENT AREA
- SURVEY CONTROL POINTS
- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO REMAIN
- PROTECT EXISTING CONSTRUCTION
- CRITICAL ROOT ZONE
- ZONE OF PROTECTION
- CRITICAL ROOT ZONE
- SAW CUT LINE
- EXISTING LINEAR ELEMENT TO BE REMOVED
- HANDICAP DEMOLITION
- REMOVE EXISTING PAVING AND BASE ROCK AND HALL
- REMOVE EXISTING SOIL AND BASE MATERIAL AS REQUIRED FOR NEW IMPROVEMENTS
- REMOVE EXISTING SOIL AND BASE MATERIAL AS REQUIRED FOR NEW IMPROVEMENTS
- SOFTSCAPE DEMOLITION
- STRIP AND REMOVE TOP 3" OF LAWN AND SOIL
- STOCKPILE ADDITIONAL SOIL ADEQUATE FOR REUSE IN LANDSCAPE CUT AND FILL
- USE SUITABLE MATERIAL TO BRIDGE CUT AND FILL
- REMOVE UNSUITABLE MATERIAL FROM SITE
- ELEMENT TO BE SALVAGED FOR FUTURE REINSTALLATION OR RELOCATION
- ELEMENT TO BE REMOVED AND HAULLED OFFSITE

GENERAL NOTES

1. SURVEY INFORMATION PROVIDED BY: HERMISTON SURVEYING INC., P.S. 1404 COLUMBIA HWY. SEAS, BELLEVILLE, WA 97002, PH: (509) 743-4141, FAX: 509-743-8994
2. VERIFY EXACT LOCATIONS AND ROUTING OF EXISTING UNDERGROUND UTILITIES PRIOR TO STARTING EXCAVATION. REPAIR ANY DAMAGE TO EXISTING PIPES, UTILITIES OR RELATED FACILITIES AT CONTRACTOR'S EXPENSE IN A MANNER APPROVED BY OWNER'S REPRESENTATIVE.
3. BARRELS AND PROTECT TRUNKS, LIMBS, ROOTS AND ROOT ZONES BY CIRCUMFERING OR PROTECTING TRUNKS AND PLANT MATERIALS TO REMAIN AS DIRECTED BY OWNER. REPRESENTATIVE. CUT NO LIMBS OR ROOTS LARGER THAN 2" IN DIAMETER WITHOUT APPROVAL OF OWNER'S REPRESENTATIVE. NOTIFY OWNER'S REPRESENTATIVE PRIOR TO PERFORMING ANY EXCAVATION WITHIN PROTECTION AREAS.
4. ALL SITE ELEMENTS TO BE REMOVED TO ALLOW FOR NEW IMPROVEMENTS COORDINATE WITH DISTRICT FOR ALL ITEMS TO BE SALVAGED.
5. REFER TO CIVIL AND ELECTRICAL DRAWINGS FOR UTILITIES.
6. ABANDON OR REMOVE BRIGATION PIPES WITHIN WORK AREAS, CUT AND CAP EXPOSED PIPES THAT ARE NOT DISBURGED.
7. REFER TO CIVIL IMPROVEMENT PLANS FOR WORK WITHIN ROW.
8. ADVISE GUY WIRE ALL UTILITY POLES AS NEEDED TO ACCOMMODATE PROPOSED SITE PLAN.



EXISTING TREE TABLE

NO.	SIZE	DESCRIPTION	CONDITION	STATUS
1.	4"	DBH DECIDUOUS	GOOD	PROTECT
2.	2"	DBH DECIDUOUS	GOOD	PROTECT
3.	2"	DBH DECIDUOUS	GOOD	PROTECT
4.	2"	DBH DECIDUOUS	GOOD	PROTECT
5.	15"	DBH CONIFER/SPRUCE	GOOD	PROTECT
6.	15"	DBH CONIFER/SPRUCE	GOOD	PROTECT
7.	15"	DBH CONIFER/SPRUCE	POOR	REMOVE
8.	15"	DBH CONIFER/SPRUCE	GOOD	REMOVE
9.	22"	DBH DECIDUOUS/MAHOG	GOOD	PROTECT

SCALE 1" = 40'-0"

BBT ARCHITECTS
11420 NE 15th St., Suite 200
Bellevue, WA 98008
PH: (206) 835-5555 FAX: (206) 835-5555

CAMERON McARTHUR
REGISTERED LANDSCAPE ARCHITECT
6000 1st Ave. NW, Suite 100
Bellevue, WA 98005
PH: (206) 835-5555 FAX: (206) 835-5555

REGISTERED LANDSCAPE ARCHITECT
Cam Cameron
OREGON

**HERMISTON SCHOOL DISTRICT
ELEMENTARY SCHOOL
PROTOTYPE**

**ROCKY HEIGHTS
ELEMENTARY SCHOOL**
650 W STANDARD AVE
HERMISTON, OR 97838

No.	Description	Date
1	Approval 1	2/22/21

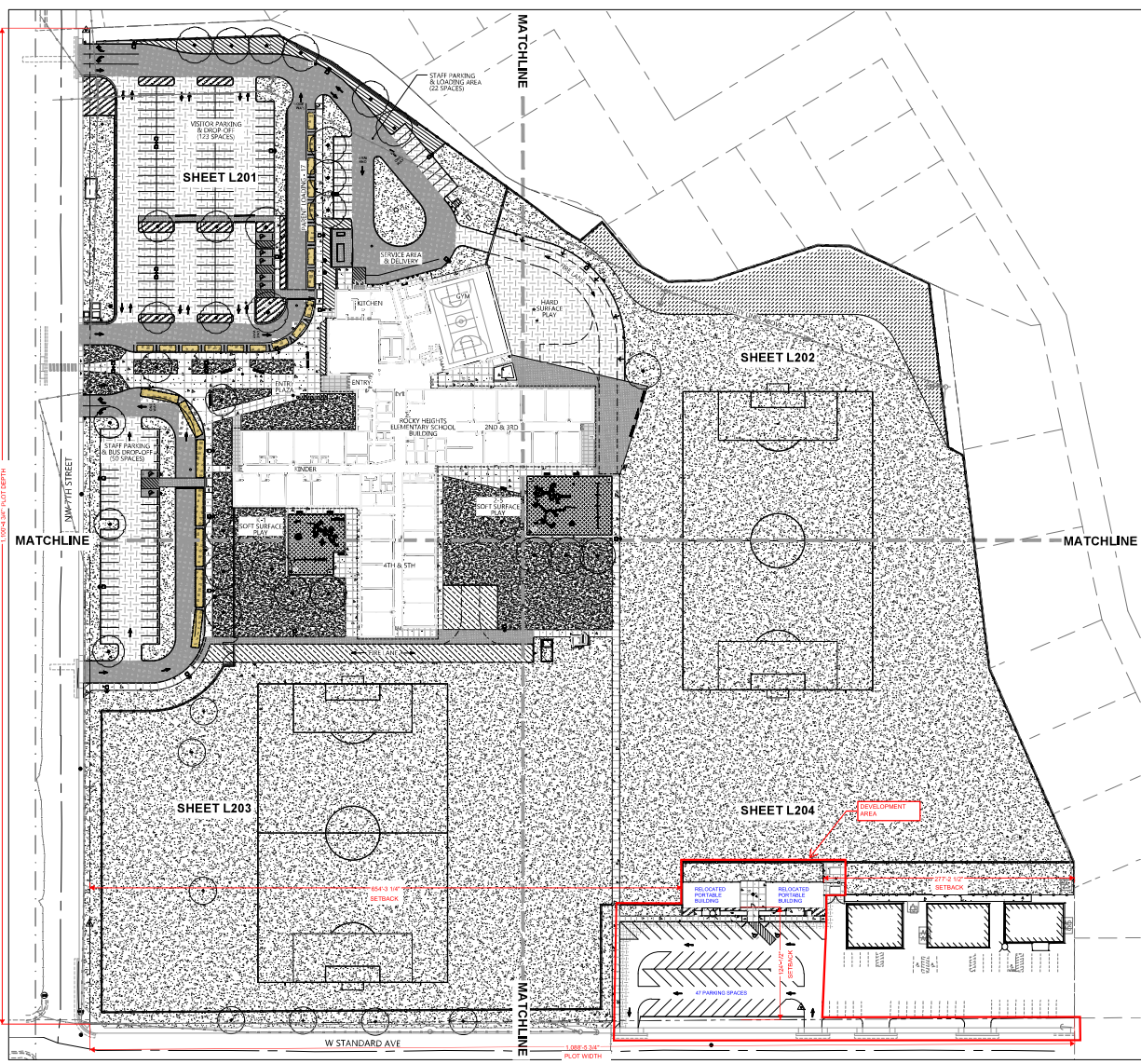
Project Number: 3307-2
Date: 6/14/2021

CONFORMANCE SET

EXISTING CONDITIONS & DEMO

L100

Section 3, Item B.



SITE DATA TABLE

TOTAL SITE AREA	919,987 SF (21.12 AC)
TAX LOT #	00100
LOT WIDTH	1088'-5"
LOT DEPTH	1190'-4"
DEVELOPMENT AREA	46,428 SF (1.07 AC)
RELOCATED BUILDING AREA	3,584 SF
RESERVED VEHICLE PARKING SPACES	47 (2 ADA)



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11420 NE 28th Ave., Suite 200
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Phone: 503.865.7707
Fax: 503.865.7707
www.bbtarchitects.com

CAMERON MCCARTHY
REGISTERED LANDSCAPE ARCHITECT
2018 NE Ave., Hermiston, OR 97131
Phone: 503.865.7707
Fax: 503.865.7707
www.cameronmccarthy.com

REGISTERED LANDSCAPE ARCHITECT
OREGON

**HERMISTON SCHOOL DISTRICT
ELEMENTARY SCHOOL
PROTOTYPE**

**ROCKY HEIGHTS
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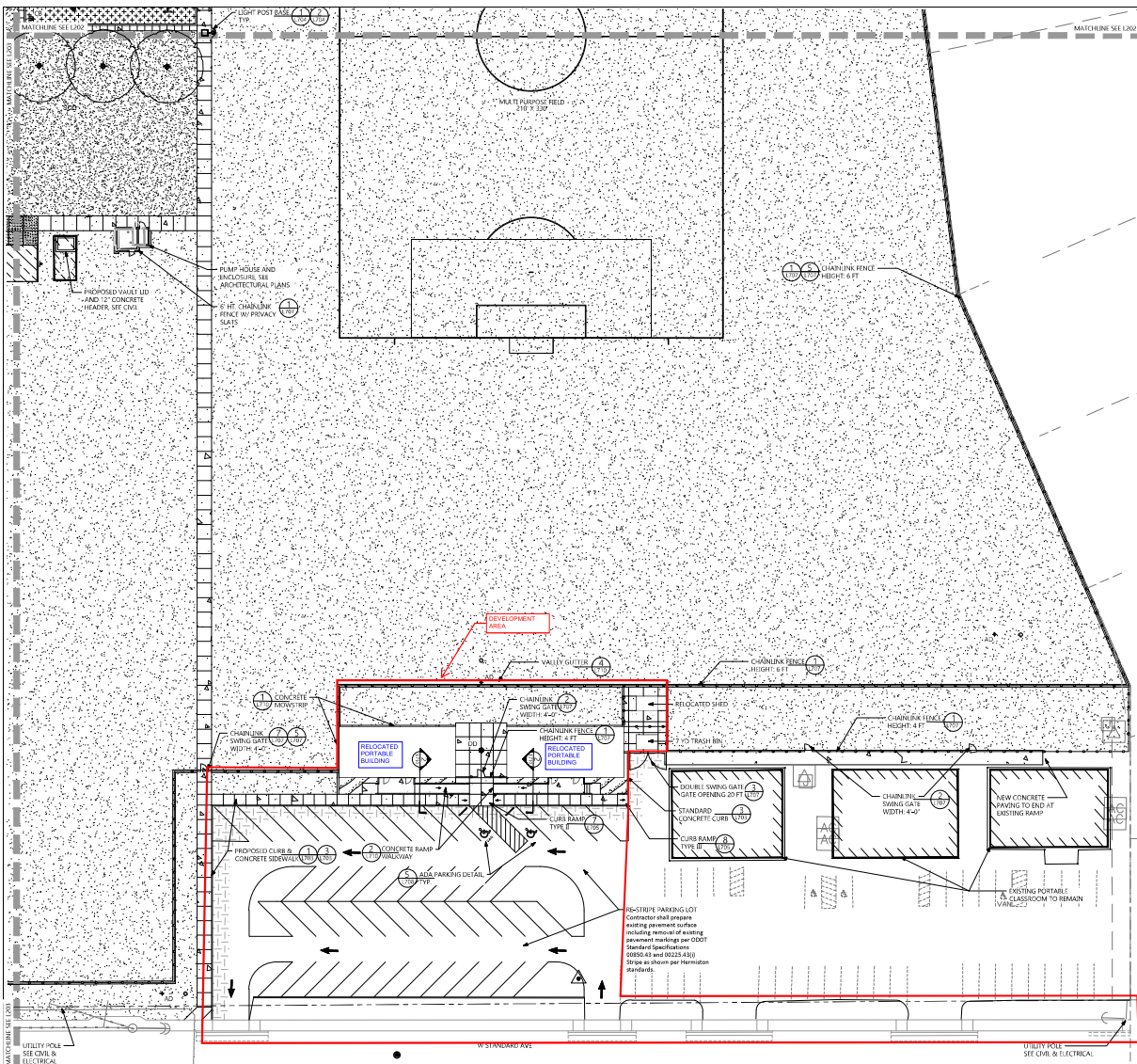
No.	Description	Date

Project Number: 3307.2
Date: 6/14/2021

CONFORMANCE SET

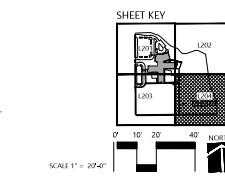
SITE PLAN

L200



- LEGEND**
- PROPERTY LINE
 - EXG. FENCE
 - CHAIN LINK FENCE (4 FT)
 - EXG. UTILITIES
 - EXG. UTILITIES
 - FIRE LANE
 - PRECISED TREE
 - EXISTING TREE
 - EXISTING UTILITY POLE
 - EXISTING GUY WIRE
 - EXISTING BUILDING TO REMAIN
 - AREA DRAIN, CATCH BASIN, DECK DRAIN
 - DETECTABLE PAVING
 - DETECTABLE PAVING
 - FIRE HYDRANT
 - CMB. MANHOLE
 - FLAGPOLE
 - BOLLARD - PERM.
 - BOLLARD - REMOVABLE
 - TRANSFORMER
 - SITE LIGHTING
 - BENCH
 - BIKE RACKS
 - SIGN
- Refer to sheet L201 for details.

- MATERIALS LEGEND**
- CONCRETE PAVING - STANDARD
 - CONCRETE PAVING - VEHICLE RUBBERIZED
 - ASPHALT PAVING - STANDARD
 - ASPHALT PAVING - HEAVY
 - DECORATIVE CONCRETE PAVING
 - SEEDED LAWN
 - SOIL
 - DRY PLANT BED
 - NON-IRRIGATED LAWN



BBT ARCHITECTS
 11425 Independence Ave., Suite 200
 #1000000000 #1000000000
 503.535.5555 #1.531.899.6333

CAMERON MCCARTHY
 LANDSCAPE ARCHITECTURE & PLANNING
 20000 Ave. #1000000000
 #1000000000 #1000000000
 www.cameronmccarthy.com

REGISTERED LANDSCAPE ARCHITECT
 OREGON

**HERMISTON SCHOOL DISTRICT
 ELEMENTARY SCHOOL
 PROTOTYPE**

ROCKY HEIGHTS ELEMENTARY SCHOOL
 650 W STANDARD AVE
 HERMISTON, OR 97838

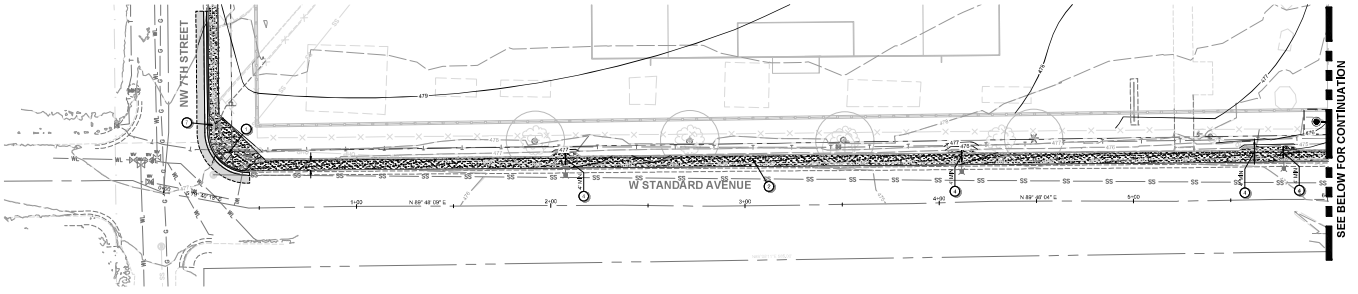
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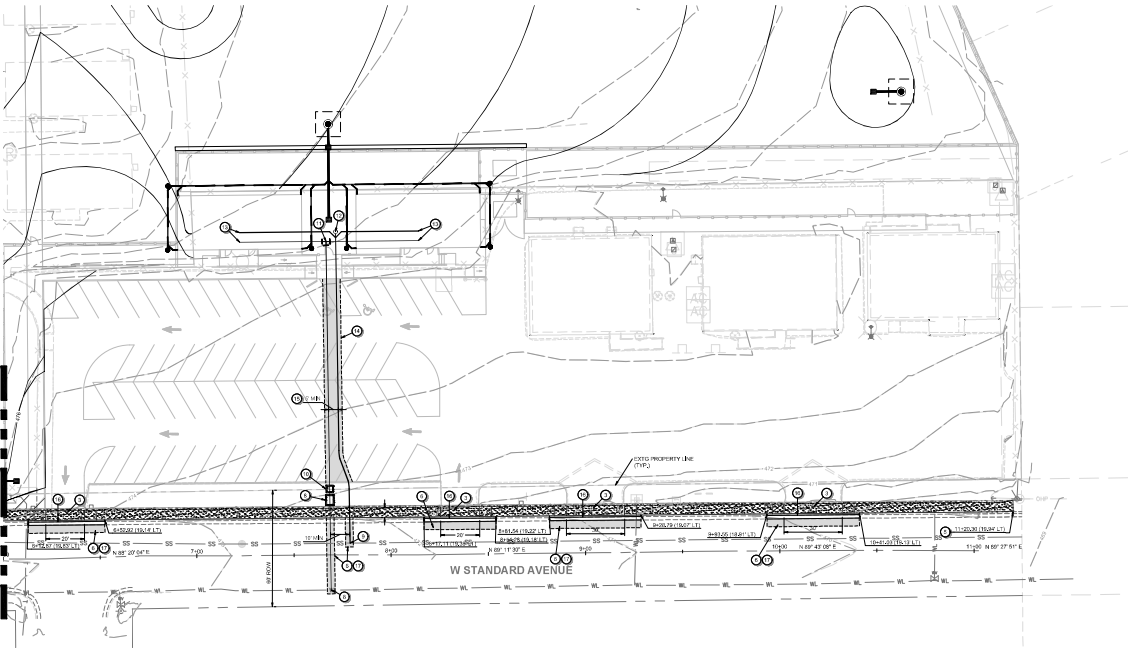
CONFORMANCE SET

SITE PLAN

L204



SEE BELOW FOR CONTINUATION




SEE ABOVE FOR CONTINUATION

- GENERAL NOTES**
- SEE SHEET C03 FOR PROJECT SPECIFIC NOTES.
 - UTILITIES SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - SEE ALL STRUCTURAL & LANDSCAPE PLAN SHEETS FOR GRADING & OTHER SEE THE PROJECTS.
 - ALL UTILITIES SHALL BE TEMPORARILY REMOVED FOR CONSTRUCTION.
 - ANY UTILITY STRUCTURES SHOULD BE TEMPORARILY REMOVED FOR CONSTRUCTION.
- KEYED NOTES**
1. SEE SHEET C03 FOR PROJECT SPECIFIC NOTES.
 2. SEE SHEET C03 FOR PROJECT SPECIFIC NOTES.
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BBT ARCHITECTS
 1140 NE Oregon Ave., Suite 100
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PBS
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**HERMISTON SCHOOL DISTRICT
 ELEMENTARY SCHOOL
 PROTOTYPE**

**ROCKY HEIGHTS
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 650 W Standard Ave
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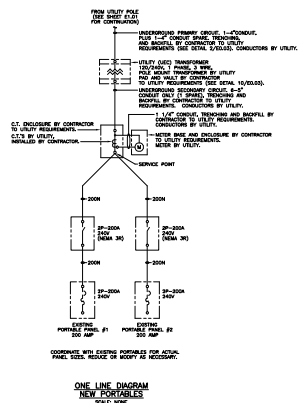
No.	Description	Date

Project Number: 0007.2
 Date: 6/3/2021

CONSTRUCTION/CONFORMANCE SET

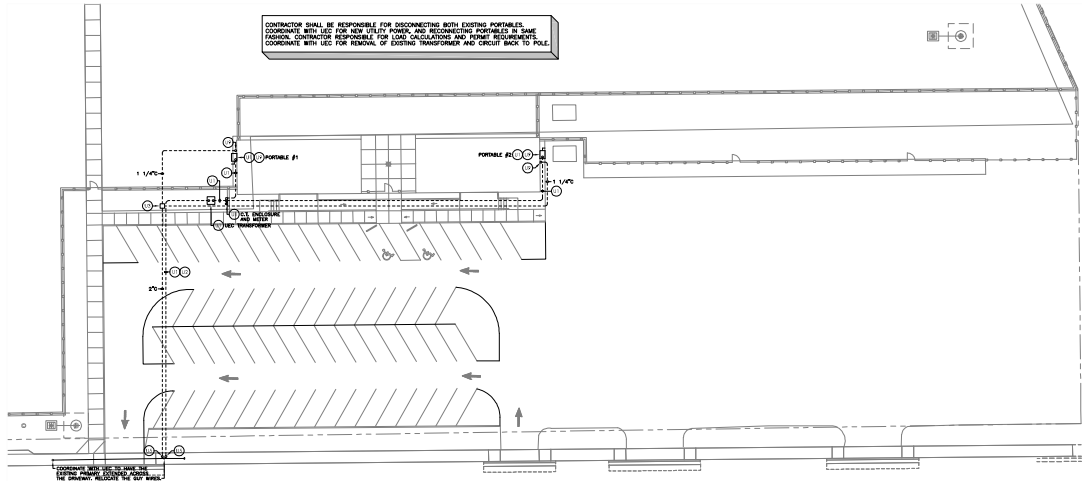
STANDARD AVENUE OFF-SITE IMPROVEMENTS
C3.01

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- GENERAL NOTES**
- A. COORDINATE DEVICE, EQUIPMENT, AND CONDUIT WITH CIVIL, ARCHITECTURAL, AND MECHANICAL PLANS, UTILITY CONDUITS, AND GENERAL CONTRACTOR PRIOR TO TRENCHING AND POURING.
 - B. BEFORE DIGGING/TRENCHING, COORDINATE WITH A LOCATION SERVICE (#811).
 - C. PROVIDE FULL TIE/SPEC IN ALL CONDUITS INCLUDING SPACES. FULL ADDITIONAL TIE/SPEC IN CONDUITS ALONG WITH CABLES ONCE CABLES HAVE BEEN LAYED IN.
 - D. FOR ALL NON-PRIMARY POWER CIRCUIT, OR OTHER SPECIALTY JOINT-TRENCH (AS DESCRIBED ON CIVIL PLANS) SEE DETAIL 1/ED/3 FOR TRENCHING INFORMATION. FOLLOW JOINT-TRENCH LOCATIONS WHERE POSSIBLE. COORDINATE WITH CIVIL PLANS.
- SHEET NOTES**
- ① SEE ONE LINE DRAWING SHEET E1.10 FOR CIRCUIT/FREEDER, OR EQUIPMENT INFORMATION.
 - ② SEE DETAIL 2/ED/3 AND, IF APPLICABLE, ANY J.U.T. INFORMATION/DETAILS ON CIVIL PLANS FOR LEC PRIMARY TRENCHING INFORMATION.
 - ③ SEE DETAIL 3/ED/3 FOR SITE JUNCTION BOX INFORMATION.
 - ④ TURN CONDUITS UP TO NEW UTILITY POLE PER UTILITY REQUIREMENTS. PROVIDE SUPPORT METHOD PER UTILITY REQUIREMENTS.
 - ⑤ COORDINATE FINAL LOCATION OF POWER AND COMMUNICATIONS CONNECTIONS WITH THE EXISTING PORTABLES. OWNER SHALL BE RESPONSIBLE FOR COORDINATING FEES SERVICES TO EACH PORTABLE. CONTRACTOR IS RESPONSIBLE FOR ROUTING CONDUIT TO THE LOCATION REQUIRED.

CONTRACTOR SHALL BE RESPONSIBLE FOR DISCONNECTING BOTH EXISTING PORTABLES. COORDINATE WITH LEC FOR NEW UTILITY POLES AND RECONNECTING PORTABLES IN SAME LOCATION. CONTRACTOR RESPONSIBLE FOR LOAD CALCULATIONS AND SITE REQUIREMENTS. COORDINATE WITH LEC FOR REMOVAL OF EXISTING TRANSFORMER AND CIRCUIT BACK TO POLE.



PARTIAL ELECTRICAL SITE PLAN
ROCKY HEIGHTS ELEMENTARY SCHOOL - PORTABLES
DATE: 11-27-21

BBT ARCHITECTS

11440 SW 29th Avenue, Suite 200
Portland, OR 97201
P: 503.255.5251 F: 503.255.8333

**HERMISTON SCHOOL DISTRICT
ELEMENTARY SCHOOL
PROTOTYPE**

**ROCKY HEIGHTS
ELEMENTARY SCHOOL**
650 W STANDARD AVE
HERMISTON, OR 97838

No.	Description	Date
1	Issued for I.D.	10/26/21

Project Number: 2007.2
Date: 6/14/2021

CONFORMANCE SET

PARTIAL ELECTRICAL SITE PLAN - PORTABLES

E1.04

△

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Section 3, Item B.



Existing portable buildings to be relocated. Currently located on Rocky Heights Elementary School site.

EXHIBIT A

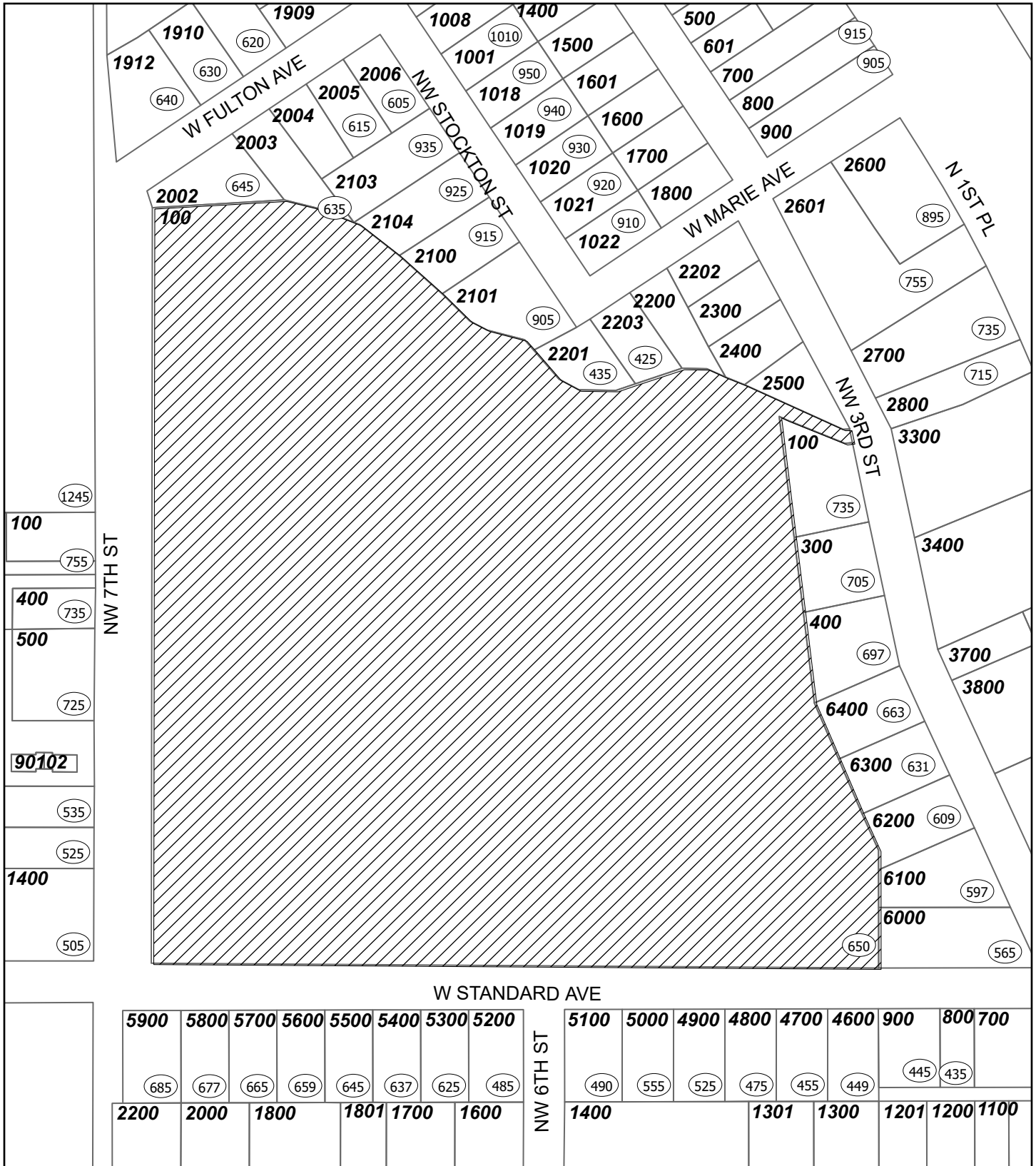
CONDITIONS OF APPROVAL – ROCKY HEIGHTS ELEMENTARY SCHOOL CONDITIONAL USE PERMIT





650 W STANDARD AVE

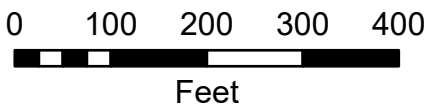
July 13, 2022

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





1. All areas used for the standing and maneuvering of vehicles shall be paved prior to occupancy.
2. All storm water drainage shall be retained on site.
3. Developer 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 construction.
4. Parking lot lighting shall be designed and installed to avoid light pollution on adjacent residential properties.
5. Existing sidewalk on W Standard Ave shall be evaluated for compliance with ADA standards. Sidewalk panels exceeding ADA standards for cross slope shall be replaced.
6. All civil improvements shall be designed in accordance with City of Hermiston standard plans and specifications and approved by the city engineer prior to commencement of construction.
7. Signage shall comply with all provisions in Chapter 155 of the Hermiston Code of Ordinances.

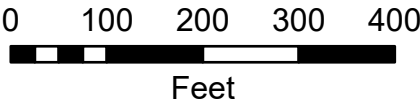


-  Area of Proposed Conditional Use Permit
-  Property Line
-  City Limits
-  Urban Growth Boundary





-  Area of Proposed Conditional Use Permit
-  Property Line
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Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of July 13, 2022

Title/Subject

Replat- Campbell 1660 N First St 4N2802CB Tax Lot 5900

Summary and Background

Tyler Campbell has submitted a replat adjusting the boundary of property located at 1660 N First St. The property is approximately 1.86 acres and contains a vacant sales office. The proposal will create two lots. Parcel 1 will be 1.04 acres and Parcel 2 will be 0.82 acres in size. Parcel 2 is the proposed location for a drive-through food establishment. Replatting is necessary to create the parcel proposed for development and to eliminate existing property lines within the Hal Brandt tracts. The existing property lines create a hinderance to commercial development. Their removal is necessary to avoid building code requirements triggered when a structure is built across property lines.

The property is zoned Outlying Commercial (C-2). The property is described as 4N2802CB Tax Lot 5900.

The planning commission approved a setback variance for the proposed restaurant on Parcel 2 on June 8, 2022. The conditions of variance approval remain in effect on Parcel 2. Additionally, the public comment period for the restaurant site plan review expired on July 1, 2022. Conditions of approval for the site plan review are a separate document but will also apply to Parcel 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 June 17, 2022. A sign informing the public of the proposal was placed on the property on June 17, 2022. Comments were received from the Hermiston Irrigation District. The irrigation district testified that there are no water rights on the property.

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 final plat requirements and findings are attached to this report as Exhibit A. The recommended conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets, and parcels is attached as Exhibit C. The final plat as prepared by the surveyor is attached as Exhibit D. An aerial photo is attached as Exhibit E.

Tie-In to Council Goals

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

Fiscal Information

There will be no financial change as a result of the partition. Subsequent economic development may generate revenue but it is not possible to calculate at this time. The current assessed value of the property is \$293,110.

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

- Motion to make the project file a part of the record
- Motion to approve the findings of fact
- Motion to approve the final plat with conditions

Submitted By:

Clint Spencer, Planning Director

Exhibit A
Findings of Fact
Hermiston Commercial Corner Replat
1660 N First St
July 13, 2022

Design Standards

§154.15 Relation to Adjoining Street System.

The property is serviced by N First Street, E Oregon Ave and NE North St.

§154.16 Street and Alley Width.

No streets or alleys are proposed as part of the partition. The property is currently serviced by N First St, E Oregon Ave and NE North St. Parcel 1 has 128.24' of N First St frontage and will retain highway access. Parcel 1 has 125.35' of NE North St frontage. Parcel 2 has 100' of N First St frontage, 100' of NE North St frontage and 260' of frontage on E Oregon Ave. Parcel 2 will not access to N First St, driveways are proposed on both NE North St and E Oregon Ave.

§154.17 Easements.

There is a 25' utility easement dedicated on this plat for utilities. The easement is intended to accommodate sewer service to both parcels. There is an existing sewer line serving the existing building on Parcel 1. This building is planned for removal and the sewer line will be abandoned. The easement is shown on the plat and the easement requirements are satisfied.

§154.18 Blocks.

Block standards in this section are specific to residential development. No block spacing standard is required for this partition.

§154.19 Lots.

The proposed partition will create two lots. Parcel 1 contains a vacant sales office and is 45,233 square feet. Parcel 2 is undeveloped and is 35,569 square feet.

The preliminary plat provides for the creation of two lots meeting the design standards in 154.19.

§154.20 Character of Development.

The property is zoned C-2. Uses permitted in the C-2 zone are listed in 157.041 of the Hermiston Code of Ordinances. There is no minimum lot size in this zone. The applicant proposes the replat to create a new parcel for development of a restaurant with drive-through.

§154.21 Parks, School Sites and the Like.

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

§154.22 Access Management.

Driveways are proposed on E Oregon Ave and NE North St for Parcel 2. Parcel 1 will retain the existing N First St access.

§154.35 Preliminary Plat Requirements

This replat contains two lots and is considered a replat removing platted lot lines, but also functions as a minor partition creating two lots from one parent parcel. Under §154.35(B), minor partitions containing three lots or fewer, may be exempt from preliminary plat review and proceed directly to final platting.

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

N First St is a fully improved state highway. E Oregon Ave is a paved city street with full improvements on the north side of the street. NE North St is an unimproved portion of city street adjacent to the property. Parcel 2 will be responsible for constructing street improvements to the respective street frontages of E Oregon Ave and NE North Street at such time that development occurs on said lot. Parcel 1 will be responsible improvements to NE North Street at such time that development occurs on Parcel 1.

§154.62 Water Lines

Water lines exist in N First St, E Oregon Ave and NE North St. No upgrades are necessary. All costs associated with connection to municipal water service shall be borne by the developer.

§154.63 Sanitary Sewer System

Sewer lines exist in E Oregon Ave, NE North St and on the west side of N First St. No upgrades are necessary. All costs associated with connection to municipal sewer service shall be borne by the developer.

The sales office located on Parcel 1 is currently served by a private line from E Oregon Ave. Abandonment of this connection is required for replat approval. Without abandonment, the existing sewer line will be located under the proposed restaurant on Parcel 2.

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 however, correction is needed to label NE North St on the plat**
- (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 however, correction is needed to correctly show NE North Street on the plat**
- (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 and none are referenced on the plat**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required.**

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

Chapter 157: Zoning

§157.041 Outlying Commercial Zone (C-2)

There is no minimum or maximum lot size in this zone. Parcel 1 is 45,233 square feet and Parcel 2 is 35,569 square feet. The existing sales office is a permitted use in the C-2 zone. The proposed redevelopment of Parcel 2 into a restaurant with drive-through is also a permitted use in the C-2 zone.

§157.101 Development Hazard Overlay

Figure 12 of the Hermiston Comprehensive Plan indicates that this property is subject to development hazards due to excessively well drained soils. Therefore as a condition of approval the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

Exhibit B

Conditions of Approval

Hermiston Commercial Center Replat

1660 N First St

July 13, 2022

1. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the final plat.
2. Sewer and water connections shall be approved by City Staff. All costs associated with permits and installation shall be borne by the property owner.
3. The existing sewer line from E Oregon Ave serving the sales office shall be abandoned.
4. 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.
5. The applicant shall sign a street improvement agreement to participate in the future improvement of E Oregon Ave with curb, gutter, sidewalk, paving, and drainage improvements.
6. The applicant shall sign a street improvement agreement to participate in the future improvement of NE North St with curb, gutter, sidewalk, paving, and drainage improvements.
7. NE North Street shall be labeled and mapped on the plat as required by §154.46 of the Hermiston Code of Ordinances.

Hermiston Commercial Corner

A Replat of Lots 1-5 & 8-11 of Block 8 of Hal Brandt Tracts
 Township 4 North, Range 28, E.W.M., NW 1/4 of SW 1/4 of Section 02,
 Hermiston, Oregon 97838, Umatilla County
 For: Larry Campbell, Larry R. Campbell Revocable Living Trust
 80492 Sunshine Lane
 Hermiston, Oregon 97838

PROPERTY DESCRIPTION:

Tax Lot 5900 - Larry Campbell Revocable Living Trust
 Deed 2017-6640437
 Map No. 04N2802CB, 80802 Sq. Ft., 1.85 Acres

A parcel of land lying in the Northwest Quarter of the Southwest Quarter of Section 2, Township 4 North, Range 28 East, W.M., said parcel being in Block 8 of the Hal Brandt Tracts, and being further described as:
 Beginning at the Northwest corner of said Block 8; thence Easterly along the North line of said Block a distance of 95.93 feet to the Northwest Corner of that tract of land belonging to Archie Kennedy, et, ux, by Warranty Deed recorded in Book 259, Page 67 of the Deed records of Umatilla County, OR, said point also being the Northwest Corner of that tract of land conveyed to Larry Campbell by Warranty Deed recorded on Roll 75, Book 366 of the Deed records of Umatilla County; thence continuing East along the North line of Block 8 a distance of 260 feet, more or less, to the Northeast corner of Block 8 and the Northeast corner of that tract belonging to Larry Campbell; thence South along the East line of said Block 8 a distance of 225 feet to the Southeast corner of said Campbell tract, said point being on the North line of that tract belonging to Schnell as recorded on Roll 9, Page 1887 of the Deed Records of Umatilla County; thence North 89°33'11" West along said North line, and the South line said Campbell tract a distance of 109.99 feet to the Northwest corner of the Roll 99, page 1887 tract; thence South 0°33'33" West a distance of 2.92 feet; thence continuing South 0°33'33" West along said Schnell North line and Campbell South Line and Kennedy South line a distance of 244.77 feet to the Southwest corner of said Kennedy tract, said point being on the westline of said Block 8; thence North along the West line of said Block 8 a distance of 228.24 feet to the Point of Beginning.
 All being in the city of Hermiston, Umatilla County, Oregon. Area being 1.84 acres, more or less.

SURVEYORS CERTIFICATE & NARRATIVE:

I, Ronald V. McKinnis, being a Registered Professional Surveyor of the State of Oregon, certify that I have correctly Surveyed and Monumented the lands as Described in the Property Description on the face of this Plat, and that this Plat meets all the requirements as established by Chapter 92, Oregon Revised Statutes. The INITIAL POINT for this Partition is my monument set at the Northwest Corner of Parcel 2, on the South edge of Oregon Avenue.

This survey is based on Block 8 of Ha Brandt Tracts and a survey by Wells for Schnell where Wells established the South line of the Campbell Parcel, being also the North line of the Schnell tract. My Basis of Bearing is that of Wells, C.S. 84-001-B. I re-established the boundaries of the subject property based on the Plat of Hal Brandt Tracts, the Deed 2017-6640437, Krumbein's survey that the legal description was based on, and the right of ways of Oregon Avenue & Hwy 395 as shown. I divided the parent Tract into Two (2) Parcels as shown in this survey and as desired by the owner. This survey was completed with a Trimble GPS RTK Total Station.

OWNER'S DECLARATION & DEDICATION:

I, the undersigned representative of the owner of the lands as shown on this plat, do hereby Dedicate the 25.0' Utility as depicted on the face of this Plat, I do hereby acknowledge that I have caused this plat to be created, I authorized that this Plat be prepared in accordance with the provisions of ORS Chapter 92, and I recognize this Plat as the Official Plat and Map of the Partition as filed in the County of Umatilla, State of Oregon.

By OWNER:

Tyler Campbell, Authorized Representative for Larry R. Campbell
 Larry R. Campbell Revocable Trust

On this _____ day of _____, 2022, the above individual appeared personally before me and is known to me to be the identical individual who executed this plat declaration and acknowledged that they did so freely and voluntarily.

Before me: _____
 Notary Public for Oregon

My Printed Name is _____

My Commission No. is _____

My Commission Expires _____

Record Surveys:

- R1 Thompson for Time Oil Company, C.S. H-024-Ax, 1970
- R2 Wells for E.S. Schnell, C.S. 84-001-B, 1984
- R3 Krumbein for Campbell Motors, C.S. 85-042-B, 1985
- R4 McKinnis for Johnson & Doty, C.S. 95-120-B, 1995
- R5 Wallulis for E.S. Schnell, C.S. P-057-B, 1978
- R6 Edwards for Johnson, C.S. 01-191-B, 2001

I do hereby certify that this is a true and exact copy of the Original Partition Plat as filed for Larry R. Campbell Trust in Umatilla County.

Ronald V. McKinnis PLS 2431

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

PRELIMINARY

OREGON
 RONALD V. MCKINNIS
 JAN. 23, 1990
 2431

Expires 12-31-22

LEGEND

- SET MONUMENTS - 5/8" x 30" Iron Rebar W/ Plastic Caps Stamped - L.S. # 2431
- FOUND MONUMENTS - As Noted W / Survey Referenced
- ∅ CALCULATED CORNER (Not Set)
- Hal Brandt Tracts Lot Lines
- - - - STREET CENTER LINES
- REPLAT BOUNDARY

(000)R0 RECORD Bearing & Distance W/ Reference

APPROVALS:

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

Umatilla County Surveyor

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

City of Hermiston Planning Commission

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

Mayor of City of Hermiston

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

Hermiston Irrigation District

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

Umatilla County Tax Assessor

I certify that I have examined and approved this Replat on this _____ day of _____, 2022

Umatilla County Tax Collector

We certify that We have examined and approved this Replat on this _____ day of _____, 2022

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla County
 Office of County Records
 Recording Information
 Seal

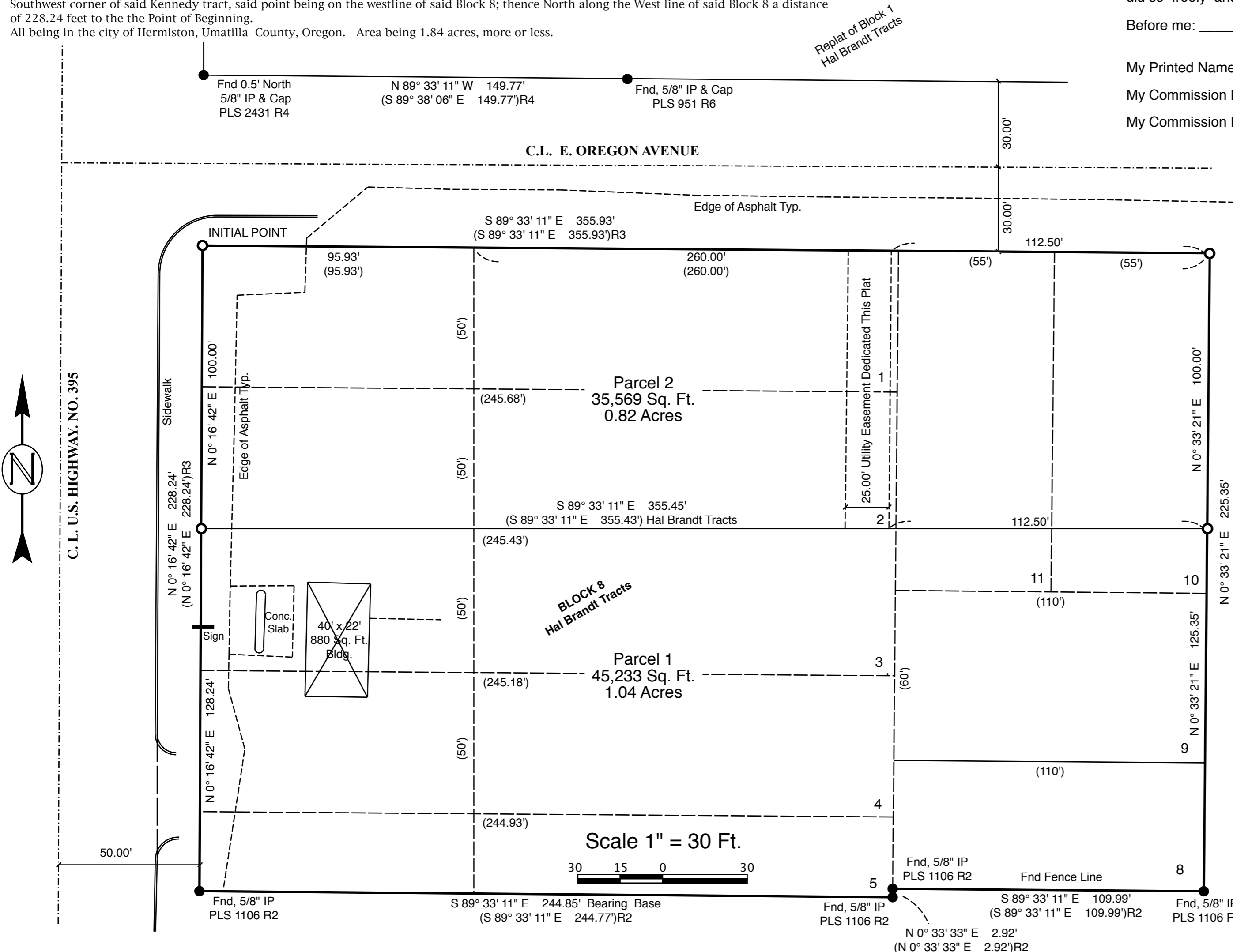
June, 2022

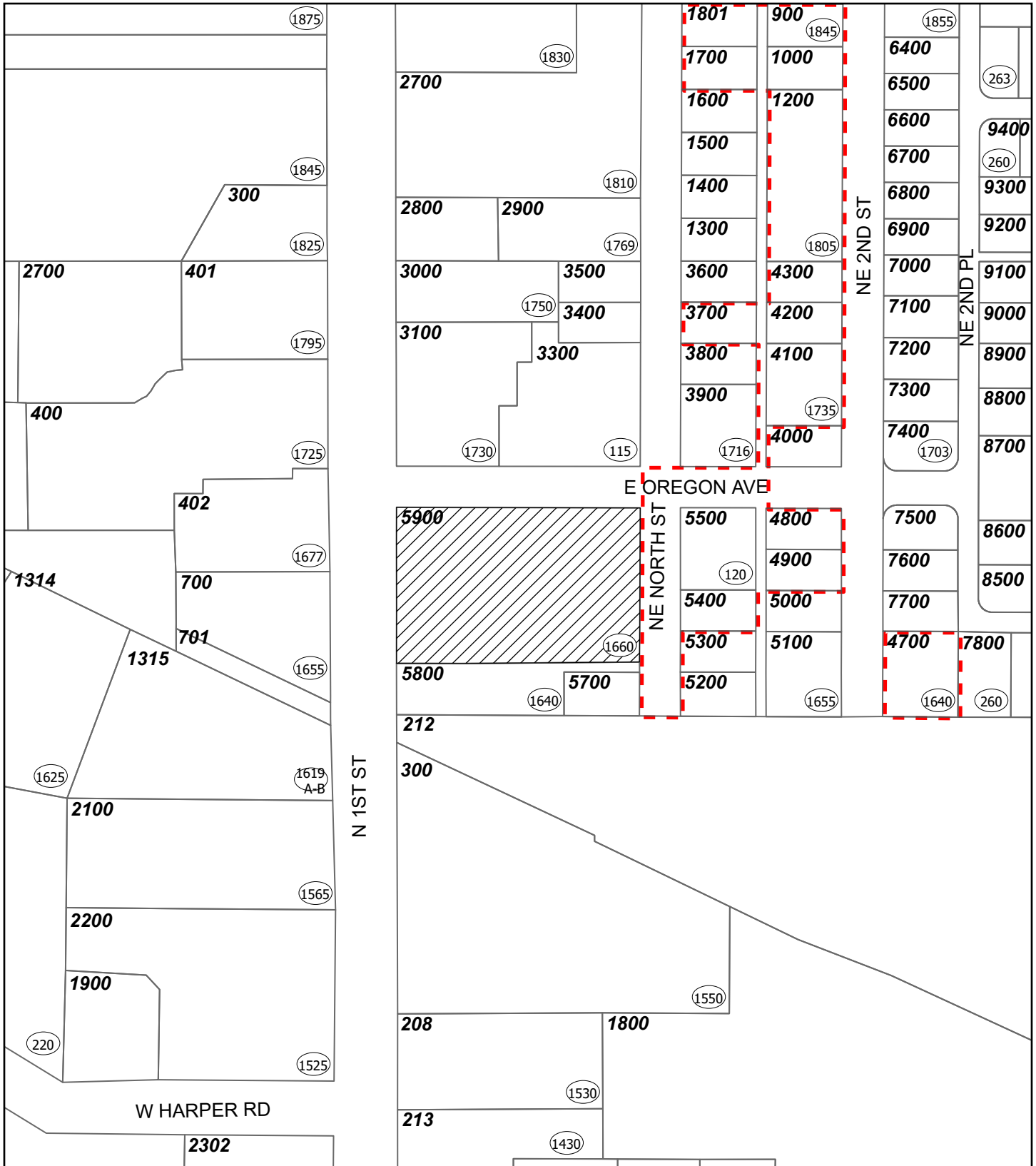
ENGINEERING - LAND SURVEYING - WATER RIGHTS

R. V. MCKINNIS ENGINEERING

79980 Prindle Loop Road
 Hermiston, Oregon 97838
 (541) -567-2017

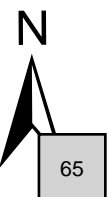
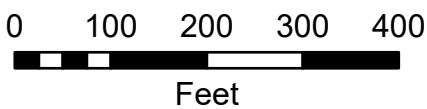
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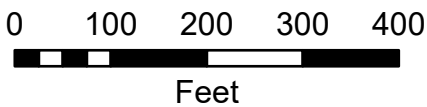
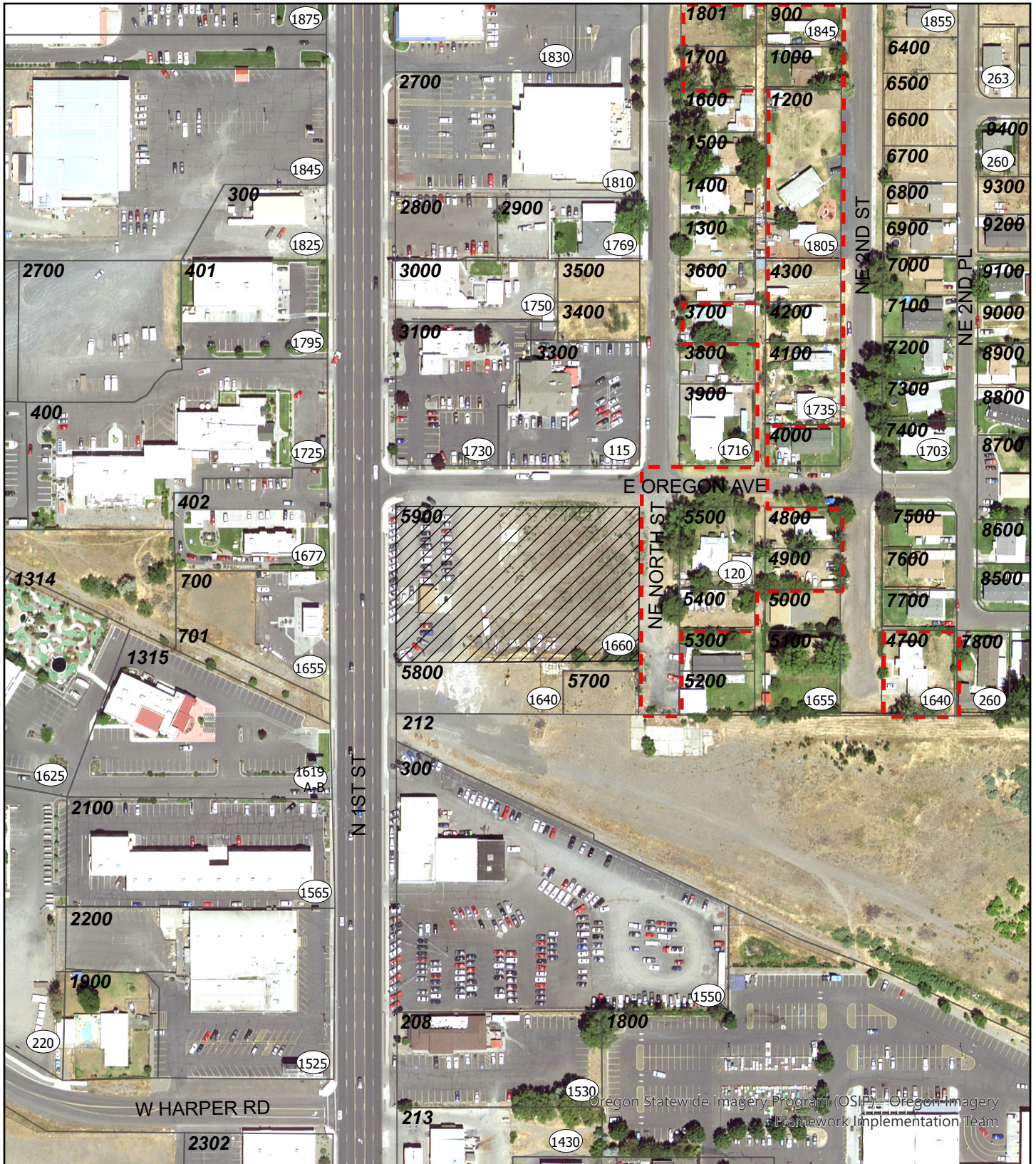




Legend

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





Legend

- Area of Proposed Replat
- City Limits
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