



# PLANNING COMMISSION

Hermiston City Hall 180 NE 2nd St

*Where Life is Sweet*

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

## **AGENDA**

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

A. Elect Chair and Vice-Chair

**2. MINUTES**

A. Minutes of the October 11, 2023 regular planning commission meeting

**3. HEARINGS**

A. Major Variance & Subdivision, Upland Meadows Subdivision - MonteVista Homes  
4N2802A Tax Lot 500 - 811 E Theater Ave

**4. NEW BUSINESS**

A. Replat- CJ Evans Family Investments LLC 4N2824BB Tax Lots 800 & 900 16 & 18 SE  
Campbell Dr

B. Parking Amendments – Second Work Session

**5. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION**

**6. ADJOURN**

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Chairman Saylor called the regular meeting to order at 7:02PM. Present were Commissioners Collins, Fialka, Guerrero, Caplinger, Doherty, and Sargent. Commissioners Hamm & Kirkpatrick were excused. Youth Advisor Sarahi Gutierrez was present. Staff in attendance included Planning Director Clint Spencer, City Attorney Richard Tovey, City Recorder Lilly Alarcon-Strong (joined virtually at 7:10pm) and Planning Assistant Heather La Beau.

### Minutes

Commissioner Fialka moved, and Commissioner Sargent seconded to approve the minutes of the September 13, 2023, regular meeting. Motion passed.

### Major Partition- Amazon Data Services, Inc 4N2823 TL 200 – 908 E Penney Ave

Planning Director Spencer presented the staff report. The proposed partition creates three lots and extends E Penney Ave. A data center and substation are proposed for two of the lots and the third lot is a future industrial site.

### Testimony

Kristine Wilson of Perkins Coie 10885 NE Fourth St Suite 700 Bellevue WA 98004, counsel for Amazon Data Services, stated she was not aware of the status of the property’s water rights as she did not represent the applicant at the time of property acquisition.

Commissioner Fialka moved, and Commissioner Caplinger seconded to make the project file a part of the record. Motion passed.

### Findings of Fact

#### **BEFORE THE CITY PLANNING COMMISSION OF THE CITY OF HERMISTON, OREGON**

**In the Matter of a Request for Major Partition to Divide Approximately 151.61 Acres of Property Described as Parcel 1 of Partition Plat 2023-11 Located in Section 23, Township 4 North, Range 28 E, Generally Located North of Feedville Road, South of E. Penney Avenue, East of Hermiston-Hinkle Road/S. 1<sup>st</sup> Street, and West of SE Kelli Blvd.**

**NARRATIVE IN SUPPORT OF THE APPLICATION PROPOSED BY AMAZON DATA SERVICES, INC.**

## **I. INTRODUCTION**



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Amazon Data Services, Inc., a Delaware corporation (“Applicant”), submits this application (“Application”) to the City of Hermiston (“City”) requesting approval to partition real property described as Parcel 1 of Partition Plat 2023-11 in the City limits (“Property”) into three parcels, plus right-of-way dedication, as depicted on the proposed tentative partition plan in Exhibit 1. This narrative explains how the Application satisfies the applicable requirements of the Hermiston City Code (“HCC”) and ORS Chapter 92. Accordingly, the City Planning Commission (“Commission”) should approve the Application.

## II. DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

Applicant is the owner of the Property, which is approximately 151.61 acres in size and generally located north of Feedville Road, south of E. Penney Avenue (the Property is not entirely to the south of Penney Avenue; Highway 395 runs diagonally to the north and E. Highland Avenue is approximately one mile north of the Property), east of Hermiston-Hinkle Road/S. 1<sup>st</sup> Street, and west of SE Kelli Boulevard in the City. The Property is described as Parcel 1 of Partition Plat 2023-11, Map No. 4N282300, Tax Lot 200. An aerial photo of the Property and the surrounding vicinity is attached as Exhibit 2. A tax lot map that identifies the Property is attached as Exhibit 3. A copy of the Partition Plat 2023-11 is attached as Exhibit 4. The Property is zoned C-2/M-2. It is vacant. Surrounding properties are zoned and utilized as follows:

EXHIBIT A

ADJACENT PROPERTY	ZONING	USE
To North	C-2/M-2; OS	Warehouse; Vacant
To South	EFU/FI	Vacant; Railroad
To East	C-2/M-2; C-2/M-1	Vacant; Warehouse
To West	C-2/M-2; OS; HI	Vacant; Warehouse; Educational

## III. DETAILS OF REQUEST

The proposal would partition the Property into three parcels—Parcel 1, Parcel 2, and Parcel 3 — and dedicate right-of-way to the City to extend E. Penney Avenue along its current alignment to the western boundary of the Property. Parcel 1 is proposed to be approximately 113.62 acres with frontage on E. Feedville Road, SE Ninth Street, and the E. Penney Avenue extension. Parcel 2 is proposed to be approximately 13.72 acres in size and would be located on the southwestern side of the Property, with frontage on E. Feedville Road. Parcel 3 is proposed to be approximately 22.44 acres with frontage on the proposed E. Penney Avenue extension and SE Ninth Street. The dedicated right-of-way for E. Penney Avenue would be 66’ wide





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(approximately 1.83 acres). The three parcels and the right-of-way dedication are depicted and described on the tentative partition plan attached as Exhibit 1.

The purpose of the partition is to divide the Property into three separate parcels, which will ultimately be under separate ownership, and to dedicate right-of-way to the City. The location of the parcels is planned to coincide with the proposed development of the Property, which will feature a light-industrial campus on Parcel 1 and a dedicated power source on Parcel 2. The use of Parcel 3 will be determined in the future in conformance with applicable zoning ordinances.

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

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

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

RESPONSE: The City's adopted and acknowledged land use regulations are consistent with and implement the City's comprehensive plan. Therefore, compliance with these land use regulations will ensure that the Application is necessarily also consistent with the City's comprehensive plan.

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

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

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

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

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

RESPONSE: See sections below addressing the extension of E. Penney Avenue. The Application complies with this criterion.

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

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

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



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

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

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

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

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

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

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

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

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

**V. THE APPLICATION COMPLIES WITH THE HERMISTON CITY CODE**

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

**154.02: PRELIMINARY ACTIONS:**

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

RESPONSE: Applicant had a preliminary meeting with City staff, including Hermiston Planning Director Clinton Spencer and Assistant City Manager Mark Morgan, on August 23, 2023. The Application is consistent with the preapplication discussion with the City.

**154.04: JURISDICTION AND PROCEDURE**



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

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

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

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

## 154.15: RELATION TO ADJOINING STREET SYSTEM

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

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

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

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

**(C) Off-set streets should be avoided.**

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



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

RESPONSE: This Application extends existing E. Penney Avenue along its existing alignment to the western boundary of proposed Parcel 3. No intersection affected by the partition will vary by more than 10 degrees from a right angle. See Exhibit 1.

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

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

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

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

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

RESPONSE: The proposed dedicated right-of-way is the continuation of existing E. Penney Avenue to the west. The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

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

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

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

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

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

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



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

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

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

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

### 154.16: STREET AND ALLEY WIDTH

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

**Table 1: Urban Arterial Cross Sections**

**Table 2: Urban Collector Cross Sections**

**Table 3: Urban Local Street Cross**

**Sections**

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

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

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

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

### 154.17: EASEMENTS

**(A) Width requirements. Easements of at least six feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for poles, wires,**





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conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

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

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

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

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

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

### 154.18: BLOCKS

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

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

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

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

### 154.19: LOTS



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

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

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

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

**(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.**

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

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

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

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

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

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

**(1) The access portion shall be at least 25 feet wide.**



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(2) Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.

(a) When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.

(b) No fencing shall be installed in a shared access which inhibits the right of access for either parcel.

(3) The access portion of an access lane shall be paved to a width of at least 20 feet.

(4) The access shall include sufficient easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles.

(5) The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.

(a) When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.

(b) When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.

(c) The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.

(d) The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.

(6) No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street must be created.

RESPONSE: None of the proposed parcels is a flag lot. The Application satisfies this standard.

### 154.20: CHARACTER OF DEVELOPMENT

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





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

## 154.21: ACCESS MANAGEMENT

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

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

## 154.35: PRELIMINARY PLAT REQUIREMENTS

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

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

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

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

**(C) The preliminary plat shall show:**

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



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

**(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;**

RESPONSE: The Application satisfies this criterion.

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

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

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

RESPONSE: The Application does not propose to change the title of the Partition Plat 2023-11. The subdivider and owner is Amazon Data Services, Inc., which is noted on the preliminary plat. See Exhibit 1.

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

RESPONSE: The Application complies with this criterion.

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

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

**(7) North point, scale and date;**

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

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

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



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

RESPONSE: See above responses.

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

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

## VI. CONCLUSION

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

After discussion regarding conformance with the Comprehensive Plan, Commissioner Caplinger moved, and Commissioner Doherty seconded to adopt the Findings of Fact as amended (4a). Motion passed.

### Conditions of Approval

1. Portions of the property lie within an area subject to potential groundwater pollution hazards due to excessively well-drained soils. Therefore, the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuels are prohibited per §157.101(B) of the Hermiston Code of Ordinances. Per §157.101(D) of the Hermiston Code of Ordinances, a developer may receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.
2. The site is bounded by SE 9<sup>th</sup> St and E Feedville Road. An extension of E Penney Ave is proposed as part of the partition.
  - a. E Penney Avenue is classified as an urban minor collector. As a condition of approval of a permit to develop Parcel 1 or Parcel 3, the owner of Parcel 1 or Parcel 3 shall improve the E Penney Avenue frontage of the Development Site to minor collector status using city standards ST10 in the standard specifications.
  - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department. As a condition of approval of a permit to develop Parcel 1 or Parcel 2, the owner of the lot being developed shall enter a street improvement agreement agreeing to participate in future improvements to E Feedville Road frontage



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of the Development Site to urban major collector status. Such agreement shall run with the land.

- c. SE 9<sup>th</sup> Street is classified as an urban minor collector. As a condition of approval of a permit to develop Parcel 1, the owner of the lot being developed shall improve the SE 9<sup>th</sup> Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.

- 3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.

After clarification of parcel numbers, Commissioner Sargent moved, and Commissioner Doherty seconded to impose the conditions of approval as amended. Motion passed. Commissioner Sargent moved, and Commissioner Doherty seconded to approve the preliminary plat and direct the applicant to proceed to final plat preparation. Motion passed.

### **Final Plat- Cimmaron Terrace Phase IV 4N2802DB Tax Lot 101- NE 8<sup>th</sup> Place**

Planning Director Spencer presented the staff report. Thirty-two lots are proposed for this phase. The park is under construction and the lots for the park have been deeded to the city. The improvements shall be completed prior to the city releasing the plat. This is not the final phase of the PUD. The land, including lots sold to other entities, is still bound by the PUD conditions of approval and future street extension layouts.

There was discussion regarding park parking, street names, and future extensions. Commissioner Collins moved, and Commissioner Fialka seconded to approve the final plat with the conditions of approval. Motion passed.

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

Planning Director Spencer informed the commissioners that Steve Sokolowski, former Hermiston City Planner, has returned to Oregon. His current role is that of Community Development Director for the city of Cannon Beach.

Hermiston has been awarded the Transportation Growth Management (TGM) grant from ODOT. It is anticipated the TSP amendment will begin in the spring of next year.

Youth Advisor Gutierrez introduced herself after a welcome from the commissioners. There are three Youth Advisors associated with the planning commission this year.

Recent legislation includes taking the duplex rule down to cities with population of 2500 or more and allowing affordable housing with a 60-year covenant in commercial zones.

### **Adjournment**

Chairman Saylor adjourned the meeting at 7:46PM.



Where Life is Sweet

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

**Title/Subject**

Major Variance & Subdivision, Upland Meadows Subdivision - MonteVista Homes 4N2802A Tax Lot 500 - 811 E Theater Ave

**Summary and Background**

MonteVista Homes has submitted two applications for land located at 811 E Theater Lane. The land is proposed for residential development and is known as the Upland Meadows Subdivision. The applicant has submitted a preliminary plat application for a 261 lot R-3 subdivision and a concurrent request for two major variances. The first variance requests to deviate from the lot width standards for 19 of the lots within the proposed development. The second variance requests to deviate from the block length standard of 600 feet in the subdivision design standards.

The property is described as 4N 28 02A Tax Lot 500 and is located on the north side of E Theater Lane between Loma Vista Elementary School and NE 8<sup>th</sup> Street. The property is approximately 51.93 acres and is designated as Medium-High Density Residential (R-3) on the city zoning map and as Medium Density Residential (M) on the city comprehensive plan map. The property is owned by the Hermiston Irrigation District and the applicant has a purchase agreement for the property if the development is approved.

Per §157.232 of the Hermiston Code of Ordinances, where multiple land use permits are considered for one property, all applications may be considered at one time. Therefore, staff will produce one report for both the major variance requests and preliminary plat request. The hearing will be conducted under the more restrictive quasi-judicial variance request requirements and will consider both the variances and preliminary plat.

*Lot Width Variance*

The variance request is necessary for the consideration of the preliminary plat as presented. Under city zoning rules, R-3 lots require a minimum lot width of 60 feet. Since 19 of the lots are between 55 and 58 feet in width, the plat does not meet zoning requirements unless a variance is granted by the planning commission. Therefore, if the planning commission does not grant a variance, the preliminary plat will require redesign. However, the planning commission may request a modification of the preliminary plat to be presented at the next meeting should the variance fail.

In requesting lot width deviations, the applicant is requesting to reduce the lot width from to between 58 and 55 feet for 19 lots. The application narrative makes the argument that the overall dimensions of the development site and road requirements make it necessary to reduce lot widths for four lots in each block in order to accommodate the increased lot width for corner lots (70 feet instead of 60 feet for internal lots) and the city's 50 foot right of way standard. The applicant has developed house plans intended to maximize the off-street parking and develop an optimal house on a 55-foot lot. The requested variance is intended to maximize the lot count within the development while also maintaining buildable lots by reducing the lot widths a minimal amount of 10% which would typically be an administrative variance at the staff level.

As noted, the variance request itself is a minor variance request. The Hermiston code allows for staff to approve deviations from the development standards of up to ten percent administratively. In this case, varying the lot width requirement in §157.027(C)(3) by less than six feet is a minor deviation. In this case the request varies the lot width between two and five feet. However, the minor variance standard in §157.225(A)(4) permits only one minor variance request to be considered. The requested variance totals 19 separate requests. Therefore, staff has referred the request to the planning commission as a major variance request.

*Block Length Variance*

The applicant has also requested a variance from §154.18(A) of the subdivision code which establishes a block length of 600 feet unless topography or development necessitates longer blocks. Where block length is proposed to exceed 600 feet, pedestrian access to enhance circulation and connections to destinations are required. The applicant is requesting to create block lengths of 792 feet for four of the blocks within the development. The request is to allow the longer block length and simultaneously not require additional pedestrian circulation. The plat does not meet subdivision design requirements unless a variance is granted by the planning commission. Therefore, if the planning commission does not grant a variance, the preliminary plat will require redesign. However, the planning commission may request a modification of the preliminary plat to be presented at the next meeting should the variance fail.

The application narrative notes that the subdivision must create new connections to E Theater Lane in alignment with NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place on the south side of Theater. City staff met with the developer to discuss alignment of the subdivision and future connectivity requirements. In order to properly service future development north of the site, it is necessary to create at least one connection exiting the north boundary of the development to allow future utility extensions and traffic circulation for future development. NE 8<sup>th</sup> Place does not align with potential future development and will align roughly with the boundary between the Sunset Estates development and land described as 4N 28 02A Tax Lot 301. NE 9<sup>th</sup> Place provides a more logical point of connection with Tax Lot 301, allowing for a better future street connection eventually connecting E Theater Lane and E Punkin Center Road.

It would be possible to bisect the development with a new north/south street creating two blocks slightly exceeding 600 feet, rather than one 790-foot block and one 550-foot block. However, adjustment of the street network to better balance the block length is hampered by the existing connections of NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place on the south side of E Theater Lane. The proposed street alignment aligns with NE 9<sup>th</sup> Place and creates a through street with potential connectivity to E Punkin Center in the future. Moving the block lengths will necessitate either creating a north/south street which does not align with the existing points of access to E Theater Lane or creating a new connection point midway between NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place. A new street connection between NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place will create unsatisfactory and unsafe turning



movements from both the Upland Meadows proposal and the Cimmaron Terrace development and is not recommended.

In order to better facilitate pedestrian connectivity to nearby destinations, the developer proposes to create a pedestrian trail between Lots 75 and 76 at the northeast corner of the development. This pedestrian trail will connect the development to Loma Vista Elementary School using a 20 foot right of way. This alternative provides a more efficient and beneficial pedestrian connection. It is more efficient as it provides shorter connectivity to Loma Vista Elementary. Student traffic may move directly to the school without creating pedestrian trips south to E Theater Lane, east to NE 10<sup>th</sup> Street, and then north to the school. At the longest point, this is a distance of nearly 4,000 feet. This alternative creates a shorter pedestrian trip of approximately 1,500 feet, a savings of 2,500 feet or about 10 minutes of walking time. It is also more beneficial as this connection is likely to be heavily utilized in a subdivision of 261 lots. A development of this size will be used by many elementary aged children each day for school commuting. Pedestrian paths running north/south mid-block are unlikely to be as heavily used.

The city has not historically had positive citizen acceptance of mid-block pedestrian paths and those that were platted and built near West Park elementary were eventually vacated and removed. Homeowners are not receptive to pedestrian paths along their side lot lines and erect taller fences to provide more yard privacy and ultimately creating narrow, dark corridors which collect trash and are unused. Lots adjacent to trails are also more difficult to sell. The maintenance required versus the amount of use the paths see is not a positive cost/benefit situation. City staff would prefer a pedestrian access to Loma Vista which is frequently used over a series of mid-block paths that are not used.

It is incumbent upon the planning commission to consider if the alternative proposed is acceptable, if mid-block paths will be required, or if block lengths exceeding 600 feet are not acceptable and an additional north/south street is required. Creation of an additional north/south street will require the loss of at least eight lots from the development.

*Planning Commission Action on Variance Requests*

The applicant has drafted narrative findings to support their variance request. Staff has reviewed the draft findings and determined the adequacy of the findings to specifically address the criteria in 157.225 is not sufficient. Staff recommends that should the planning commission agree with the variance requests, that the commission make a preliminary decision on the variances and direct the applicant to further develop the findings for final adoption at the January 10, 2024, meeting. The findings as written establish a rough basis for the requested variances but do not establish a relational nexus between the variance request and alternatives. For example, it is possible to build lots in conformance with the zoning code but resulting in the loss of potentially 18 lots as claimed in the application. What is the economic impact of conformance with the standard lot width? How does conformance with the standard compare with the allowed density in the R-3 zone? Is imposition of the development standards creating a hardship where the land cannot develop to the highest and best use allowed under the zoning? Does the cost of adding additional streets to limit block length and the resulting loss of lots create a hardship where the land is not feasible for development? These are factors that should be considered by the planning commission and cited using objective language in the findings. However, the planning commission may also choose to accept the findings as submitted, or modify the findings during the meeting and adopted revised findings.

*Preliminary Plat Review*

The preliminary plat review is written with the assumption that the variance request approved by the planning commission. Should either variance fail, the preliminary plat will require redesign and will be tabled at this meeting.

The proposed development sits on 51.93 acres of R-3 zoned land within the city limits. The development is served by E Theater Lane which is classified as an urban minor collector. The development also has potential vehicular access to NE 10<sup>th</sup> Street, classified as an urban major collector, but the development plan does not propose vehicular access to NE 10<sup>th</sup> Street. The development plan proposes an internal circulation network of seven new local streets and one new through street to provide future access and utilities to potential residential lands to the north and connectivity to E Punkin Center Road. Chris Clemow, a traffic engineer with Clemow and Associates, has reviewed the development for traffic impact. The review is based upon the traffic analysis prepared for Loma Vista Elementary and considers those findings and adds in the additional traffic impact from this development. It is the finding of the engineer that the proposed development will not change the functional classification of E Theater Lane and that the street network can accommodate the development with required improvements.

Two new points of access are proposed to E Theater Lane. These points of access are in alignment with existing points of access on the south side of Theater Lane. These access points form the bulk of access for the subdivision. A third point of access extends out of the development to the north providing future extension of NE 9<sup>th</sup> Place. However, the future utility of this access is dependent on future construction and may be many years in the future. In order to adequately provide access for fire and life services to the development the Umatilla County Fire District is requesting a secondary point of access to NE 10<sup>th</sup> Street. This secondary access is required by the fire code which requires developments of over 30 lots to provide at least two points of access. Under the code the two points of access must be separated by a distance of at least one-half of the length of diagonal dimension of the property being served. For Upland Meadows, the property has a diagonal dimension of 2,100 feet and the two proposed points of access have a spacing of 440 feet, not meeting the spacing requirement and requiring an additional point of access. The 60-foot-wide access connecting the property to NE 10<sup>th</sup> Street provides an additional point of access meeting this requirement. The access can be improved as a fire compliant access or as a public street. The planning commission may wish to discuss which better serves the needs of the city as a whole. After reviewing the requirements and circulation plan, it is the staff recommendation that a paved fire access is sufficient. Additionally, regardless of the ultimate disposition of the access, the NE 10<sup>th</sup> Street frontage of this 60-foot tract will be required to be improved to major collector status as a condition of development.

With the approval of the lot width variance for 19 of the lots, all of the lots are designed in accordance with the R-3 standards. Corner lots have the required extra lot width of 70 feet as required under §157.027(C)(3) and the remaining lots are at least 60 feet or an approved deviation to 55 feet or more. All lots have at least 80 feet of depth and are in fact closer to 105 feet in depth. All lots exceed the minimum lot size of 5,000 square feet and corner lots exceed 6,000 square feet. Twelve cul-de-sac lots are proposed, three at each corner of the development and accessing a cul-de-sac bulb. All twelve lots have at least 25 feet of street frontage as required by §157.027(C)(3).

Street names are not included on the preliminary plat. Chapter 94 of the Hermiston Code governs street names. Specifically, §94.22 governs street names and states:

- (A) All streets running northerly and southerly shall be denominated by numbers, that is, First Street, and shall be designated as "streets".



(B) A street lying between numbered streets shall be denominated by number and de "place", for example, First Place.

(C) All streets running in an easterly and westerly direction, with the exception of Main Street, shall be named and designated "avenues."

(D) Circular and semi-circular streets shall be designated as "drives."

Staff recommends that the planning commission condition the developer to develop street names in conformance with §94.22. Specifically, Roads 2, 3, and 4 are streets running east/west and shall all be designated as Avenues. The NE 9<sup>th</sup> Place extension is properly designated on the preliminary plat and shall retain that designation. Road 1 forms a complete loop around the development and shall be designated as a Drive. A short section of road is in alignment with NE 8<sup>th</sup> Place and shall be designated as NE 8<sup>th</sup> Place.

Specific findings addressing the subdivision design and compliance with the city code have been written by the applicant and are attached to this report as Exhibit A. The recommended conditions of approval are attached as Exhibit B. Additional exhibits are also attached, including an aerial photo of the site, property map, preliminary plat, a development map highlighting which lots are proposed for the width variance, and a traffic opinion from Clemow and Associates.

Notice was mailed to all property owners within 300 feet of the proposal and affected agencies by direct mail on November 29, 2023. A sign was placed on the property on November 29, 2023.

The criteria that are applicable to the preliminary plat are contained in §94.20 through §94.26, §154.15 through §154.35, §154.60 through §154.66, and §157.025 of the Hermiston Code of Ordinances.

**Tie-In to Council Goals**

Promotion of housing remains a council goal for 2023.

**Fiscal Information**

There are 261 single-family lots proposed for the subdivision. Each house should sell in the \$350,000 to \$475,000 range. At full build-out the development will generate approximately \$532,000 in revenue to the city each year.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to:

- Approve or reject the lot width variance
- Approve or reject the block length variance
- Approve the subdivision plat and conditions
- Approve the subdivision plat and modify the conditions
- Modify the subdivision plat
- Reject the subdivision plat

Recommended Action/Motion

Staff recommends that the planning commission tentatively approve the two variance and preliminary plat but require the applicant to submit more detailed findings of fact for consideration at the January meeting. Following adoption of the findings of fact, the planning commission will make a final decision on the variances and preliminary plat and begin the standard appeal period.

Motion for tentative decision on lot width variance.

Motion for tentative decision on block length variance.

Motion for tentative decision on preliminary plat.

**Submitted By:**

Clinton Spencer, Planning Director

**EXHIBIT A**

**Findings of Fact**

**Upland Meadows Subdivision**

**November 15, 2023**

**IN A MATTER BEFORE THE CITY OF HERMISTON  
BURDEN OF PROOF STATEMENT  
for the  
Upland Meadows Subdivision**

**APPLICANT:** **MonteVista Homes**  
389 SW Scalehouse Ct, Ste 110  
Bend, OR 97702

**OWNER:** Hermiston Irrigation District  
366 E Hurlburt Ave  
Hermiston, OR 97838

**ENGINEER:** Jarred Corbell, P.E.  
MonteVista Homes  
389 SW Scalehouse Ct, Ste 110  
Bend, OR 97702

**LOCATION:** The subject property is approximately 52 acres located directly west of Loma Vista Elementary School, on the north side of Theater Lane. The site has not been assigned an address but is identified as Tax Lot 500 on Umatilla County Tax Map 4N2802A0.

**REQUEST:** Approval of a 261-lot subdivision, in Phases, within the Medium-High Density Residential Zone (R-3).

**I. APPLICABLE CRITERIA:**

City of Hermiston Development Code

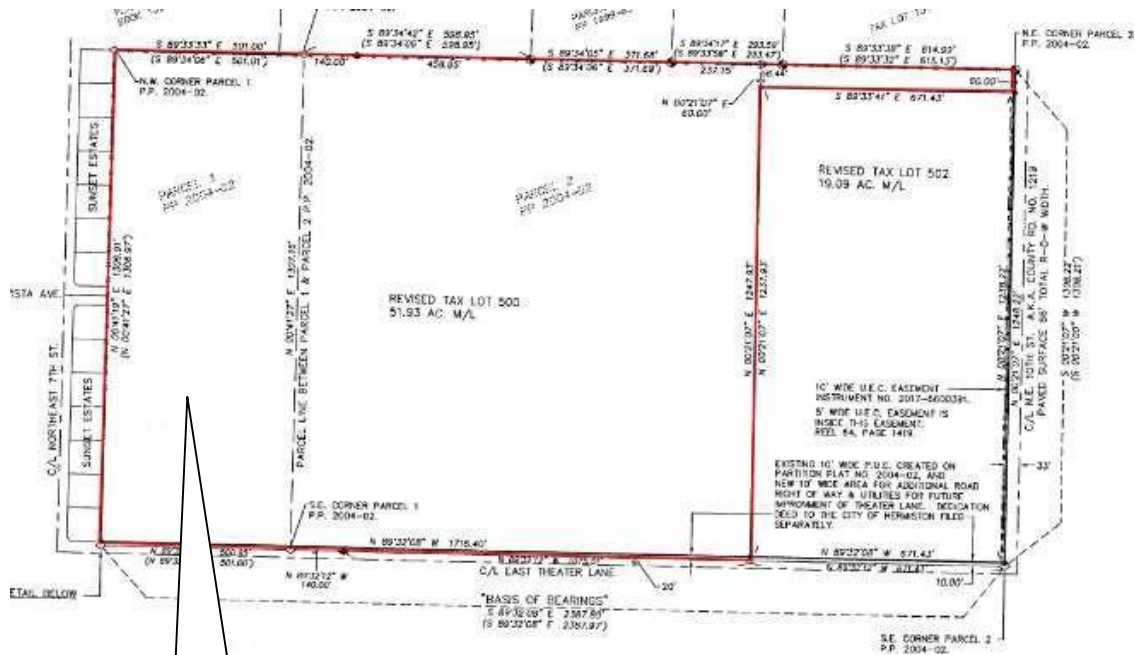
- Title XV-Land Usage

**APPLICABLE STANDARDS:**

- Chapter 154 Subdivisions
- Chapter 157 Zoning

**II. GENERAL INFORMATION**

- 1. LOCATION:** The subject property is approximately 52 acres located directly west of Loma Vista Elementary School, on the north side of Theater Lane. The site has not been assigned an address but is identified as Tax Lot 500 on Umatilla County Tax Map 4N2802A0.
- 2. ZONING:** The subject property is within The City Limits of the City of Hermiston in the County of Umatilla and zoned in the City of Hermiston Comprehensive plan as Medium-High Density Residential Zone (R-3). The property is currently annexed into The City of Hermiston.



Source: Umatilla County Tax Map 4N2802A0

**SUBJECT  
PROPERTY**



Source: Google Earth

**3. SITE DESCRIPTION & SURROUNDING USES:** The subject property contains relatively sloping topography from the north end of the project towards Theater Lane with approximately 30-feet of

fall. The site is vacant and covered with native grasses and brush. The parcel lies adjacent to Loma Vista Elementary and north of Theater Lane and has zero developed street access points.

Properties adjacent south and west lie within the City of Hermiston and are developed with single family homes on residential lots. To the north is partially undeveloped land coupled with commercial uses. To the east is Loma Vista Elementary school.

- 4. **PROPOSAL:** Approval of a 261-lot subdivision, in Phases, within the Medium-High Density Residential Zone (R-3).

**III. REVIEW CRITERIA:**

**CONFORMANCE WITH CITY OF HERMISTON DEVELOPMENT CODE:**

**VARIANCE STANDARDS**

**157.225 VARIANCES**

**(a) 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 the lot size, topography or other circumstances over which the applicant has no control;**

- 1) The dimensions of the property, under which the variance is being requested, are creating an exceptional circumstance of which we have no control.
- 2) The land development guidelines of which the proposed project has been designed to and by adhering to minimum right of way widths, required lot widths and necessary rear yard setbacks, this is yielding 18 lots that do not meet minimum lot width standards.
- 3) The request is not being made by choice but rather being requested due to cause. The simple mathematics of the of the lot dimensions, again, coupled with adhering to City code, is producing the variance request, which is a maximum 5-ft reduction for 18 Lots.

**(b) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;**

- 4) If the variance request was not granted, then the project would be forced to spread the width of the non-conforming Lots, approximately 1,000 linear feet, across code conforming lots, which not only yield unnecessarily large lots, but force the developer to lose 18-buildable lots.
- 5) If a property owner within the same zone was trying to develop a property that was 115-ft wide, they would technically only be allowed to develop one 60-ft wide lot and be left with a remaining 55-ft wide lot which does not allow a property to maximum their rights to build 2 homes that would ultimately function the exact the same as developing on 2-60-ft wide lots.

**(c) The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to the 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;**

- 6) The authorization of the variance would not constitute a change in use as proposed but rather allow for the property owner to erect a single family home on a lot width that is less than what is required by City code. The development pattern under which the property is being developed would remain unchanged.

**(d) It is impractical to maintain the zoning code requirements and, at the same time, build, erect or use the structure as desired.**

7) Based on the dimensions of the site and our project being designed to adhere to Zoning ordinances, it is impractical for the proposed lots, not being included in the variance request, to absorb the 55-59-ft lot widths (~1,000 ft) which in turn would create 70-ft+ wide lots when the proposed Lot widths are more than capable to erect a single family home structure with a reduced lot width and not be a detriment of the objectives set forth in the land development code.

Additional variance findings are provided in the response sections on pages 12 and 13 of this document.

**DESIGN STANDARDS**  
**154.15 RELATION TO ADJOINING STREET SYSTEM.**

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

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

(C) Off-set streets should be avoided.

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

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

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

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

- (1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.
- (2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.
- (3) Where street connections would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.
- (4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

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

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99)

**RESPONSE:** As depicted on the preliminary plat submitted with this application, the proposed street network consists of a grid pattern based upon the foundation of Theater Lane, an existing east-west minor collector. The grid pattern is extended north and provides for continuation into undeveloped lands to the north. Extension and connectivity is achieved with connection to N E 8<sup>th</sup> and 9<sup>th</sup> Place via Theater Lane in the southern end of the project. The proposed street network assures safe and adequate circulation in the transportation system as all intersections are adequately spaced and aligned. Vertical grades in the proposed street locations will be designed to reduce the existing slopes and create a safe and efficient design in compliance within standards and specifications. No dead-end cul-de-sacs are proposed. Proposed street names will be cleared for duplication and submitted for approval prior to filing of the Final Plat.

**154.16 STREET AND ALLEY WIDTH.**

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

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

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

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

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

**RESPONSE:** As depicted on the Preliminary Plat submitted with this application, the proposed street sections correspond to the Standards adopted in the TSP and Public Works Standards and Specs of the City of Hermiston. Improvements include the construction of a local street grid network.

**154.17 EASEMENTS.**

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



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

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

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

**RESPONSE:** As depicted on the Preliminary Plat submitted with this application, easements for public utilities are proposed along the frontage of all lots, as may be necessary for the installation of such. No stream or irrigation easements apply to the subject property.

**154.18 BLOCKS.**

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

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

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

**RESPONSE:** Following approval of a block length variance by the planning commission, block lengths are approved to exceed 600 feet in length.

**154.19 LOTS.**

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.

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

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc

sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

**RESPONSE:** As depicted on the Preliminary Plat submitted with this application, the proposed arrangement of subdivision lots is similar in form and design to the surrounding residential subdivisions. Side lot lines are proposed perpendicular to the rights of way and double frontage lots are only proposed along the short block fronting Theater Lane in order to prevent direct access to the Collector street. The dimensional properties of the proposed lots are proportional and meet the width to depth ratios in this section. An exception is being requested for the interior lot width. The minimum lot width in this zoning is 60 feet. On the proposed preliminary plat 19 lots would require an exception allowing a width reduction; ranging from 55 to 58.7 feet. Therefore, an exception to lot width is requested under the conditional use and analysis is included in this application (see section 154.75).

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

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

(Ord. 858, passed 4-14-75; Am. Ord. [2180](#), passed 7-25-11) Penalty, see § [154.99](#)

**RESPONSE:** As depicted on the Preliminary Plat submitted with this application, flag style lots are not proposed in this application. Frontages provided are sufficient to construct individual driveway access to each lot.

**154.20 CHARACTER OF DEVELOPMENT.**

(A) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the proper protection and maintenance of the development in the future; provided, however, that the deed restrictions or covenants shall not contain (reversionary) clauses wherein any lot shall return to the subdivider because of violation thereon of the terms of the restrictions or covenants.

**RESPONSE:** A draft of protective Covenants will be provided and proposed to be filed for this subdivision at a later date but prior to Final Plat recordation.

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

(Ord. 858, passed 4-14-75)

**RESPONSE:** As shown on the preliminary plat, the proposed development does not include open space tracts to be dedicated to the City.

**154.21 PARKS, SCHOOL SITES AND THE LIKE.**

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

(Ord. 858, passed 4-14-75)

**RESPONSE:** As shown on the preliminary plat, the proposed development includes a 20-ft wide shared use trail tract through the NE corner of the property to provide access to the adjoining 60-ft wide tract running adjacent to the Loma Vista elementary school. The applicant proposes to transfer of both the

20-ft wide and 60-ft wide tracts to the Hermiston School district but the applicant intends on improving a portion of the tract as a shared pedestrian trail, to be owned and maintained by the school district.

**154.22 ACCESS MANAGEMENT.**

Access spacing policies set forth in the City Transportation System Plan and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(Ord. [2004](#), passed 12-13-99)

**RESPONSE:** The subject property lies adjacent and north to Theater Lane, classified as a Local Street on the Transportation System plan (update 2014). The proposed Preliminary Plat indicates 2 new connections to Theater lane opposite existing connections of N E 8<sup>th</sup> Place and N E 9<sup>th</sup> Place. Based on these existing connections and points of connectivity, the existing spacing should be found adequate. Therefore, the spacing of the proposed street intersections is compliant with the TSP and City Standards.

The proposed development includes frontage for 1 driveway approach per lot. Per Table 6-1 of the Public Works Design Standards, each residential lot on a collector or local street is allowed 1 approach of 12-24 feet width (or 28' maximum for three car garages). However, the proposed block layout allows for one row of double frontage lots along Theater Lane. There will be no proposed driveway access points from Theater Lane.

**SUBDIVISIONS PRELIMINARY PLAT**

**154.35 PRELIMINARY PLAT REQUIREMENTS.**

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

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

(C) The preliminary plat shall show:

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

(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;

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

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

- (5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;
- (6) Contours referred to a City Engineer’s bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;
- (7) North point, scale and date;
- (8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and
- (9) All the above information unless waived by the Planning Commission.

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

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

**RESPONSE:** As depicted on the Preliminary Plat Map submitted with this application, the required information is provided, in conjunction with this narrative and materials provided.

**REQUIRED MINIMUM IMPROVEMENTS**

**154.60 PERMANENT MARKERS.**

All subdivisions, major partitions and minor partitions are required to be surveyed in accordance with ORS [92.050](#) through [92.080](#).

(Ord. 858, passed 4-14-75; Am. Ord. [1769](#), passed 9-28-92) Penalty, see § [154.99](#)

**RESPONSE:** This section is procedural and the requirement will be met before Umatilla County Surveyor’s Office will sign off on the final subdivision plat.

**154.61 GENERAL IMPROVEMENTS.**

As a condition to the approval of the final plat, the city shall require installation of certain grading, drainage, curb and gutter, sidewalk and street paving and all service utilities. A developer’s agreement shall be drafted guaranteeing installation of said improvements to standard city specifications. In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities.

(Ord. 858, passed 4-14-75; Am. Ord. [1041](#), passed 3-14-77) Penalty, see § [154.99](#)

**154.62 WATER LINES.**

Where the city public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be planned for connection to the water supply. In all other areas a private water supply shall be provided in accordance with regulations and recommendations of the State Department of Environmental Quality and under the supervision of and approval by same. Fire hydrants shall also be installed in all subdivisions within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

**154.63 SANITARY SEWERS.**

Within the city limits, and in all areas beyond the city limits, but lying within the potential sewerage limits as shown by the Comprehensive Plan, the preliminary plat shall show the sanitary sewer layout for the area being subdivided. This layout shall comply with regulations of the State Department of Environmental Quality and shall be approved by the City Engineer.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

**154.64 DRAINAGE.**

- (A) All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural water course.
- (B) All major and minor partitions of land shall meet the requirements of the National Flood Insurance Act of 1968 and as amended, as applied to lands within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

**154.65 SIDEWALKS.**

- (A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family homes and duplexes if there is an existing sidewalk within 500 feet on the same side of the street.
- (B) In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction.
- (C) If an interim street standard is being constructed which does not include bike lanes or sidewalks, a paved shoulder at least six feet wide shall be provided as an interim walkway.
- (D) The provisions of sidewalks may be waived where the street serves fewer than 50 trips per day (based on ITE standards) and cannot be continued or extended to other properties.
- (E) Standards for the design, width, and location of sidewalks are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

**154.66 BIKEWAYS.**

- (A) The city’s adopted Bicycle Plan is included in the Transportation System Plan, and adopted as part of the Comprehensive Plan by reference.
- (B) In the case of arterial or collector streets, bike lanes shall be built during their construction, and considered during their reconstruction.
- (C) Standards for the design, width, and location of bike lanes are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

**RESPONSE:** As shown on the submitted Preliminary Plat, provisions have been made for the installation of public sewer, water, utility, and street improvements in conformance with this section. With approval of this land use action, engineered plans will be submitted for approval, and with such, the applicant can construct the necessary and required infrastructure to serve the development.

**ADMINISTRATION AND ENFORCEMENT**

**154.75 VARIATIONS AND EXCEPTIONS.**

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the City Council may vary or modify requirements so that the subdivider may develop the property in a reasonable manner but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved.

(Ord. 858, passed 4-14-75)

**RESPONSE:** In consideration of the physical and dimensional properties of the subject parcel, and the potential future development pattern of vacant or underdeveloped properties, the applicant requests exceptions to the following sections.

1. 154.18 Block Length – Due to the subdivision’s requirements to connect to local streets, we are bound by the 8<sup>th</sup> Street and 9<sup>th</sup> Street connectors to the south side of the project. By maintaining the 9<sup>th</sup> street connection throughout the subdivision, it is forcing the block lengths to be extended beyond the City’s 600-ft maximum by 200 feet, which also results in a 50-ft reduction for the blocks lengths to the east of 9<sup>th</sup> street. Due to topography and transportation considerations, it does not create a benefit to the project to integrate undue horizontal geometry to 9<sup>th</sup> street within the project limits. It is our opinion that this connection and block length increase does not create a health, welfare and safety concern.

2. 154.19(c) LOTS, 157. 027(C)(4) MEDIUM-HIGH DENSITY RESIDENTIAL ZONE (R-3)- Due to the physical dimensions of the properties of the subject parcel, and in consideration of market demands, the applicant requests a variance from the minimum lot width of 60' for 19-interior lots to range from 55- 58.97' minimum width. This represents 6.8% of the total lots.

As a developer and builder, the applicant has the experience and capability of providing the product proposed within the project on lots that are overall consistent with Code, yet simply require less frontage per lot, which reduces cost per lot for public improvements, and thereby improves the affordability for the end user. Additional exhibits will be provided and presented at the Commission Hearing.

**RESIDENTIAL ZONES**

**157.25 SINGLE-FAMILY RESIDENTIAL ZONE (R-1).**

(A) *Uses permitted outright.* In a R-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling;
- (2) Residential care home;
- (3) Home occupations;
- (4) Accessory structures;
- (5) Family day care provider;
- (6) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § [157.145](#). This requirement shall not be construed as abrogating a recorded restrictive covenant; and
- (7) Utility facilities as defined in § [157.143](#).

**157.26 DUPLEX RESIDENTIAL ZONE (R-2).**

(A) *Uses permitted outright.* In a R-2 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-1 zone; and
- (2) Two-family dwelling.

**157.27 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3).**

(A) *Uses permitted outright.* In a R-3 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-2 zone;
- (2) Bed and breakfast, boarding, lodging or rooming house;
- (3) Multiple-family dwelling; and
- (4) Residential care facility.

(C) *Lot size.* In a R-3 zone, the lot size shall be as follows:

- (1) The minimum lot area for single-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
- (2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
- (3) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
- (4) The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
- (5) The minimum lot depth shall be 80 feet.



**RESPONSE:** The subject property is zoned Multiple Family Residential (R-3). The proposed use is permitted outright. As shown on the tentative plan, lot sizes vary from 5,775 sf up to 11,000 sf. Lots widths vary from 55 feet to 70 feet wide, and the typical lot depth is 105 feet. An exception is requested in section 154.75.

(D) *Setback requirements.* Except as provided in § [157.140](#), in a R-3 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;
- (2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and
- (3) The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.

(E) *Height of buildings.* In a R-3 zone, no buildings shall exceed a height of 35 feet.

(F) *Lot coverage.* In a R-3 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.

**RESPONSE:** The proposed subdivision provides lots of sufficient size and dimension to construct the proposed housing within the parameters of this section. The criteria in this section will be further analyzed with building permit application, where actual structures are proposed, and those particular dimensions can be identified for compliance.

**157.150 TRANSPORTATION IMPROVEMENTS, STANDARDS, AND PROCEDURES.**

(A) *Purpose.* The purpose of this section is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation plans.

(B) *Applicability.* The provisions of this section shall apply to all development and subdivisions subject to the Development Standards of 157.160 et seq.

(C) *Notice and coordinated review.* If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provided to the Oregon Department of Transportation (ODOT) and Umatilla County. Notice will help identify agency standards and provide an opportunity for agency input and coordinated review of transportation impacts.

(D) *Zone changes.* In addition to the zone change approval criteria set forth in 157.226(E), all zone changes shall conform to the adopted Transportation System Plan (TSP). Proposed zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities.

(E) *Traffic impact study.* The applicant for a zone change, or a development or subdivision subject to the Development Standards of 157.160 et seq., shall submit a traffic impact study when the proposal affects a transportation facility if it:

- (1) Changes the functional classification of an existing or planned transportation facility;
- (2) Changes standards implementing a functional classification system;
- (3) Allows types or levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or
- (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

**RESPONSE:** The subject property is adjacent to Theater Lane, a Minor Collector. Per the attached letter from Clemow Associates, taking into consideration the Traffic Impact Analysis of the Loma Vista Elementary School and our proposed trips, the proposed subdivision does not change the functional classification of Theater Lane.

This application proposes 261 single family lots. Analysis of trip generation is as follows:

<b>USE</b>	<b>ITE Rate</b>	<b>Trips/Day</b>	<b>PM Peak</b>
261 Single family detached	9.38/unit	2447	260

The proposed development includes a network of local roadways, and connections to Theater Lane; a Minor Collector. Therefore, the development is not expected to change the functional classification of any facility, or standards of implementation of the system plan. The development is consistent with the planned zoning designation and the functional classification of the transportation network will not reduce the level of service of said facilities to levels below those in the Transportation plan.

(F) *Transportation projects.* The following transportation projects are permitted outright in all zones in the city:

- (1) Normal operation, maintenance, repair, and preservation activities associated with transportation facilities.
- (2) Installation of culverts, pathways, fencing, guardrails, lighting, and similar types of improvements that take place within the public right-of-way.
- (3) Landscaping as part of a transportation facility.
- (4) Acquisition of right-of-way for public roads, highways, and other transportation projects identified in the TSP.
- (5) Transportation projects specifically identified in the TSP.

(6) Emergency measures as necessary for the safety and protection of property.

**RESPONSE:** There are no proposed changes to Theater Lane.

(G) *Access management.* The following access management provisions shall apply to all development and subdivisions subject to the Development Standards of § 157.160 et seq.:

(1) Development shall preserve the flow of traffic in terms of safety, capacity, functional classification, and level of services. Access management policies set forth in the city TSP and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(2) Residential driveways shall be located to optimize intersection operation and, where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

(3) Properties that front on collector or arterial streets are encouraged to share an access with neighboring properties.

(4) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan. Umatilla County regulates access to county roads.

(5) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office developments wherever feasible and shall incorporate the following:

(a) A design speed of ten m.p.h. and a maximum width of 20 feet to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.

(b) A unified access and circulation plan for coordinated or shared parking areas.

(6) Pursuant to subsection (5) of this section, property owners shall record the following documents with the Umatilla County Recorder:

(a) An easement allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;

(b) A joint maintenance agreement defining maintenance responsibilities of property owners.

(7) The Planning Director or the Planning Commission may modify or waive the requirements of subsections (5) and (6) of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

**RESPONSE:** This proposed subdivision creates a local road network with single family residential lots. Residential lots will be served by single driveway aprons accessing the local street network. Those lots double fronting along Theater Lane, a Minor Collector street, will contain access restrictions on the recorded subdivision plat, limiting driveways to the local street frontage.

This application does not propose commercial accesses, or access to a State Highway.

(H) *Street standards.* Standards for streets, sidewalks, bike lanes, planting strips and right-of-way widths are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

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

(I) *Right-of-way dedication and improvement.* Right-of-way shall be dedicated as part of the development approval process. Improvements shall take place consistent with adopted street standards concurrent with the development or under a development agreement approved by the City Planning Commission or City Council.

(J) *Bike lanes and bikeways.* Bike lanes and bikeways shall be provided in accordance with the adopted TSP. Except as amended or altered by the TSP, bike lanes shall be provided along collector and arterial streets. Bike lanes and bikeways shall be constructed consistent with ODOT bicycle plan standards.

(K) *Sidewalks.* Sidewalks shall be provided along both sides of public streets, consistent with the standards of the TSP. Options are provided for curbside or setback sidewalks.

(L) *Internal connections and bicycle parking.*

(1) Internal pedestrian circulation shall be provided within new commercial, office, institutional and multifamily residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar techniques.

(2) Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be as direct as possible and shall limit out-of-direction travel. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving material.

(3) Opportunities for at least one pedestrian walkway should be provided between adjacent commercial, office, and institutional development.

(4) Bicycle parking shall be provided for new commercial, office, institutional, and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Bicycle parking spaces should be located as near as possible to building entrances used by automobile occupants.

(Ord. [2003](#), passed 12-13-99)

**RESPONSE:** As shown on the Preliminary Plat, the proposed road sections are consistent with the Public Works Standards and TSP. We currently do not show Right of Way dedications as we are not aware a dedication is required.

**CONCLUSION- REQUEST for APPROVAL:** Based on the plans and supporting documents submitted with this application, the approval criteria of Chapter 154 Subdivisions and Chapter 157 Zoning of Title XV, City of Hermiston Code being addressed in this narrative, the applicant requests approval of the 261 lot subdivision.

**EXHIBIT B**

**Conditions of Approval**

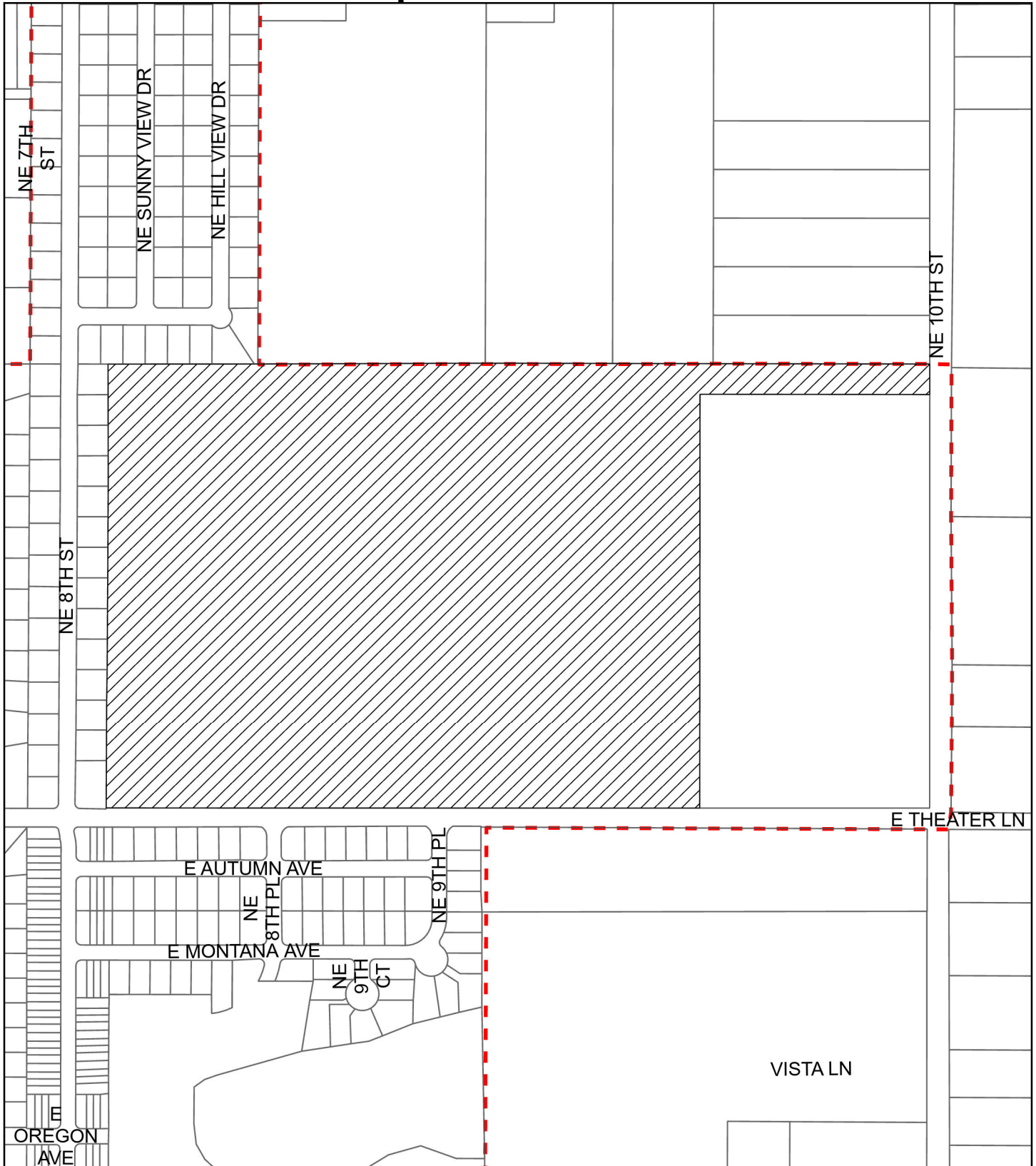
**Upland Meadows Subdivision**

**December 13, 2023**

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.
2. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.
3. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.
4. Applicant shall comply with all provisions of 92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction.
5. All streets shall be designated in accordance with §94.22 of the Hermiston Code of Ordinances as detailed in the findings of fact for Chapter 94. Specifically, Roads 2, 3, and 4 are streets running east/west and shall all be designated as Avenues. The NE 9<sup>th</sup> Place extension is properly designated on the preliminary plat and shall retain that designation. Road 1 forms a complete loop around the development and shall be designated as a Drive. A short section of road is in alignment with NE 8<sup>th</sup> Place and shall be designated as NE 8<sup>th</sup> Place.
6. Easements of at least 10 feet in width shall be provided along all street frontages.
7. The development abuts NE 10<sup>th</sup> Street. Although no access to NE 10<sup>th</sup> Street is proposed, the 60 feet of frontage for NE 10<sup>th</sup> Street shall be improved to urban major collector status concurrent with the Phase 5 improvements. Should the phasing of the development change from that proposed on the preliminary plat, the improvements shall be installed at the same time as the improvements corresponding to Phase 5 on the preliminary plat.
8. The north line of E Theater Lane along the entire frontage of the development shall be improved to urban minor collector status concurrent with each abutting phase improvements.
10. A connection to NE 10<sup>th</sup> Street is necessary for pedestrian access and secondary fire access. The access between Lots 74 and 75 shall be increased to 30 feet in width and the remaining portion of the 60-foot strip accessing NE 10<sup>th</sup> Street shall be dedicated as right-of-way. A 25-foot-wide paved emergency and pedestrian access shall be installed in this newly dedicated right of way at such time that the development exceeds 30 lots. At the developer's discretion, a vehicular gate may be installed on this access at each end, but pedestrian access shall be maintained at all times.

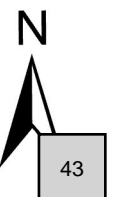
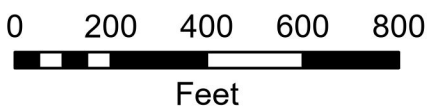
- 11. Following completion of the secondary fire access, the city will assume maintenance responsibility for this improvement.
- 11. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
- 12. A notation shall be placed on the final plat stating that lots 34 through 56 shall not establish driveways onto E Theater Lane.

# Notice of Proposed Land Use Action



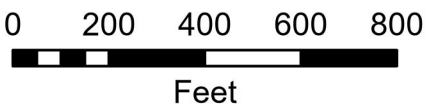
Legend

- Area of Proposed Subdivision and Lot Width Variance
- Property Line
- City Limits
- Urban Growth Boundary





# Notice of Proposed Land Use Action



- Legend
- Area of Proposed Subdivision and Lot Width Variance
  - Property Line
  - City Limits
  - Urban Growth Boundary



Geophex Surveys Ltd., Maxar

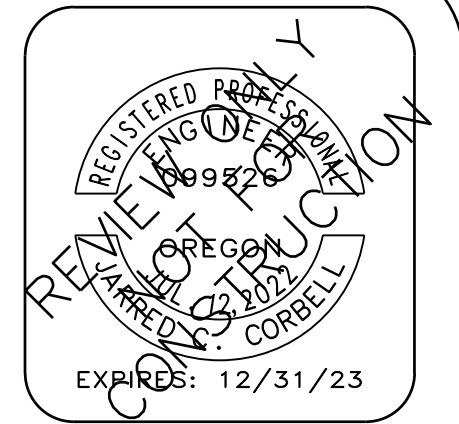


# UPLAND MEADOWS

## SUBDIVISION & VARIANCE APPLICATION

366 E HURLBURT AVE  
HERMISTON, OR 97838  
NOVEMBER, 2023

LEGEND			
ECABL	EXISTING CABLE	EXISTING	PROPOSED
EGAS	EXISTING GAS	SS	SS
EIRRG	EXISTING IRRIGATION	IR	IR
OHWR	EXISTING OVERHEAD LINES	SD	SD
EPOWR	EXISTING POWER	EW	EW
EX SS	EXISTING SANITARY SEWER	EW	EW
EX SD	EXISTING STORM DRAIN	EW	EW
ECOMM	EXISTING TELECOMMUNICATIONS	EW	EW
EWAT	EXISTING WATER	EW	EW
CABL	NEW CABLE	EW	EW
GAS	NEW GAS	EW	EW
IRRG	NEW IRRIGATION	EW	EW
POWR	NEW POWER	EW	EW
SSWR	NEW SANITARY SEWER	EW	EW
SD	NEW STORM DRAIN	EW	EW
COMM	NEW TELECOMMUNICATIONS	EW	EW
	NEW WATER	EW	EW
X X X X X	FENCE	EW	EW
---	EXISTING RIGHT-OF-WAY	EW	EW
---	EXISTING EDGE OF GRAVEL	EW	EW
---	EXISTING EDGE OF PAVEMENT	EW	EW
---	EXISTING CURB	EW	EW
---	NEW RIGHT-OF-WAY	EW	EW
---	NEW EDGE OF GRAVEL	EW	EW
---	NEW EDGE OF PAVEMENT	EW	EW
---	NEW CURB	EW	EW
		ZX	ZONES
		+	SIGN MAILBOX



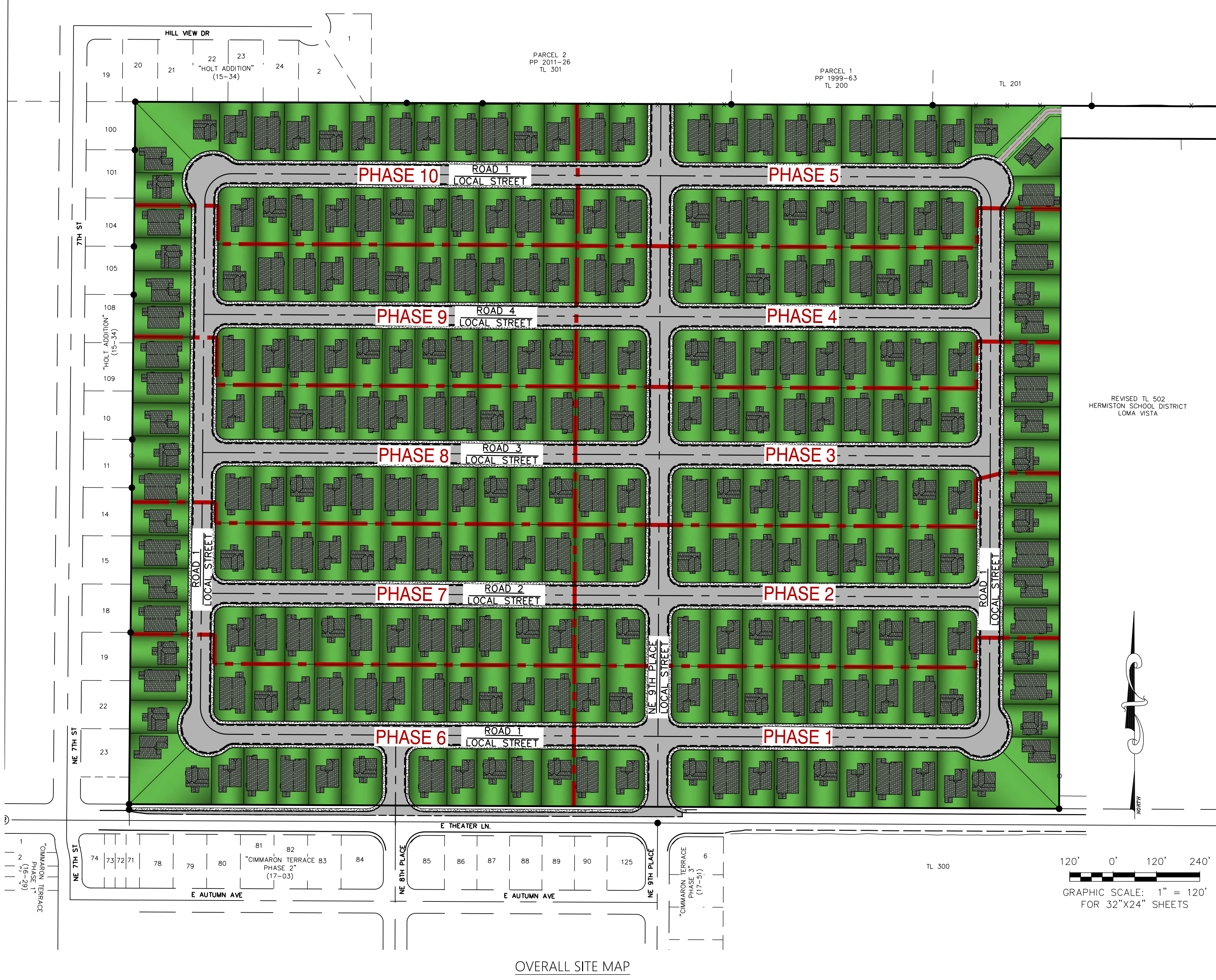
CCB#203709  
**MonteVista Homes**  
Built with You in Mind  
www.MonteVistaHomes.com

DESIGNED BY: EDN  
DRAWN BY: EDN  
DATE: 9/12/2023

UPLAND MEADOWS  
COVERSHEET

No.	REVISIONS:	DATE:

SHEET:  
**P1.0**



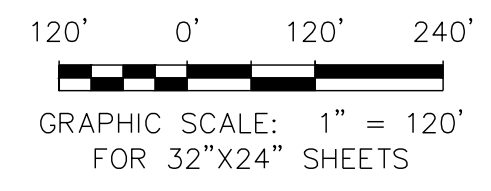
APPLICANT:  
MONTE VISTA HOMES LLC  
389 SW SCALEHOUSE CT., SUITE 110  
BEND, OR 97701  
CONTACT: JARRED CORBELL

EXISTING SITE CONDITIONS:  
VACANT

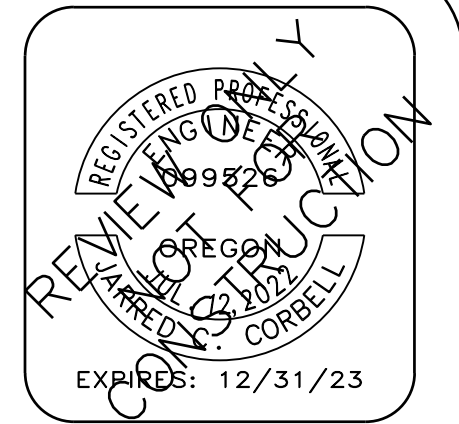
VARIANCE:  
1. INTERIOR LOT WIDTH  
REDUCTION FROM 60' TO 55'  
ON 18 LOTS

SHEET INDEX:

P1.0	COVER SHEET
P1.1	EXISTING CONDITIONS OVERVIEW
P1.2	EXISTING CONDITIONS NE
P1.3	EXISTING CONDITIONS NW
P1.4	EXISTING CONDITIONS SE
P1.5	EXISTING CONDITIONS SW
P2.0	TENTATIVE PLAT OVERVIEW
P2.1	TENTATIVE PLAT NE
P2.2	TENTATIVE PLAT NW
P2.3	TENTATIVE PLAT SE
P2.5	TENTATIVE PLAT SW
P3.0	TENTATIVE UTILITY PLAN OVERVIEW
P3.1	TENTATIVE UTILITY PLAN NE
P3.2	TENTATIVE UTILITY PLAN NW
P3.3	TENTATIVE UTILITY PLAN SE
P3.4	TENTATIVE UTILITY PLAN SW
P4.1	TRAIL CONNECTION







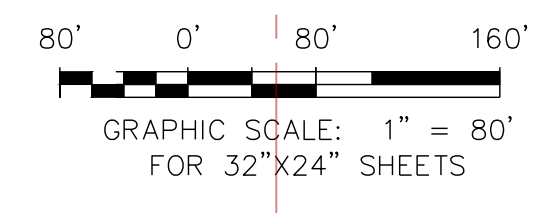
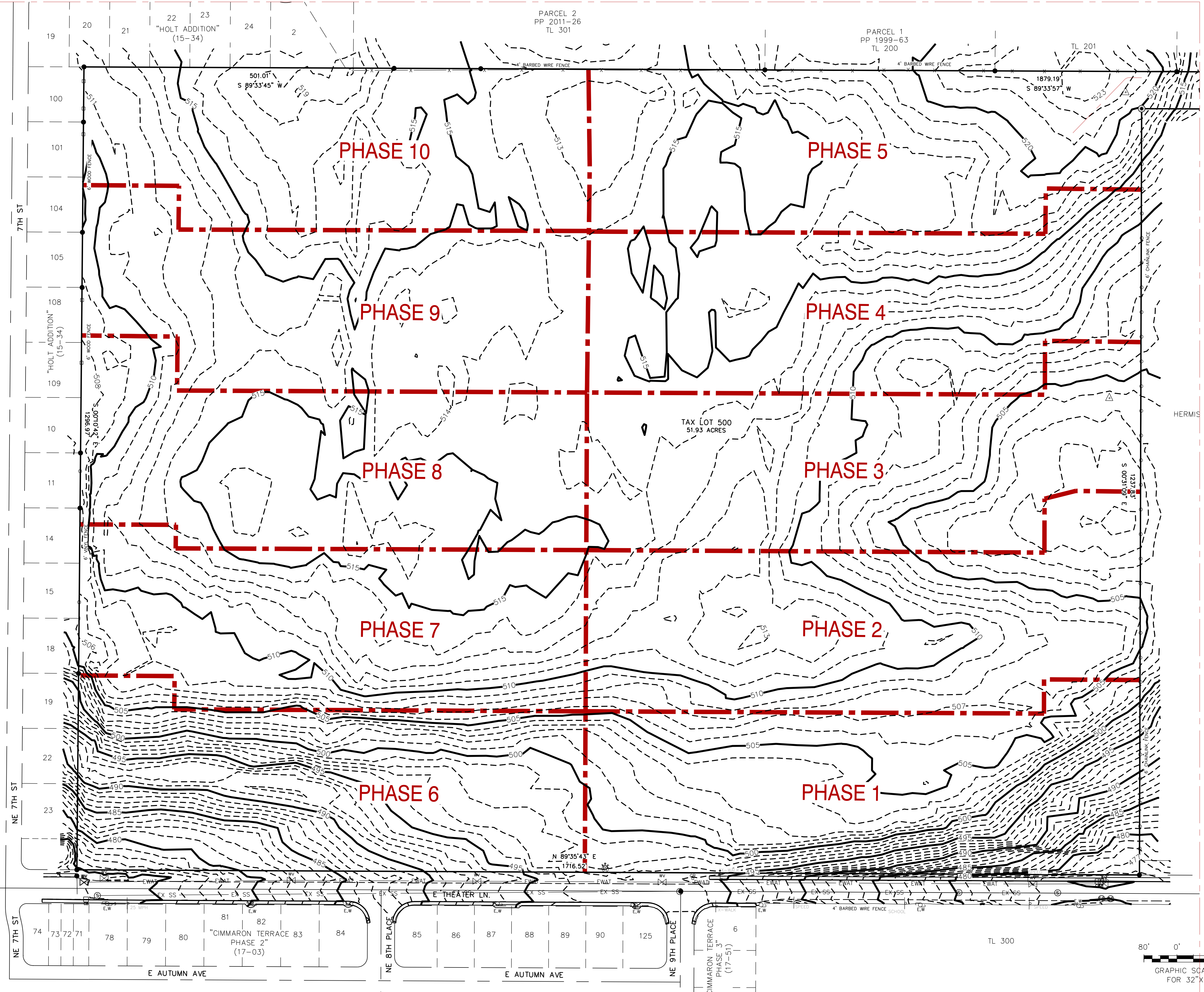
CCB#203709  
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DESIGNED BY: EDN  
 DRAWN BY: EDN  
 DATE: 9/12/2023

UPLAND MEADOWS  
 EXISTING CONDITIONS  
 OVERVIEW

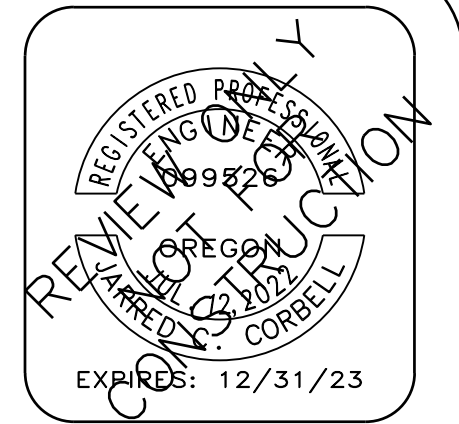
No.	REVISIONS:	DATE:

SHEET:  
**P1.1**



②  
 "CIMMARON TERRACE"  
 PHASE 1"  
 (16-29)  
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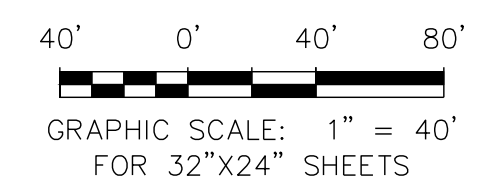
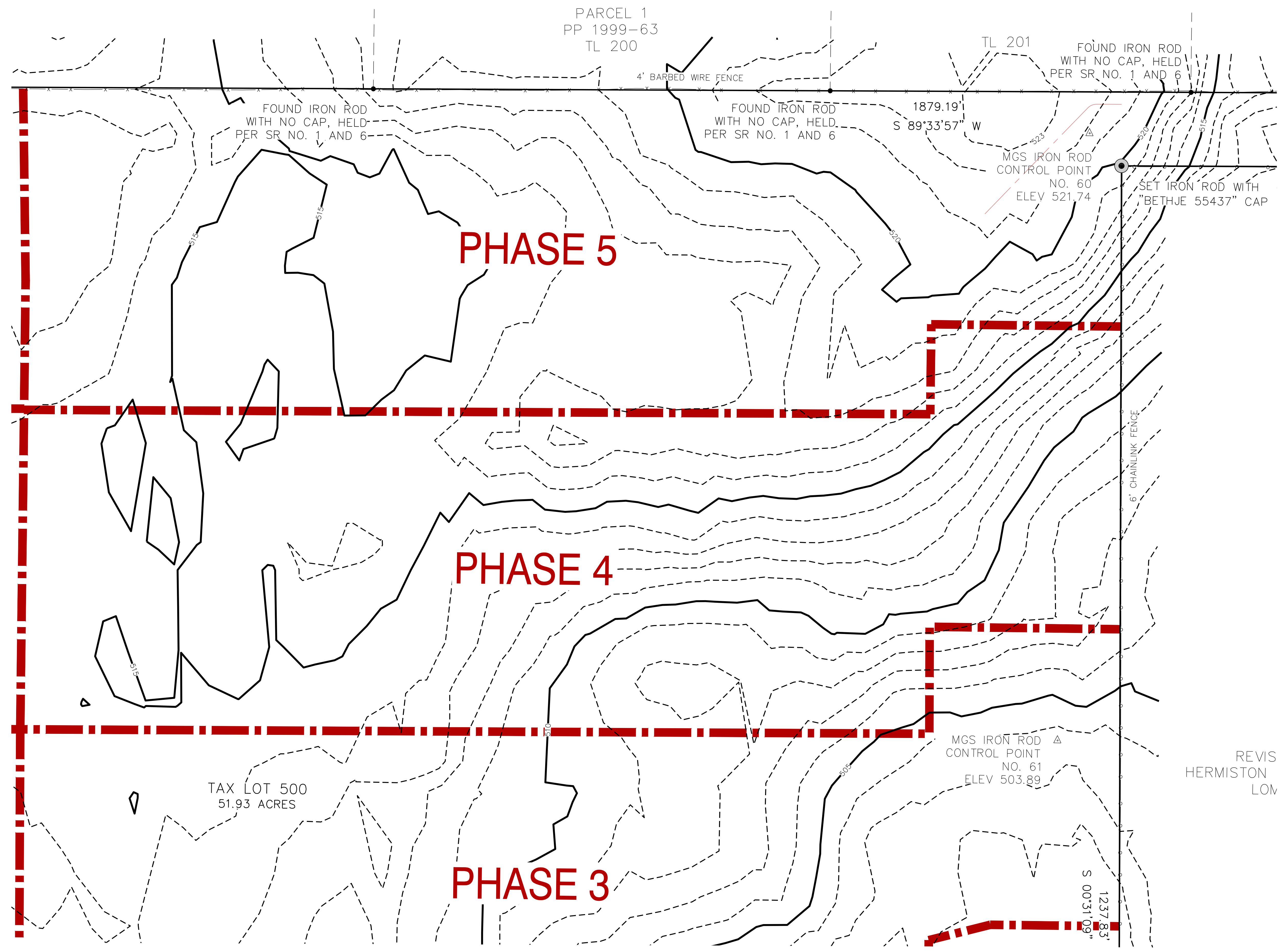
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UPLAND MEADOWS  
 EXISTING CONDITIONS NE

No.	REVISIONS:	DATE:

SHEET:  
**P1.2**



PARCEL 2  
PP 2011-26  
TL 301

7TH ST

19 20 21 "HOLT ADDITION" (15-34) 22 23 24 2

100  
101  
104  
105  
108  
109  
10  
11

FOUND IRON ROD WITH GBW CAP, HELD PER SR NO. 1 AND 6

FOUND IRON ROD WITH 2431 CAP, HELD PER SR NO. 2

FOUND IRON ROD WITH 2431 CAP, HELD PER SR NO. 2

FOUND IRON ROD WITH NO CAP, HELD PER SR NO. 2

FOUND IRON ROD WITH 2431 CAP, HELD PER SR NO. 2

501.01' S 89°33'45" W

FOUND IRON ROD WITH GBW CAP, HELD PER SR NO. 1 AND 6

FOUND IRON ROD WITH WELLS CAP, HELD PER SR NO. 1 AND 6

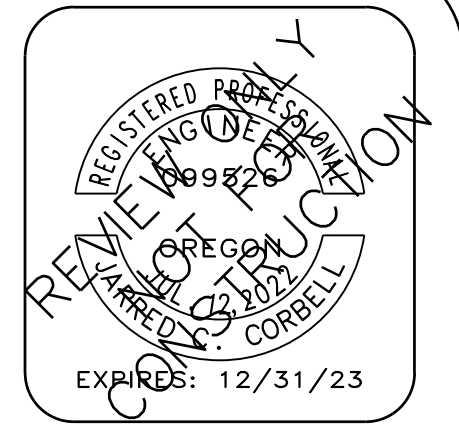
6' WOOD FENCE  
S 00°10'42" E  
1296.97'

4' BARBED WIRE FENCE

PHASE 10

PHASE 9

PHASE 8



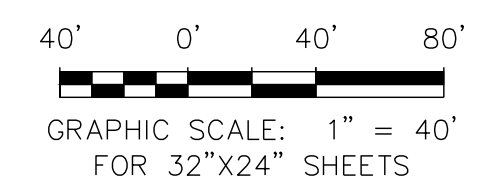
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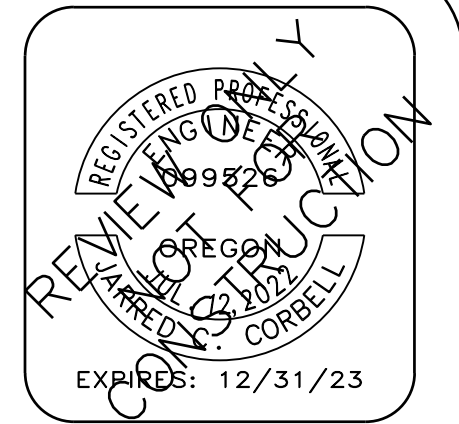
UPLAND MEADOWS  
EXISTING CONDITIONS NW

No.	REVISIONS:	DATE:

SHEET:  
**P1.3**





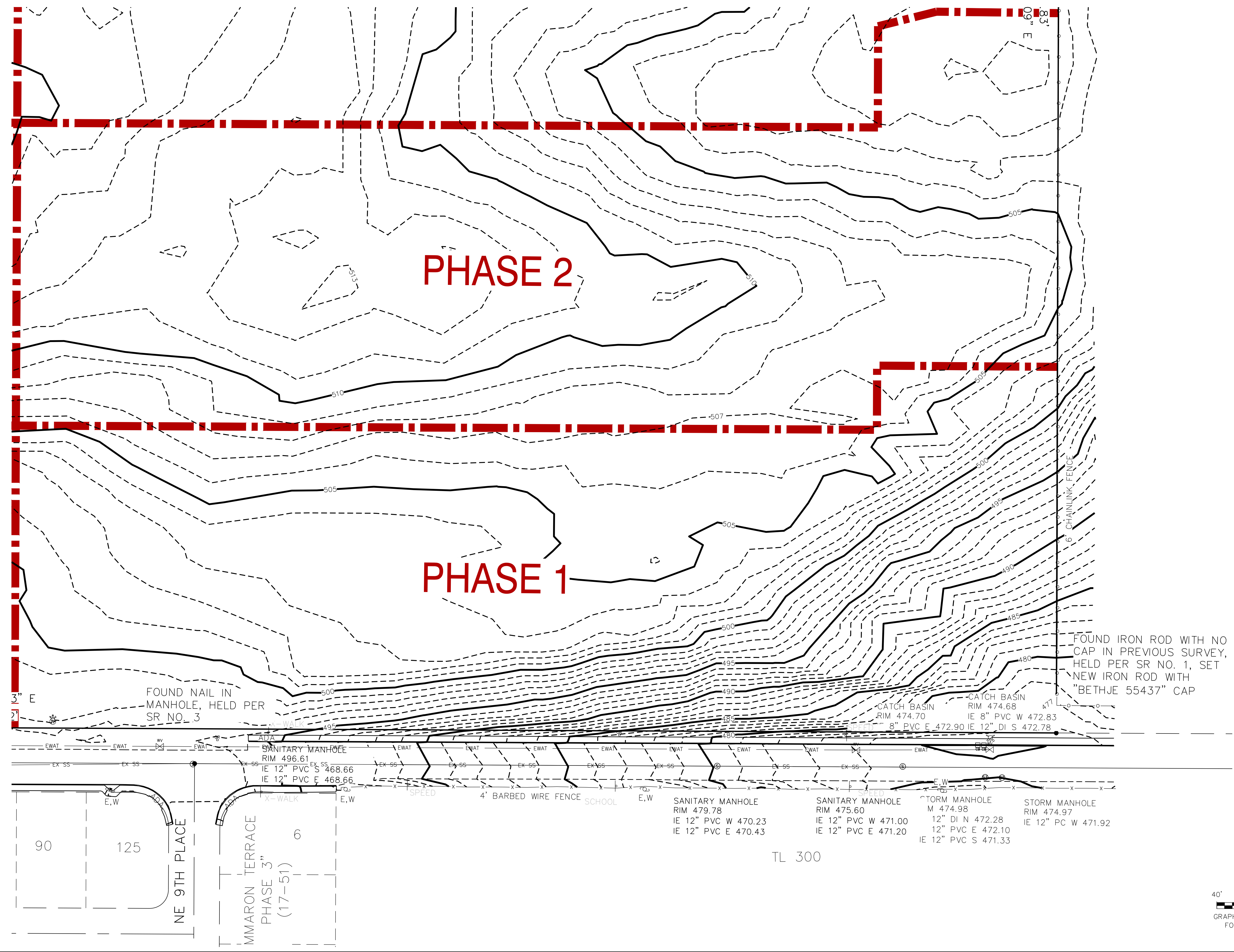


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DATE: 9/12/2023

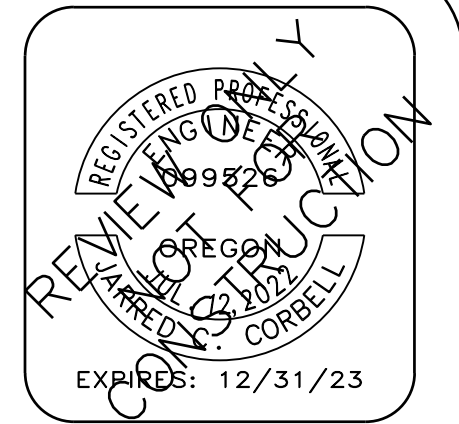
UPLAND MEADOWS  
EXISTING CONDITIONS SE

No.	REVISIONS:	DATE:

SHEET:  
**P1.4**





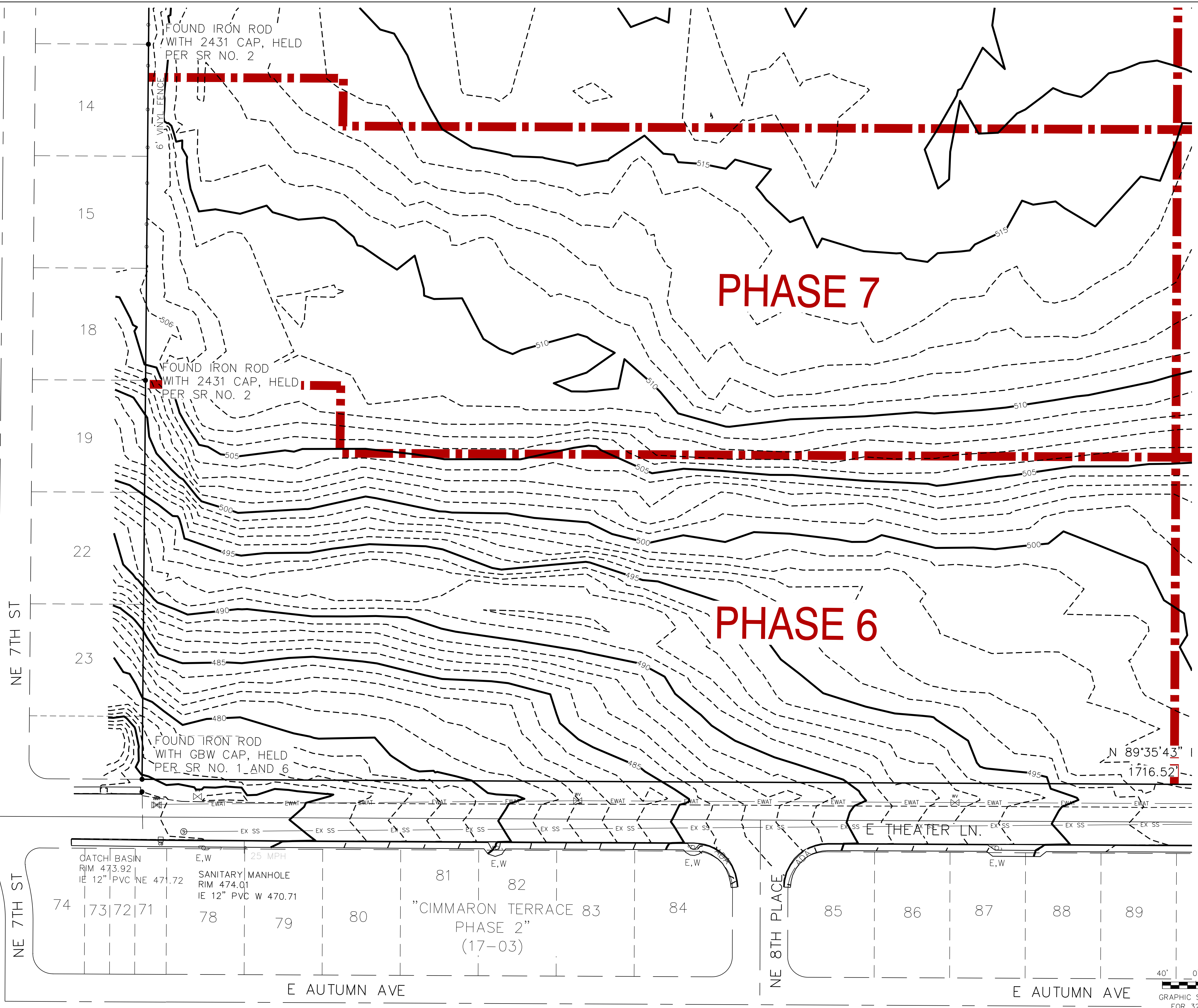


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DRAWN BY: EDN  
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UPLAND MEADOWS  
EXISTING CONDITIONS SW

No.	REVISIONS:	DATE:

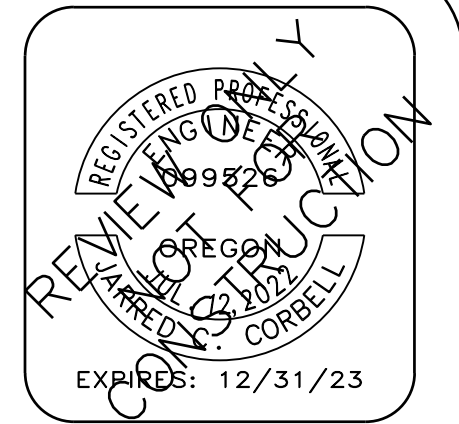
SHEET:  
**P1.5**



1  
2  
(16-29)  
(17-29)

"CIMMARON TERRACE PHASE 1"





**SITE DESIGN:**

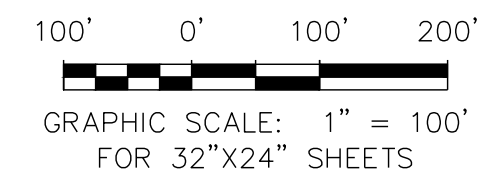
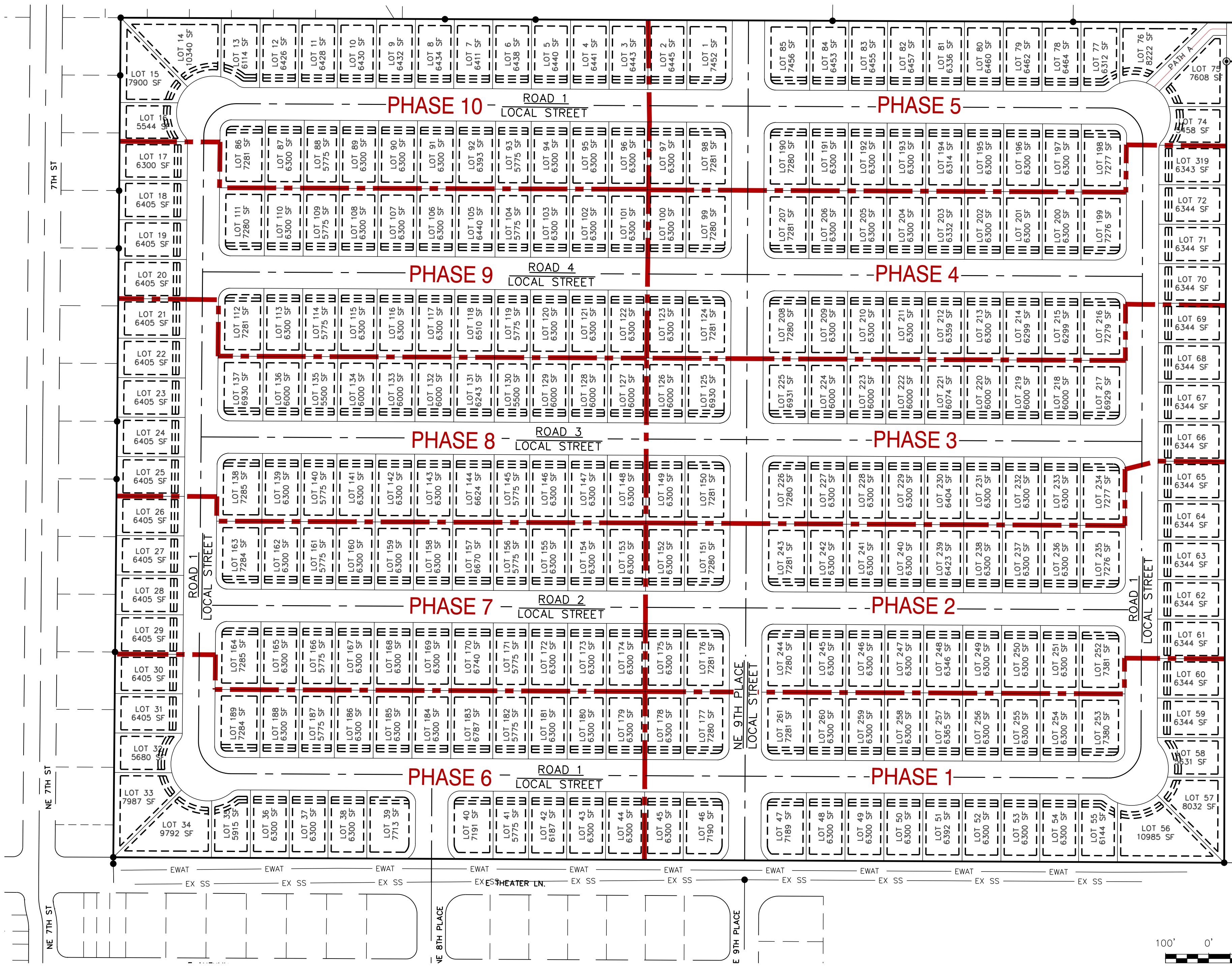
ZONING: R3  
 TOTAL ACRES: 51.93 ACRES  
 TOTAL # OF LOTS: 261  
 OPEN SPACE AREA: 3,237 S.F.

**R3 LOT REQUIREMENTS:**

MINIMUM INTERIOR LOT SIZE: 5,000 SF  
 MINIMUM CORNER LOT SIZE: 6,000 SF  
 MINIMUM INTERIOR LOT WIDTH: 60' (VARIANCE REQUESTED ON 18 LOTS TO ALLOW FOR A WIDTH REDUCTION OF 5' OR LESS)  
 MINIMUM CORNER LOT WIDTH: 75'  
 MINIMUM CUL-DE-SAC LOT WIDTH: 25'  
 MINIMUM LOT DEPTH: 80'  
 MAXIMUM BUILDING HEIGHT: 35'  
 MAXIMUM LOT COVERAGE: 45% (DECKS AND PORCHES CAN COVER AN ADDITIONAL 5%)

**SETBACKS:**

FRONT: 15'  
 GARAGE: 20'  
 PORCH/PATIO: 10'  
 SIDE: 5'  
 CORNER: 10'  
 REAR: 10' + 1' FOR EVERY FOOT THE BUILDING HEIGHT EXCEEDS 15'



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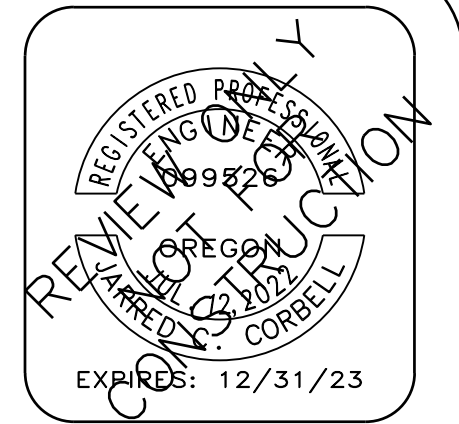
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UPLAND MEADOWS  
 TENTATIVE PLAT  
 OVERVIEW

No.	REVISIONS:	DATE:

SHEET:  
**P2.0**





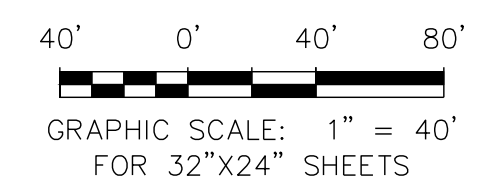
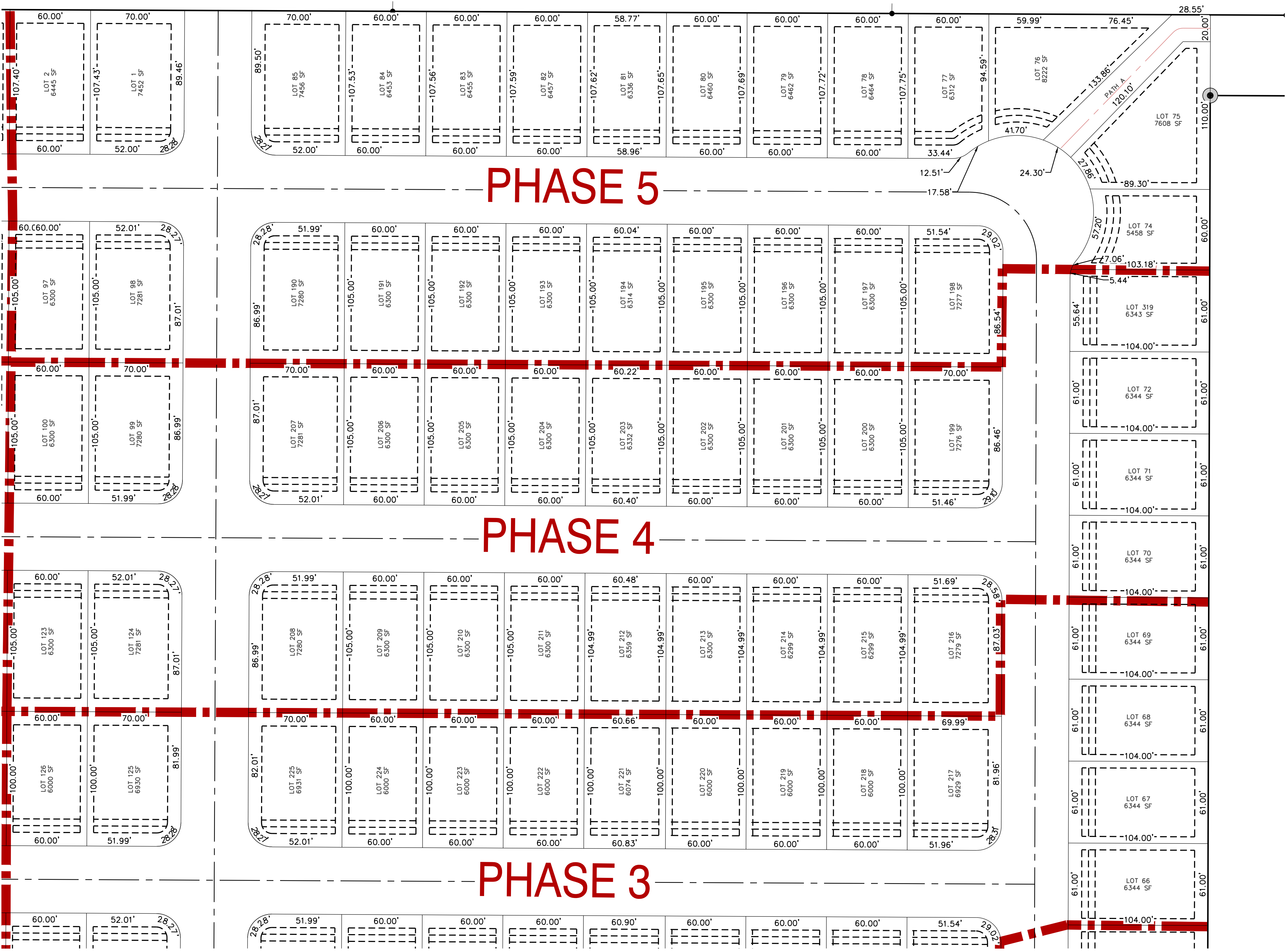
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UPLAND MEADOWS  
 TENTATIVE PLAT NE

No.	REVISIONS:	DATE:

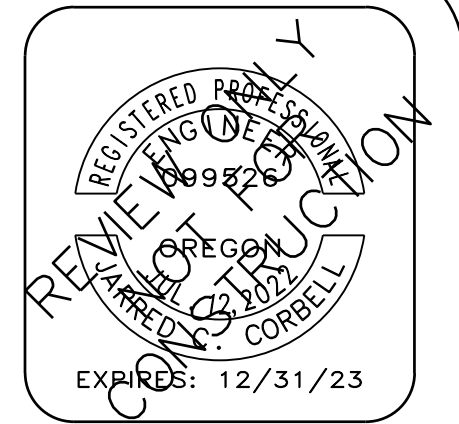
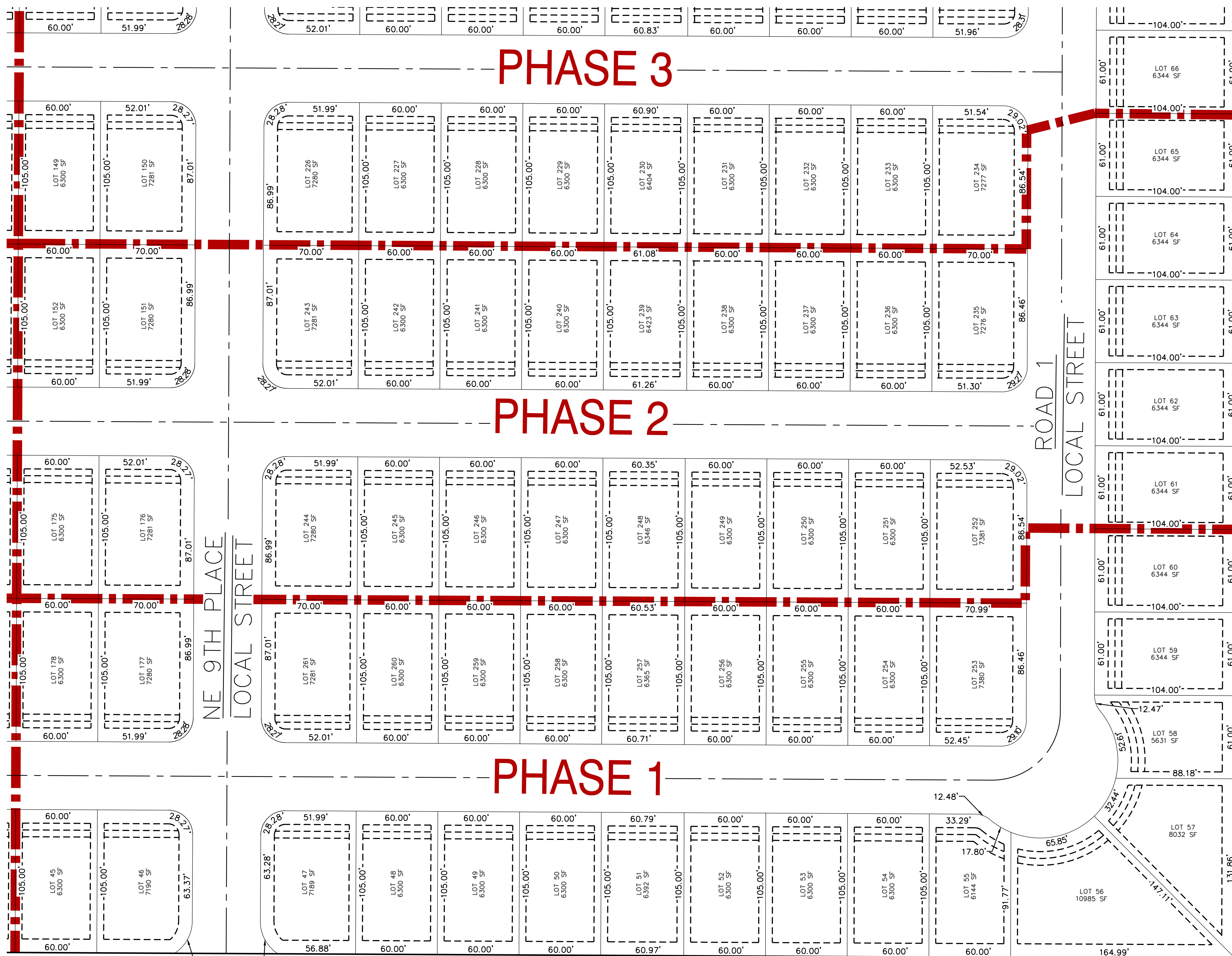
SHEET:  
**P2.1**











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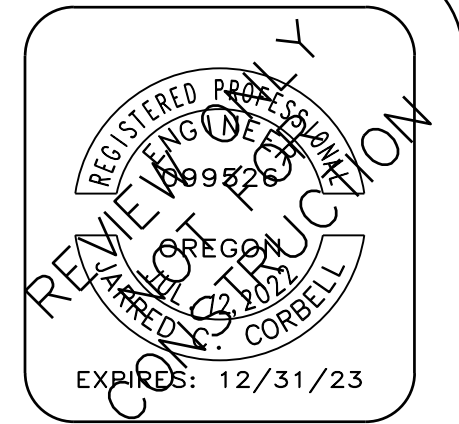
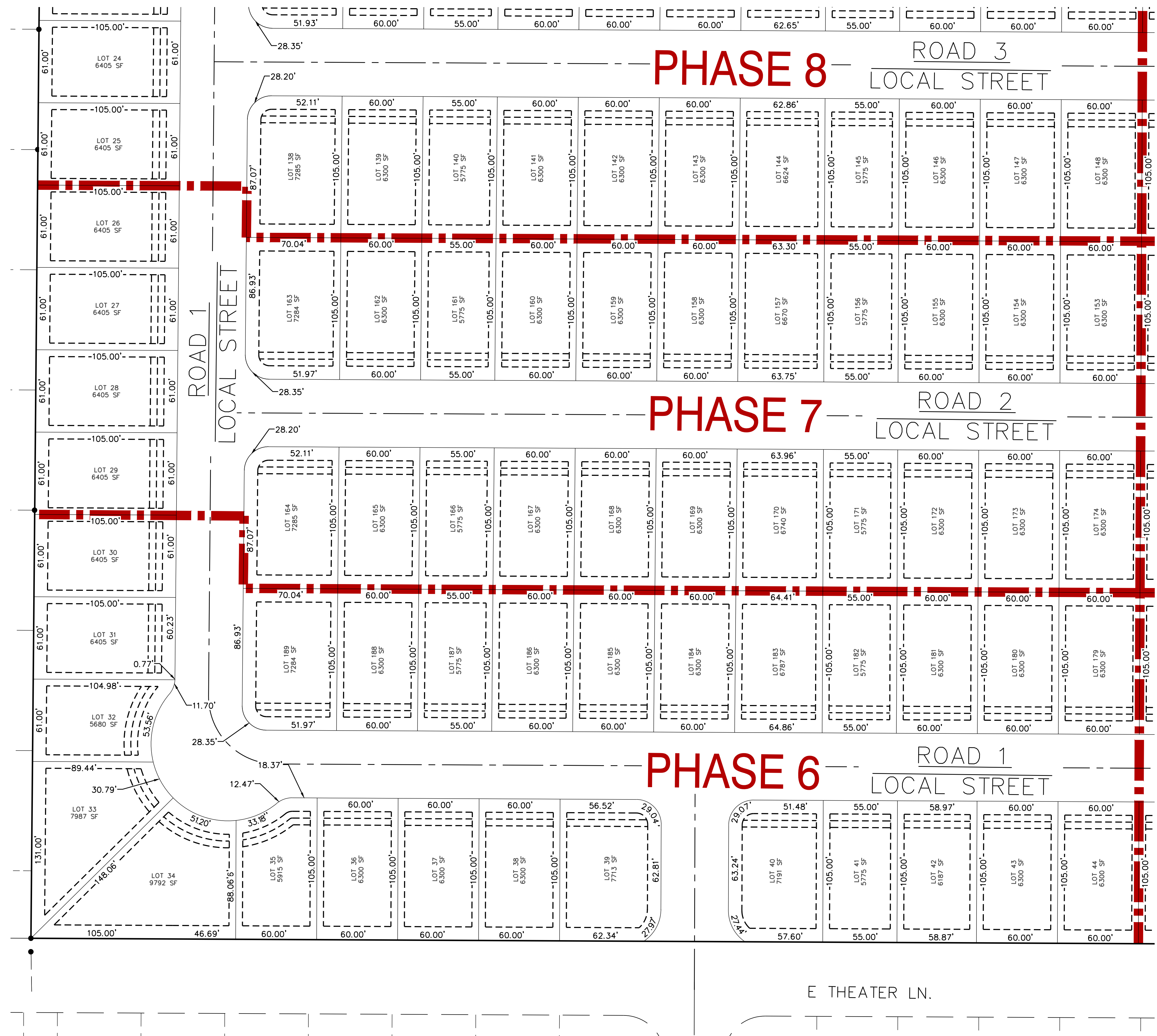
DESIGNED BY: EDN
DRAWN BY: EDN
DATE: 9/12/2023

UPLAND MEADOWS  
 TENTATIVE PLAT SE

No.	REVISIONS:	DATE:

SHEET:  
**P2.3**





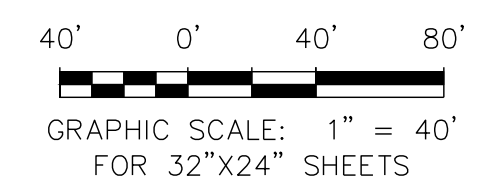
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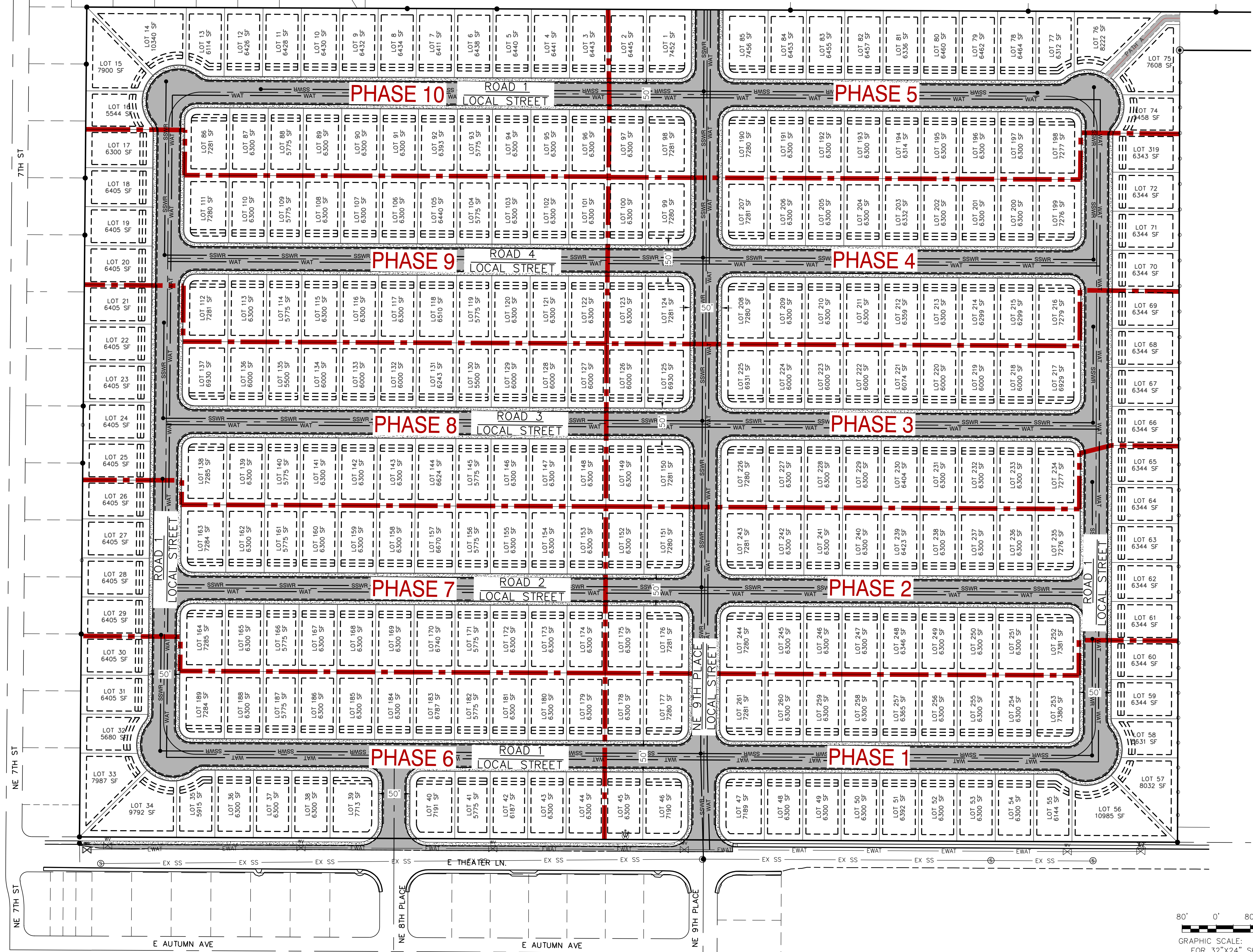
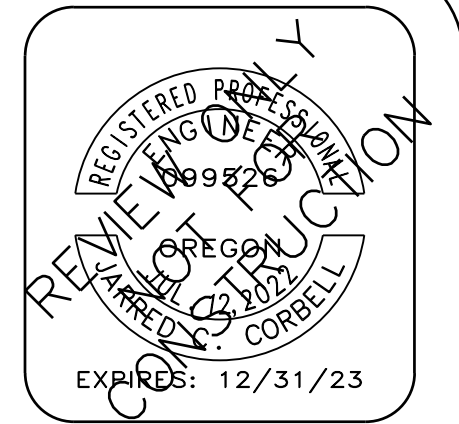
UPLAND MEADOWS  
 TENTATIVE PLAT SW

No.	REVISIONS:	DATE:

SHEET:  
**P2.4**







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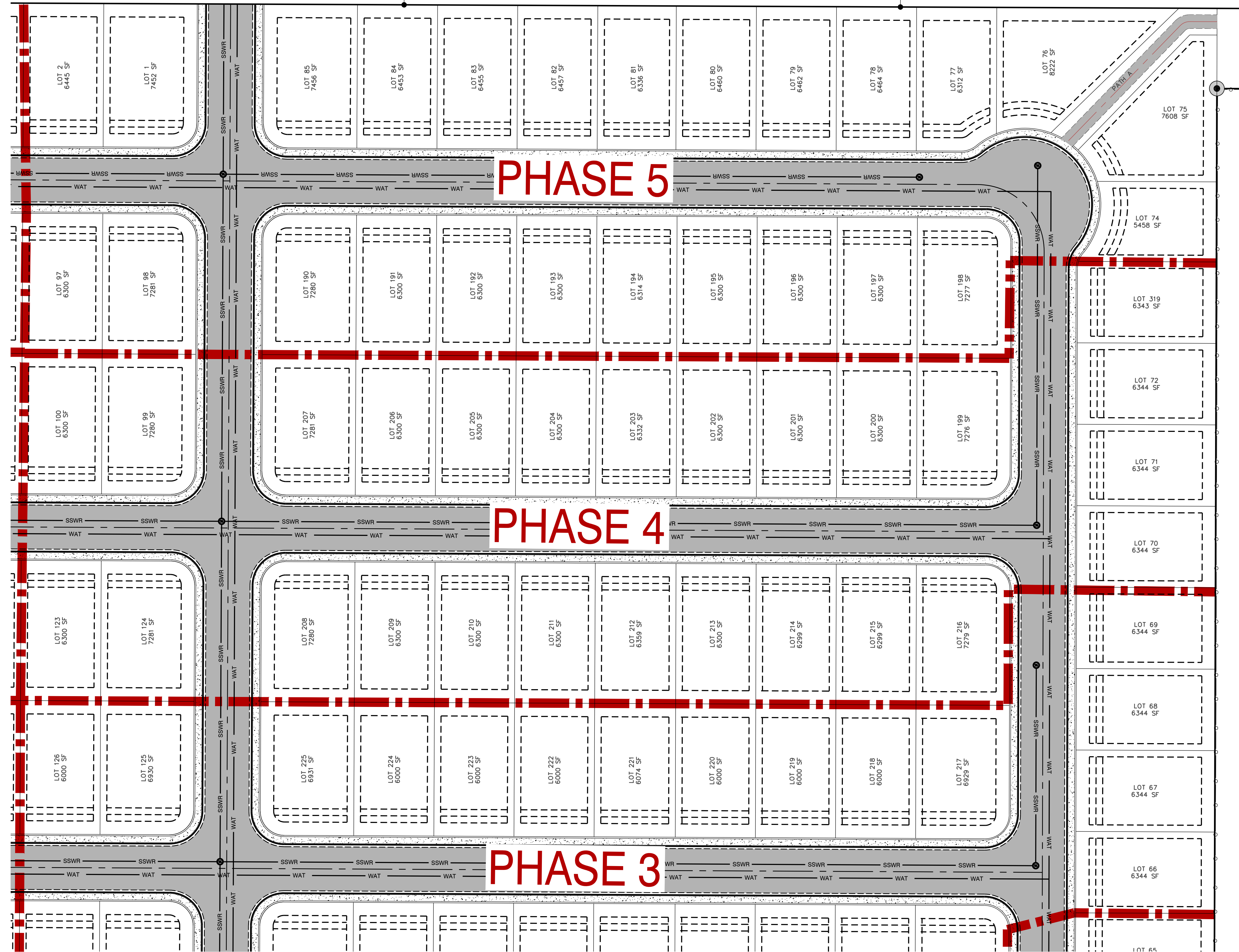
UPLAND MEADOWS  
TENTATIVE UTILITY  
PLAN OVERVIEW

No.	REVISIONS:	DATE:

SHEET:  
**P3.0**



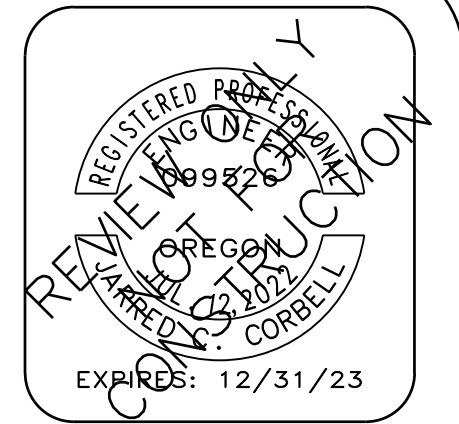




PHASE 5

PHASE 4

PHASE 3



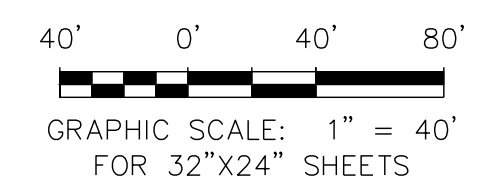
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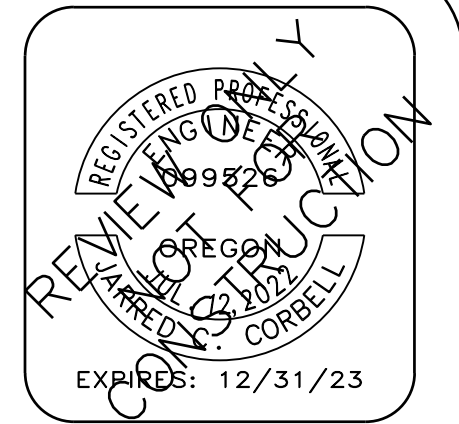
UPLAND MEADOWS  
 TENTATIVE UTILITY  
 PLAN NE

No.	REVISIONS:	DATE:

SHEET:  
**P3.1**







CCB#203709

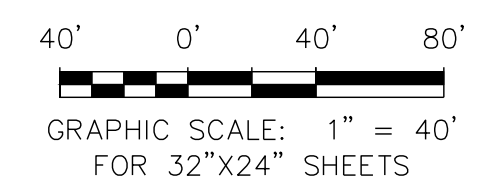
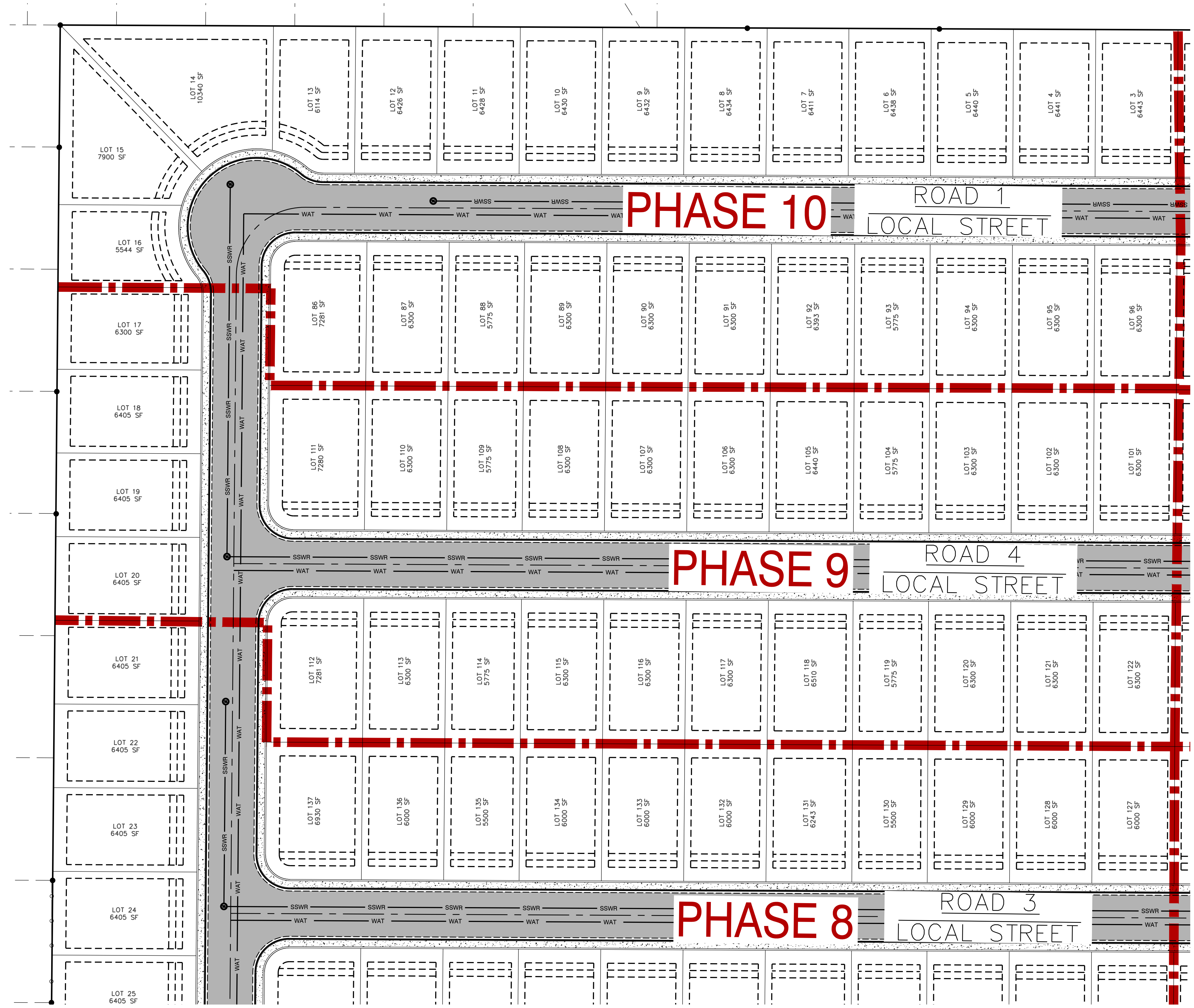
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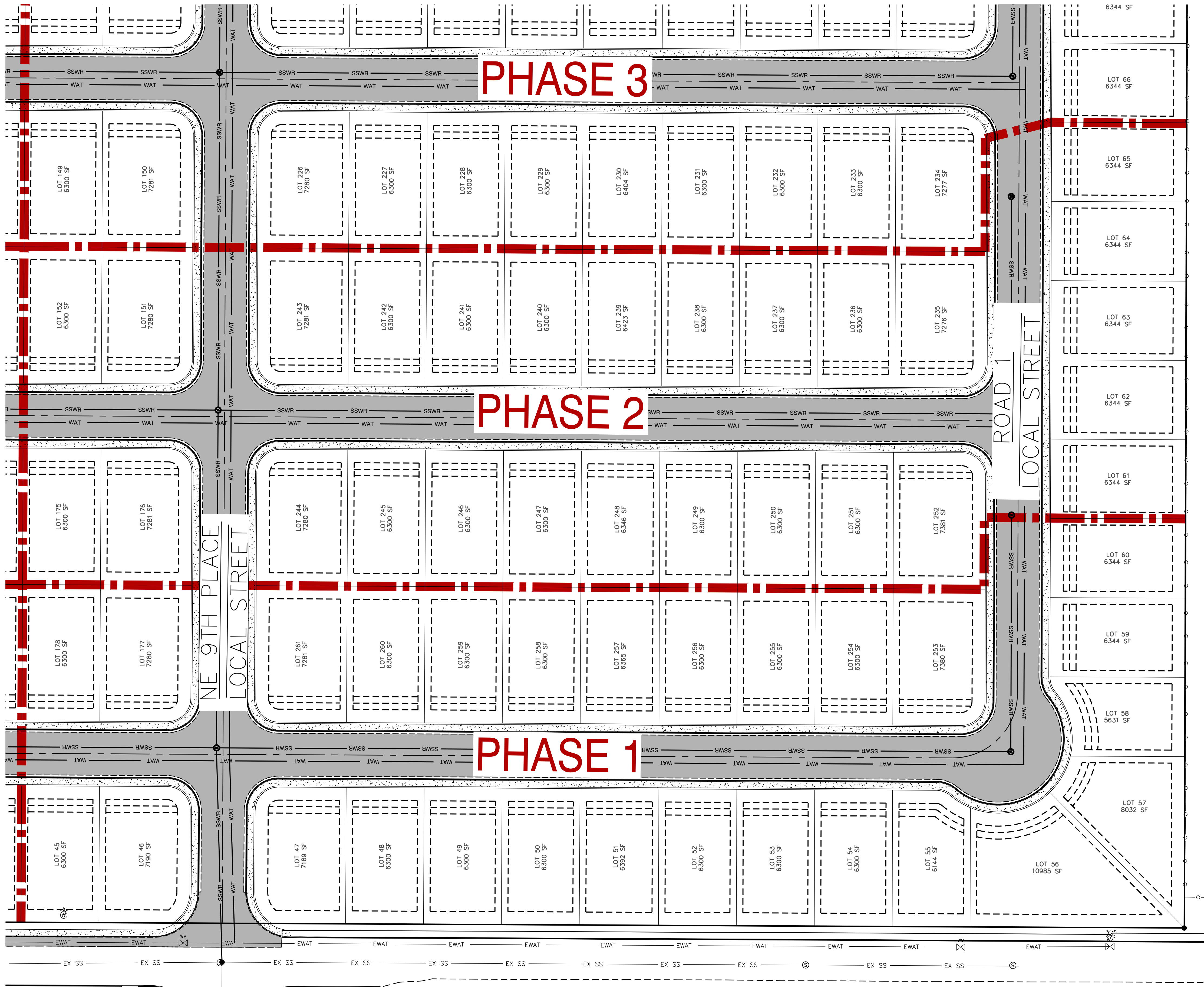
UPLAND MEADOWS  
 TENTATIVE UTILITY  
 PLAN NW

No.	REVISIONS:	DATE:

SHEET:  
**P3.2**







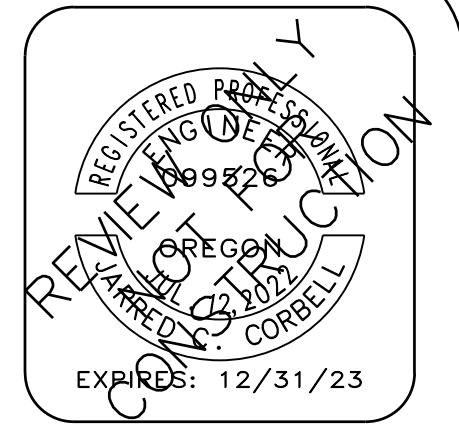
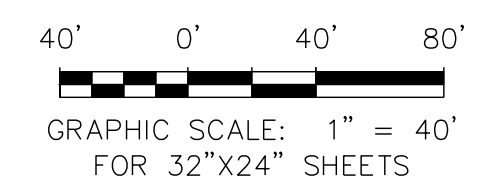
PHASE 3

PHASE 2

PHASE 1

NE 9TH PLACE  
LOCAL STREET

ROAD 1  
LOCAL STREET



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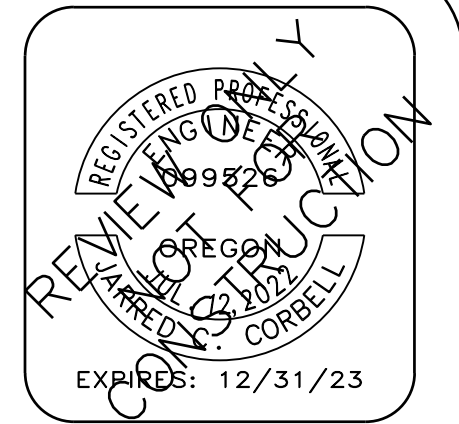
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UPLAND MEADOWS  
 TENTATIVE UTILITY  
 PLAN SE

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**P3.3**





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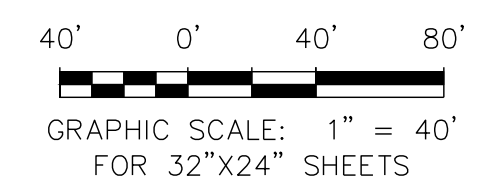
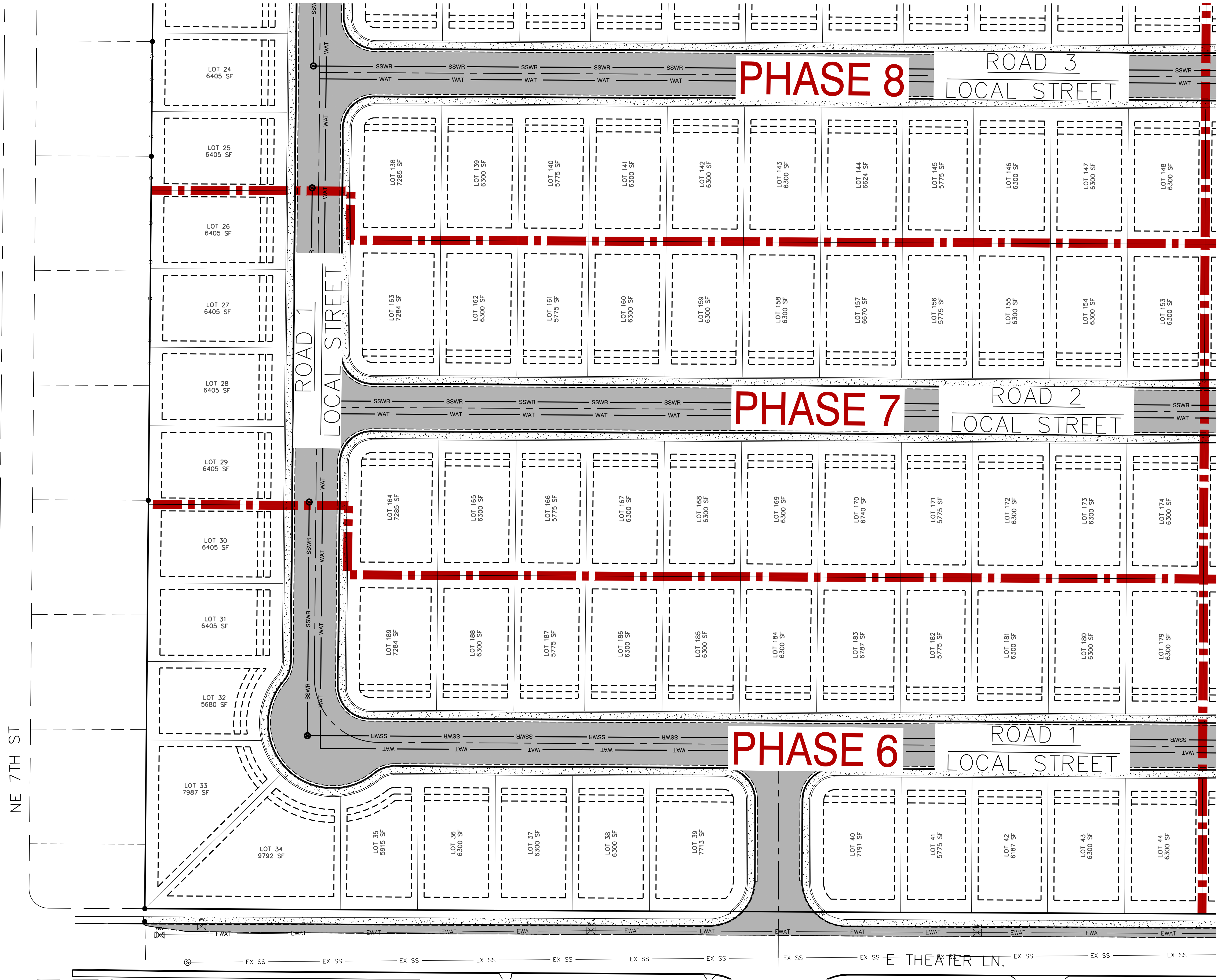
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UPLAND MEADOWS  
TENTATIVE UTILITY  
PLAN SW

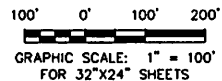
No.	REVISIONS:	DATE:

SHEET:  
**P3.4**











# Umatilla County Fire District #1

**320 S. 1<sup>st</sup> Street  
Hermiston, OR 97838**

541-567-8822 Bus | [ucfd1.com](http://ucfd1.com)  
541-564-6463 Fax | [fire.district@ucfd1.com](mailto:fire.district@ucfd1.com)

To: Clint Spencer, City of Hermiston Planning Director

From: Scott Goff, Fire Marshal

Date: 12/04/2023

Subject: Monte Vista Homes 811 E. Theater Lane

Clint,

In regards to the proposed subdivision I have the following comments.

The 2022 Oregon Fire Code Section D107 addresses one or two family residential developments. A development exceeding 30 dwelling units shall have two separate and approved fire apparatus access roads (D107.1).

Section D107.2 indicates where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

A remote access at the Northeast corner of this development would suffice for this requirement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Goff'.

Scott A. Goff, Fire Marshal

*Umatilla County Fire District # 1 is devoted to protecting the communities we serve by providing the highest quality of compassionate and professional services.*

*Umatilla County Fire District # 1 is devoted to protecting the communities we serve by providing the highest quality of compassionate and professional services.*





September 8, 2023

MonteVista Homes  
Attention: Jarred C. Corbell, PE  
389 SW Scalehouse Court, Suite 110  
Bend, Oregon 97702

Re: **MonteVista Residential Development – Hermiston, Oregon**  
*Transportation Analysis*

C&A Project Number 20230901.00

Dear Mr. Corbell,

This transportation analysis supports the proposed 250-unit single-family residential development in Hermiston, Oregon on property identified as tax lot 500 on Umatilla County Assessor’s map 4N2802A. The property is approximately 51.93 acres and is currently vacant. The proposed development is inside the City of Hermiston Urban Growth Boundary (UGB) and the City limits and is an allowed use in the existing Multi-family Residential (R-3) zone designation.

Per the correspondence you have provided, the City of Hermiston planning staff has indicated a detailed traffic impact study is not necessary if the applicant demonstrates that the proposed development will not change the functional classification of E Theater Lane (classified as a *Minor Collector* roadway), noting that the Hermiston Transportation System Plan (TSP) states that *Collector* roadways are designed to accommodate 1,200 – 5,000 average daily trips (ADT).

Based on the traffic volume data contained in the October 9, 2020 transportation analysis prepared for the new Hermiston Elementary School located in the northwest corner of NE 10<sup>th</sup> Street/E Theater Lane intersection, the average daily traffic volumes on E Theater Lane are less than 2,000 ADT. Based on data contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11<sup>th</sup> Edition, and practices from the ITE *Trip Generation Handbook*, 3<sup>rd</sup> Edition, the proposed 250-unit single-family residential development is anticipated to generate 2,344 ADT. Conservatively assuming all development traffic travels on E Theater Lane, the resulting total roadway volumes will be less than 4,500 ADT.

It is further noted the proposed development is consistent with the existing R-3 zone designation and assumptions contained in the Hermiston TSP. As such, it is anticipated the proposed development will not exceed the design capacity of a *Collector* roadway and a detailed traffic impact study is not necessary.

Sincerely,

Christopher M. Clemow, PE, PTOE  
Transportation Engineer



RENEWS 31 DEC 2023



*Where Life is Sweet*

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

**Title/Subject**

Replat- CJ Evans Family Investments LLC 4N2824BB Tax Lots 800 & 900 16 & 18 SE Campbell Dr

**Summary and Background**

Rogers Surveying Inc, P.S. has submitted a replat application to combine two lots located at 16 & 18 SE Campbell Drive. The property is approximately 2.83 acres and is currently vacant. The proposal combines two existing lots into one 2.83 acre parcel. The property is owned by CJ Evans Family Investment LLC and is zoned Outlying Commercial/Light Industrial C-2/M-1. The property is further described as 4N2824BB Tax lots 800 & 900. The planning commission may take action to approve the final plat as proposed.

The property under consideration is proposed for industrial development by the owner. The potential site plan will have a large industrial building crossing the property line common to Tax Lots 800 and 900. The owner has previously filed a covenant not to sell separately for the two lots to allow the desired building location. However, a covenant not to sell separately will not satisfy building code requirements in the event that a building is proposed to be constructed over a utility easement. Since the utility easements common to the shared line between Tax Lots 800 and 900 was platted as part of the Highlander Center subdivision, the easement may only be vacated through the filing of a new plat. Filing of a new plat will also satisfy the covenant, and that document will be removed from the land title after the plat is filed.

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

The criteria that are applicable to the decision to accept the replat are contained in 154.15 through 154.46, 154.60 through 154.66, 157.041 and 157.055 of the Hermiston Code of Ordinances.

The findings of fact are attached to this report as Exhibit A. The conditions of approval are attached as Exhibit B. The map showing the property boundary and adjacent streets and parcels is attached as Exhibit C. The preliminary plat as prepared by the surveyor is attached as Exhibit D. An aerial photo for the planning commission reference is attached as Exhibit E.

**Tie-In to Council Goals**

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

**Fiscal Information**

There is no financial impact to the city as a result of this replat. Subsequent development of the vacant parcel will generate additional property tax revenue.

**Alternatives and Recommendation**

Alternatives

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

Recommended Action/Motion

Staff has reviewed the proposed plat and found that it is prepared in accordance with all requirements of 154.35 (B) and 154.46. Staff recommends the planning commission approve the plat subject to the conditions of approval.

Motion to approve the final plat subject to the draft conditions of approval.

**Submitted By:**

Clint Spencer

**Exhibit A**  
**Findings of Fact**  
**CJ Evans Replat**  
**16 & 18 SE Campbell Dr**  
**December 13, 2023**  
**Chapter 154: Subdivisions**

Design Standards

§154.15 Relation to Adjoining Street System.

The development is bounded by SE Campbell Drive and SE 10<sup>th</sup> St. No new streets are proposed as part of this replat. This criterion is not applicable to the decision to accept the plat.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the plat. The property is currently serviced by SE Campbell Drive and SE 10<sup>th</sup> St. No new streets are proposed as part of this replat. This criterion is not applicable to the decision to accept the plat.

§154.17 Easements.

There are multiple easements noted on the plat. The surveyor's narrative includes reference to an additional easement that is not depicted graphically on the plat. The existing easements are for utility purposes.

No new easements are proposed as part of this replat. The easement common to the existing Lots 8 and 9, Block 1, Highlander Center will be vacated as a result of this replat.

§154.18 Blocks.

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

§154.19 Lots.

The new lot will be approximately 2.83 acres in size. There are no lot size or dimensional standards in the C-2 or M-1 zones. The lot is of adequate size, width, and depth to provide a viable commercial and industrial site.

§154.20 Character of Development.

The property is currently vacant and used as a laydown yard/parking area for the warehouse on the lot directly to the south. Future development on the property as the business expands is anticipated. The lot is generally flat and well suited for industrial development.

§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 replat.

§154.22 Access Management

The existing access point will remain. This criterion is not applicable to the decision to accept the plat.

§154.35 Preliminary Plat Requirements

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

(B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section. **The applicant has met the plat submission date on October 30, 2023.**

(C) The preliminary plat shall show:

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

(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements; **Shown as required.**

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat; **Existing infrastructure is not shown on the preliminary plat.**

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

(5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land; **Shown as required.**

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

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

(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; **Not shown on preliminary plat.**

(9) All the above information unless waived by the Planning Commission. **Staff recommends the Planning Commission waive (3), (6), and (8) above. Review of civil drawings including infrastructure and drainage are required prior to development of the property.**

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

Minimum Improvements Required

§154.60 Permanent Markers

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

154.61 General Improvements

SE Campbell Drive is a paved city street improved with curb and gutter. SE 10<sup>th</sup> St is a paved city street with no further improvements. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontages.

§154.62 Water Lines

A water line is available in SE 10<sup>th</sup> St.

§154.63 Sanitary Sewer System

A sewer line is available in SE 10<sup>th</sup> St.

Final Plat

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

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**

- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed 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)/ §157.055 Light Industrial Zone (M-1)**

Tax Lots 4N 28 24BB Tax Lot 800 and 4N 28 24BB Tax Lot 900 are each zoned C-2/M-1.

There is no minimum or maximum lot size in this zone. The proposed lot is 2.83 acres in size.

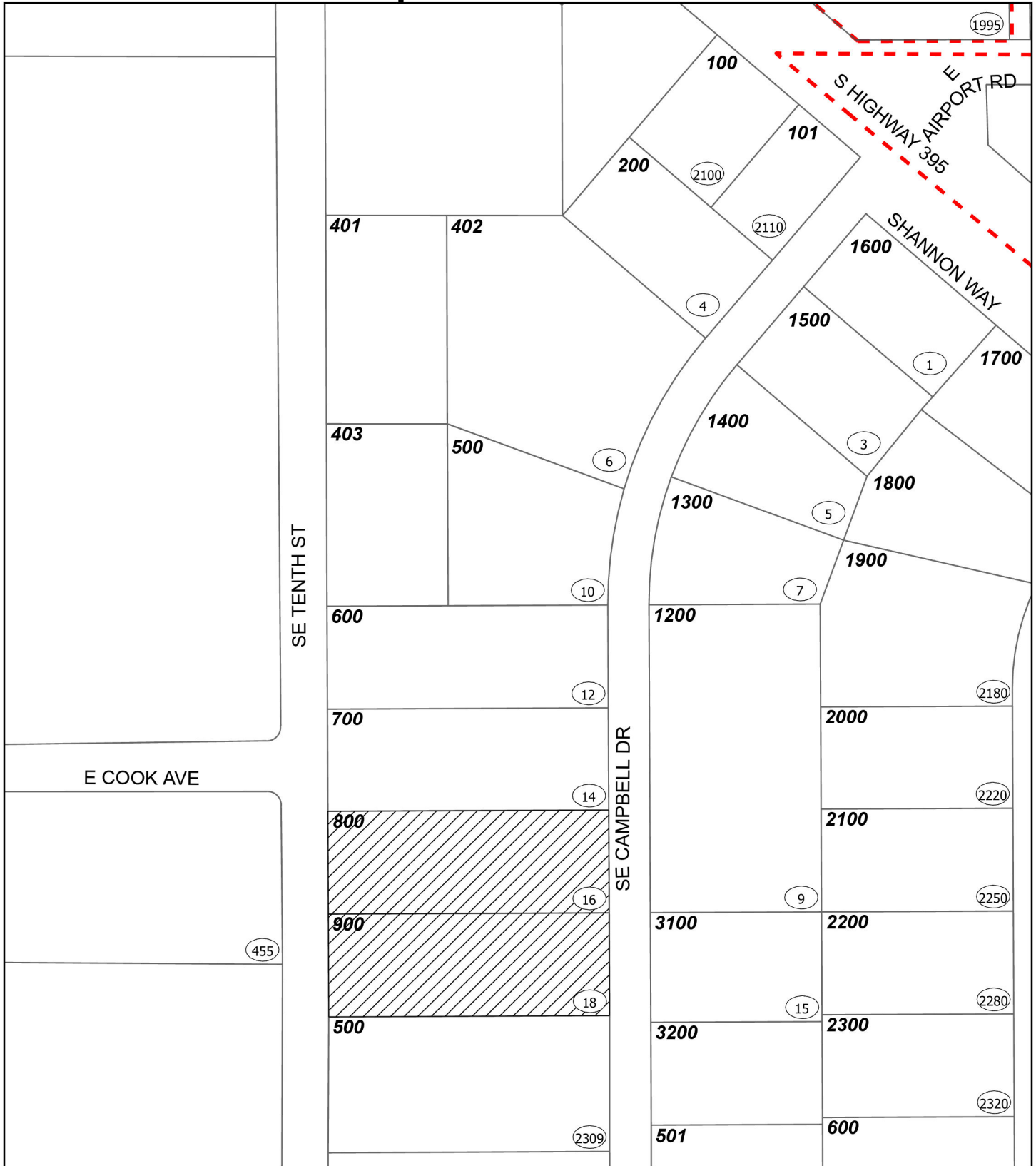


**Exhibit B**  
**Conditions of Approval**  
**CJ Evans Replat**  
**16 & 18 SE Campbell Dr**  
**December 13, 2023**





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

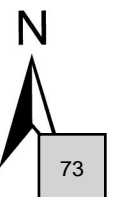
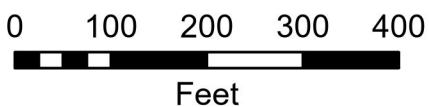
1. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on SE Campbell Drive.
2. The applicant shall work with and receive certification from the Hermiston Irrigation District prior to obtaining city signature on the plat.

# Notice of Proposed Land Use Action



### Legend

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



# CJ EVANS REPLAT

LOCATED IN THE NW 1/4 OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 28 EAST, W.M. HERMISTON, UMATILLA COUNTY, OR

### UMATILLA COUNTY SURVEYOR:

I, DAVID H. KRUMBEIN, UMATILLA COUNTY SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE APPROVE SAID PLAT FOR THE APPROVAL OF THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

UMATILLA COUNTY SURVEYOR \_\_\_\_\_

### CITY OF HERMISTON PLANNING COMMISSION:

I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND THAT IT COMPLIES WITH THE CITY OF HERMISTON REGULATIONS WITH REFERENCE TO SUCH PLATS, AND THEREFORE APPROVE SAID PLAT.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

### HERMISTON CITY COUNCIL

I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY, AND THOSE EASEMENTS SHOWN AS VACATED HEREON ARE HEREBY VACATED.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

### HERMISTON IRRIGATION DISTRICT:

I DO CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY.

MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

### UMATILLA COUNTY COMMISSIONERS:

THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT IS APPROVED FOR FILING AND RECORDING IN THE RECORD OF TOWN PLATS OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED BY ITS ORDER. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_

### ASSESSOR AND TAX COLLECTOR:

WE, THE ASSESSOR AND TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PLAT AND THAT ALL MONIES DUE FOR STATE AND COUNTY TAXES AND ASSESSMENTS THAT COULD CONSTITUTE A LIEN ON SAID LAND HAVE BEEN PAID AND WE HEREBY APPROVE SAID PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY ASSESSOR \_\_\_\_\_ COUNTY TAX COLLECTOR \_\_\_\_\_

### SURVEYOR'S NOTES:

- BASIS OF BEARING IS GRID, OREGON STATE PLANE, NORTH ZONE, NAD83(11), BASED ON GNSS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 1.00068835 FROM LAT: 45°49'0.17"N LONG: 119°16'3.22"W
- = DENOTES FOUND MONUMENT AS NOTED
- (M) = MEASURED PER THIS SURVEY (C) = COMPUTED (R) = RECORD PER SURVEY 06-520-A (EDWARDS)

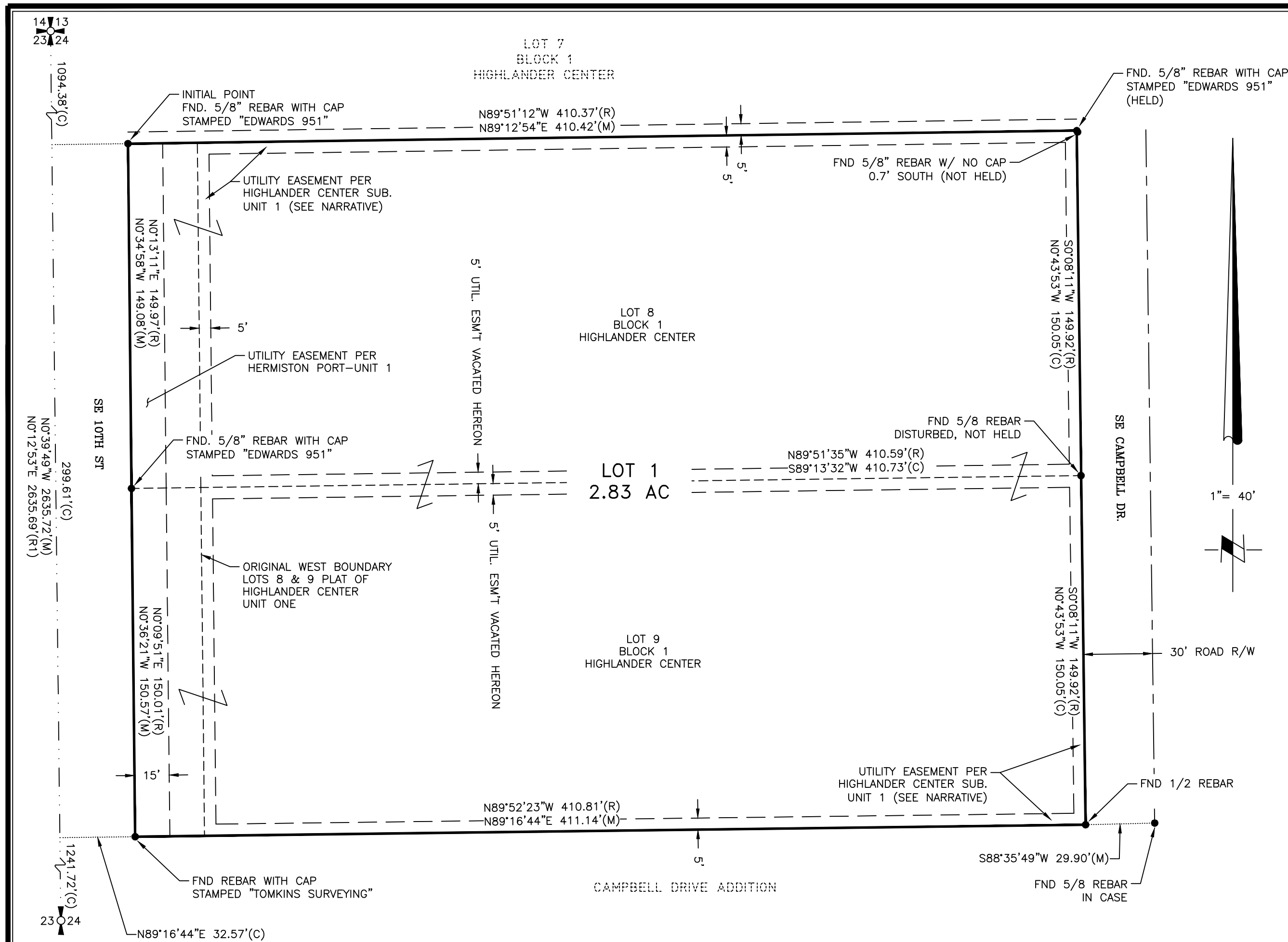
### SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS REPLAT IS TO COMBINE THE SUBJECT PROPERTIES INTO A SINGLE LOT AND DISSOLVE THE INTERIOR LOT LINES. CORNER MONUMENTS FOUND HEREON ORIGINATING FROM EDWARDS' SURVEY 06-520-A WERE HELD TO CONTROL THE CORNERS OF THE SUBJECT PROPERTY. AT THE NORTHEAST CORNER, A SECOND MONUMENT OF UNKNOWN ORIGIN WAS FOUND AND REJECTED AS IT DOES NOT CONFORM TO THE RECORD. A DISTURBED MONUMENT WAS FOUND AT THE EASTERLY CORNER COMMON TO LOTS 8 AND 9, AND WAS REJECTED DUE TO BEING DISTURBED.

EASEMENTS SHOWN HEREON ARE THOSE DESCRIBED ON THE PLAT OF HIGHLANDER CENTER SUBDIVISION-UNIT ONE (VOLUME 10 PAGE 28). NOTE: EASEMENTS ARE NOT DEPICTED GRAPHICALLY ON THE FACE OF SAID PLAT, INSTEAD THEY ARE DESCRIBED IN THE DEDICATION STATEMENT: "...AND A 5' UTILITY EASEMENT ADJACENT TO ALL LOT LINES." THIS IS SOMEWHAT AMBIGUOUS AS IT COULD BE INTERPRETED TO INCLUDE ONLY THE SIDE LOT LINES AND NOT THE PUBLIC ROAD RIGHT OF WAY MARGINS. FOR THIS SURVEY I HAVE INTERPRETED IT TO INCLUDE THE PUBLIC ROAD RIGHT OF WAY MARGINS AS THAT IS THE MORE RESTRICTIVE INTERPRETATION AGAINST THE GRANTOR OF THE EASEMENTS. A SEPARATE INSTRUMENT (2021-7280468) CREATES AN EASEMENT FOR UMATILLA ELECTRIC. THE DESCRIPTION CONTAINED IN SAID INSTRUMENT DOES NOT DESCRIBE A CLOSED FIGURE. I BELIEVE THE INTENT IS TO DESCRIBE THE EAST 5' OF LOT 9 BUT THERE ARE OTHER POSSIBLE INTERPRETATIONS.

REV: NONE

CLIENT		O'BRIEN CONSTRUCTION		JOB	34423
PROJECT REPLAT LOTS 8-9 HIGHLANDER CIRCLE					
PTN OF SEC. 24, T. 4 N., R. 28 E. W.M.					
DRN. BY	DCP	SCALE	1"=40'	F. B. NO.	NONE
APPROVED	DPB	DATE	9/8/23	ACAD VER	- C3D21
				FILE:	34423.DWG
				SHEET	1
				OF	1



### SURVEYOR'S CERTIFICATE:

I, DAVID P. BAALMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND AS SHOWN HEREON IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE CITY OF HERMISTON DEVELOPMENT ORDINANCES. I FURTHER CERTIFY THAT THE INITIAL POINT HAS BEEN IDENTIFIED AS THE FOUND EDWARDS MARKING THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE PROVIDED THE TRACT LEGAL DESCRIPTION IN ACCORDANCE WITH ORS 92.070(1) AS SHOWN BELOW.

REGISTERED PROFESSIONAL LAND SURVEYOR

**PRELIMINARY**

OREGON  
NOVEMBER 13, 2012  
DAVID P. BAALMAN  
86848PLS

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

DATE: \_\_\_\_\_ DAVID P. BAALMAN 86848 PLS

### LEGAL DESCRIPTION:

(SOURCE: WARRANTY DEED INSTRUMENT 2021-7230144)

LOTS 8 AND 9, BLOCK 1, HIGHLANDER CENTER SUBDIVISION, UNIT 1, A PLANNED UNIT DEVELOPMENT IN THE CITY OF HERMISTON, UMATILLA COUNTY, OREGON;

ALSO INCLUDING ALL THAT PORTION OF THE FOLLOWING DESCRIBED TRACT OF LAND WHICH LIES WESTERLY OF AND ADJACENT TO THE WEST LINE OF SAID LOTS 8 AND 9, SAID TRACT BEING DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON; THENCE NORTH 00°39'55" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 1841.78 FEET; THENCE NORTH 89°20'05" EAST, A DISTANCE OF 33 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 2, REPLAT OF LOTS 1 AND 2, BLOCK 1 AND ALL OF BLOCK 2, HERMISTON PORT-UNIT ONE AND LOT 8, BLOCK 3, HIGHLANDER CENTER SUBDIVISION-UNIT 2 AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 89°13'00" EAST, A DISTANCE OF 28.29 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 1 OF SAID HIGHLANDER CENTER SUBDIVISION-UNIT 1; THENCE SOUTH 00°44'01" EAST ALONG THE WEST LINES OF LOTS 6, 7, 8, AND 9 OF SAID BLOCK 1, A DISTANCE OF 600.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°15'05" WEST, A DISTANCE OF 29.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 10TH STREET; THENCE NORTH 00°39'55" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID STREET, A DISTANCE OF 600.22 FEET TO THE POINT OF BEGINNING;

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

### OWNER'S DECLARATION:

CJ EVANS FAMILY INVESTMENTS, LLC, AN OREGON LIMITED LIABILITY COMPANY, THE OWNER OF THE LAND DESCRIBED HEREON, DO HEREBY DECLARE THAT WE HAVE CAUSED THIS REPLAT TO BE PREPARED AND THESE LANDS REPLATTED IN ACCORDANCE WITH O.R.S. CHAPTER 92 AND CITY OF HERMISTON SUBDIVISION ORDINANCE, DO HEREBY ACKNOWLEDGE THE EXISTING EASEMENTS OF RECORD, AND DO HEREBY VACATE THOSE EASEMENTS SHOWN AS VACATED HEREON.

MANAGING MEMBER, CJ EVANS FAMILY INVESTMENTS, LLC

### ACKNOWLEDGEMENT:

STATE OF OREGON  
COUNTY OF UMATILLA

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE ABOVE NAMED INDIVIDUAL APPEARED PERSONALLY BEFORE ME AND ARE KNOWN TO BE TO BE THE IDENTICAL INDIVIDUALS WHO EXECUTED THE PLAT DEDICATION AND ACKNOWLEDGED THAT THEY DID SO FREELY AND VOLUNTARILY.

SIGNATURE NOTARY PUBLIC - STATE OF OREGON

PRINTED NAME \_\_\_\_\_

COMMISSION NO. \_\_\_\_\_

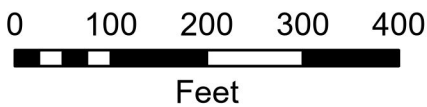
MY COMMISSION EXPIRES \_\_\_\_\_



**RSI** ROGERS SURVEYING INC., P.S.  
1455 COLUMBIA PARK TRAIL  
RICHLAND, WA. 99352  
PHONE (509) 783-4141  
FAX: (509) 783-8994  
www.rogerssurveying.com

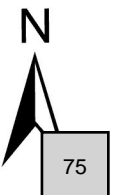


# Notice of Proposed Land Use Action



### Legend

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





# HERMISTON IRRIGATION DISTRICT

Section 4, Item A.



366 East Hurlburt Avenue  
Hermiston, OR 97838-2445  
Office: 541-567-3024  
Mobile: 541-571-7698  
E-mail: [Manager@HermistonID.org](mailto:Manager@HermistonID.org)

December 1, 2023

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

**RE: CJ Evans Replat  
4N2824BB 800 and 900**

Mr. Spencer,

Thank You for the opportunity to reivew the replat for CJ Evans Family Investments, LLC. This land is not located within Hermiston Irrigation District boundaries and has no water rights or facilities in the area. We have no objection to the replat of these parcels.

Thank you for the opportunity to comment on this request.

Respectfully,

A handwritten signature in blue ink that reads "Karra".

Karra Van Fossen  
Water Right Specialist



Where Life is Sweet

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

**Title/Subject**

Parking Amendments – Second Work Session

**Summary and Background**

The planning commission held a work session on August 16 to consider the city’s existing parking standards. The commission reviewed a first draft of new parking requirements drafted by staff and provided feedback on the proposed revisions while requesting staff to prepare additional amendments. At the conclusion of the first meeting, it was decided that the planning commission would review a second round of revisions and after considering those a public open house would be scheduled.

The planning commission’s review of the proposed revisions to the required spaces for development, generally loosening the current standards, but also adding several new standards, was generally well-received. Therefore, the revisions are presented in this report again as well as additional code language which reflects some of the discussion points from the planning commission session.

*Updated Parking Standards for §157.176 (Second Draft)*

**RED** = Decrease from current standard

**GREEN** = Increase from current standard

**ITALIC** = New standard

<b><i>Residential</i></b>	
Single and two-family dwellings	Two spaces, one of which may be located within any required yard
Multi-family dwellings	Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms
Bed and breakfast, boarding, lodging or rooming house	Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager

<b><i>Institutional</i></b>	
Welfare or correctional institution	One space per five beds for patients or inmates
Nursing home/Assisted living facility	One space per four beds plus one for each employee on largest shift
Residential care facility	One space per employee on largest shift
Hospital	Spaces equal to 1.5 times the number of beds plus one space per three employees on largest shift
<b><i>Place of Public Assembly</i></b>	
Church, Meeting room, or Mortuary	One space per four seats or eight feet of bench length in the main auditorium
Library, reading room	One space per 400 square feet of floor area
Day care, preschool	1.5 spaces per teacher-employee
Elementary or junior high school	1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater
High school	1.5 spaces per classroom plus one space for each five students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater
College, commercial school for adults	One space per five seats in classrooms
<b><i>Commercial Amusement</i></b>	
Stadium, arena, theater	One space per four seats or eight feet of bench length
Bowling alley	Four per alley
Dance hall, skating rink	One space per 100 square feet of net floor area plus one space per two employees
<b><i>Commercial</i></b>	
Retail store	One space per 300 square feet of floor area, or one space per 200 square feet of retail floor area plus one space per 1,000 square feet of storage/backroom area, whichever is greater

Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per 800 square feet of gross floor area
Bank, office (except medical and dental)	One space per 333 square feet of floor area
Medical and dental	One space per 300 square feet of floor area
Eating or drinking establishment	One space per four seats in the dining area
Drive up kiosk	<i>One space per employee concurrently on-site plus one ADA space</i>
Personal services (beauty shop, barber, nail salon, tattoo, or similar)	<i>One space per chair plus one space per two employees</i>
Hotel/Motel	One space per guest room plus one space for each two employees on largest shift
<b>Industrial</b>	
Storage warehouse	One space per 3,000 square feet
Manufacturing	One space per 10,000 square feet plus one space for each employee on largest shift
Rail or trucking freight terminal	One space per 2,000 square feet
Wholesale establishment	<i>One space per 1,000 square feet</i>
Data center or telecommunication facility	<i>One space per employee on largest shift plus one space per 25,000 square feet of gross floor area</i>

The planning commission discussed several additional requirements which are commented upon, and potential amendments inserted into the code below in italics.

---

*How can the city ensure adequate parking when a use changes?*

---

Maintenance of required parking and provision for additional parking is already addressed within the code. §157.175 of the code requires maintenance of existing parking and provision of additional parking if a change in occupancy requiring a higher parking standard is proposed. These requirements are highlighted below and additional amendments inserted in italics.

These maintenance requirements are actually one of the greatest impediments to redevelopment in the city’s downtown. Existing buildings which may have no off-street parking at all, are prohibited from a range of uses due to an inability to provide the required additional parking. The Downtown Commercial Overlay was written specifically to address this issue, permitting businesses within a specified area to take advantage of public parking lots and thus



not provide off-street parking. This approach has worked well. The concept was expanded to the municipal lots on Orchard Avenue as well for businesses west of N 1<sup>st</sup> Place.

Even with the loosening of parking requirements in place, it is still not always possible to accommodate all uses. It is generally most difficult to convert existing shops or dwellings to small restaurant spaces as even a 1,000 square foot building requires ten off-street spaces. The historical original town is generally 50-foot-wide residential lots which do not offer room for a building, travel lane, and parking. In these limited circumstances, a variance may be the best approach if it can be demonstrated that it is not possible to provide the required parking and on-street parking and/or municipal parking is also available. The city of Klamath Falls offers an interesting solution to encourage reuse of older structures and a potential solution is inserted into §157.175 as section C for discussion.

**157.175 OFF-STREET PARKING REQUIREMENTS.**

(A) At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, excepting those properties that have been assessed for public off-street parking facilities, off-street parking spaces shall be provided in accordance with the requirements of this subchapter unless greater requirements are otherwise established.

(B) If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area of the functional use of the building but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(C) *Property Reuse Incentive.*

(1) *Reduced Number of Spaces. When a new use is proposed for a previously developed site, a 25% reduction to the required number of parking spaces determined by Section §157.176 (Uses and Spaces) is allowed if the property meets the following conditions:*

a. *The property cannot accommodate the required number of parking spaces without demolishing existing structures; and*

b. *There is no opportunity for joint use parking as provided in §157.178(D) (Additional Requirements—Joint parking and loading spaces) with neighboring properties.*

---

*How can the city ensure adequate parking during shift changes if parking is based upon employee count on each shift?*

---

It is difficult to justify building double parking to accommodate the small window each day when a shift change occurs. There are a few factors which come into play in this consideration.

Employers are generally self-interested and understand that a minimum standard is a and not necessarily what will work best for a contented workforce. It is unlikely that an employer would want to deal with the grumbling involved where one shift has the “best spaces” and the second shift has to park in the gravel. Most employers would build above the minimum for this reason. We have seen this for example with the Meyer auto parts distribution center which received a variance from the planning commission for parking. Even though a variance was granted, they still provided more parking than is required for each shift.

Staff is concerned that an overflow requirement leads to future administrative headaches. What happens if an employer adds a shift but only had one shift when the site was built? Does the city monitor each employer’s schedule and require additional parking? What if the second shift is a temporary addition accommodating a spike in product demand?

Visitors, deliveries, temporary employees, and other factors will always be an issue with industrial users. In an effort to address these factors, the industrial employment parking requires spaces per employee as well as spaces based on building square footage. This will create extra spaces, and in the case of large buildings like data centers, a significant number of extra spaces. An additional option to consider is to change the ratio from one per employee to 1.1 per employee and thus each 10 employees requires an additional space.

---

*Should parking from the high school on adjacent residential streets be addressed?*

---

Parking in and around the high school will forever be an issue. It is human nature in our youth to desire a car as soon as we reach 16 years of age. Socially we are seeing an increase in youths who don’t get driver’s license while still in high school, but this trend is not as visible locally as it is nationally. At a planning level, the best option is to set a parking standard that best accommodates a typical school day with the acknowledgement that all circumstances cannot be designed for and maintain a practical and economically viable project. The proposed revision in 157.176 increases the high school parking standard from one per six students to one per five students. In a high school of 1,600 students this is an increase from 267 spaces to 320 spaces. The proposed increase in spaces is consistent with other Oregon cities which generally vary between one per five and one per six students. Although the staff survey was not comprehensive, no cities requiring one per four students were found.

With regards to on-street parking, regulation of this would require special action by the city council. Designation of no-parking zones, paid parking, or permit parking all fall within the city council’s ministerial jurisdiction over public rights of way. §70.03 delegates these powers to the council.

**70.03 POWERS OF CITY COUNCIL AS TO TRAFFIC AUTHORITY.**

To the fullest extent provided for in state law and the City Charter, the City Council shall exercise all local traffic authority for the city except those powers expressly delegated by this Traffic Code or another ordinance. The powers of the City Council include, but are not limited to:

(A) Regulating the parking and standing of vehicles by:

- (1) Classifying portions of streets upon which either parking or standing or both shall be prohibited, or is prohibited during certain hours.

- (2) Establishing the time limit for legal parking in limited parking areas.
- (3) Designating the angle of parking if other than parallel to the curb.
- (4) Designating city owned or leased property on which public parking will be permitted.

---

*Should the city consider parking maximums, and will the Climate Friendly and Equitable Communities standards be applied to Hermiston?*

---

The planning commission was not supportive of maximums at the August meeting. Based upon the planning commission’s discussion, a better way to address excessive parking would be to continue to use the variance process on a case-by-case basis.

The climate friendly rules (also known as CFEC) do not apply to Hermiston at this time. It is difficult to predict when or if the legislature will amend the rules to apply to Hermiston. Currently the rules apply only to cities in metropolitan areas. Hermiston is not within a metropolitan planning area and is unlikely to be classified within one until Umatilla and Stanfield have significantly larger populations. Therefore, these rules will only apply in the event the legislation gets more restrictive. This has happened already with the middle-housing rules which originally only applied to cities over 10,000 but in the 2023 session became more restrictive and now apply to cities over 2,000. For reference, the CFEC standards are included below.

**660-012-0425**  
**Reducing the Burden of Parking Mandates**

- (1) This rule applies to cities and counties that:
  - (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
  - (a) Garages and carports may not be required for residential developments;
  - (b) Garage parking spaces shall count towards off-street parking mandates;
  - (c) Provision of shared parking shall be allowed to meet parking mandates;
  - (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any parking is provided on site, required parking for parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;

(e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;

(f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;

(g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and

(h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.

**660-012-0430**

**Reduction of Parking Mandates for Development Types**

(1) This rule applies to cities and counties that:

(a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

(3) Cities and counties may not require parking for the following development types:

(a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;

(b) Child care facility as defined in ORS 329A.250;

(c) Single-room occupancy housing;

(d) Residential units smaller than 750 square feet;

(e) Affordable housing as defined in OAR 660-039-0010;

(f) Publicly supported housing as defined in ORS 456.250;

(g) Emergency and transitional shelters for people experiencing homelessness; and

(h) Domestic violence shelters.

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*Should the city use employee counts or square footage for determining industrial parking standards and should there be more differentiation of industrial uses?*

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The question of whether to use employee count or square footage to determine appropriate industrial parking is worth discussing. The current standard uses a square footage model and the proposed revision moves to an employee count model. The employee count model is more common in larger cities that have large-scale industrial development. The square footage model is more common in smaller cities which have more cottage industries. The underlying logic is sensible. A large city with a large employment shed is likely to see heavy industry manufacturing durable goods or distribution centers. Both of which involve very large buildings filled with automation. A small city is more likely only to see industries which service the local economy, welding shops, repair shops, etc. Hermiston is a community in transition from a small cottage industry town to a city of regional industrial importance. Using standards which reflect the larger-scale industries is appropriate for future growth.

Staff recommends keeping the proposed industrial differentiations. The proposed amendments move from one industrial standard to five. In general, it is better for a code to be more inclusive under broad umbrellas rather than specific. It provides more opportunity to accommodate unanticipated uses. The recent data center variances for example, were able to be accommodated in the zoning as a similar use to other industrial users. The parking standard was too high to be practical though and a variance was granted. Historically, the more granular a code is, the more difficult it is to accommodate a use that doesn't fit in the traditional development box. However, a very granular and specific parking standard or use definitions can provide great certainty to developers who are building one specific development in multiple locations in a region. This is a matter of community preference. Hermiston has traditionally preferred a more open development code to take advantage of opportunities as they arise and not require complex processes for development.

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*How can the city be more accommodating to restaurant development? Should a queue length for drive up windows be established?*

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Community surveys, social media, word of mouth, and many other lines of communication consistently show that restaurant development is a desire for Hermiston's citizens. Zoning is consistently a hinderance to restaurant development. The hinderance doesn't come from the use itself, which is permitted in all commercial zones, but from the off-street parking requirements which are hard to meet in some cases. Restaurants have a minimum size that is needed for economic viability, and that minimum size, combined with a high parking requirement can eliminate a lot of potential restaurant sites. However, this hinderance has to be balanced with the public good and economic viability itself. If a restaurant has too few spaces, it will not be able to accommodate customer demand and will quickly fail. Additionally, too few spaces will lead to excessive on-street parking, dragging down the surrounding area, causing congestion, and harm to other businesses or residences.

The proposed amendment to §157.176 decreasing the restaurant standard from one square foot to one per four seats in the dining area is a significant reduction but does fall within the building code determination for occupancy and is similar to many other cities. The other alternative proposed at the August meeting is to maintain the one per four seats requirement but also include one per 200 square feet of kitchen and freezer space to provide additional employee parking load. Staff has also worked with the city engineer and determined that a ratio of one space per 150 square feet may be justifiable based upon actual peak hour usage versus unoccupied spaces. The proposed amendment to §157.175 adding a change in use provision for existing buildings will also facilitate additional conversions. If a site still has the inability to meet parking requirements and wishes to convert to a restaurant, the planning commission may consider a parking variance request.

With regards to queuing, the city engineer reviewed the commission’s discussion and did additional research. It is possible to develop a formula to determine queue length for each restaurant which proposes a drive-up. It will increase the cost of development as it will require the site to be designed in conjunction with a traffic engineer. However, poor drive-up queue design can lead to significant congestion and circulation issues in the surrounding neighborhood. It is recommended that the commission consider the design principles from the city engineer and consider potential code language.

1. Queuing length must conform with the requirements of the ITE manual (trip generation manual)
2. Queuing length must be designed for the peak hour.
3. 30 feet of queuing space is required per vehicle in the queue.
4. A minimum of 5-minute vehicle count must be used to determine required queue length.

As an example of how this formula would work in the real world, assume a fast-food restaurant that serves 150 vehicles during the lunch rush (peak hour). This hypothetical restaurant would have 2.5 vehicles at the window every minute. Therefore, there would be 12.5 vehicles through the window in a five-minute period. A 13-space queue of 390 feet is necessary. This is very close to the actual queue built for the Panda Express restaurant on N 1<sup>st</sup> St which has an actual length of 360 feet.

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*Should the city consider compact parking spaces?*

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Compact spaces are one of the most requested parking design standards. Hermiston is one of the few communities to not have a compact standard in any form in the development code. It is recommended that one be adopted and implemented. In discussions with the city engineer, it is recommended that a compact space be allowed and designed as 8.5 feet by 18 feet. This is not much smaller than the standard nine by twenty space, but in a large development will allow for the provision of more spaces in a smaller area. In Oregon, the standard ranges from 30% to 50% of spaces may be compact. It is not recommended that Hermiston consider such large numbers given the larger nature of vehicles in our community. Therefore, staff recommends compact spaces be limited to no more than 25% of spaces. Compact space requirements can be inserted into the additional requirements in §157.178.



## 157.178 ADDITIONAL REQUIREMENTS.

(A) *Obligations and violations.*

(1) The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this subchapter.

(2) Use of property in violation hereof shall be a violation of this subchapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and in violation of this subchapter to begin or maintain the altered use until the required increase in off-street parking or loading is provided.

(B) *Additional requirements not listed.* Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(C) *Sum of requirements.* In the event several uses occupy a single structure or parcel of land concurrently, the total requirements for off-street parking shall be the sum of the requirements of all uses computed individually.

(D) *Joint parking and loading spaces.* Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases or contracts to establish the joint use.

(E) *Location of spaces.* Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(F) *Storage of vehicles and material prohibited.* Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(G) *Vision clearance problems.* Off-street parking of any vehicle, watercraft or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard, shall not be allowed in any required yard.

(H) *Plan submission.* Plans shall be submitted as provided in 157.232.

(I) *Compact parking spaces.* *Parking areas developed under the provisions of this chapter, except for single and two-family dwellings and vehicle sale areas, may choose to utilize compact parking spaces,. Where compact parking spaces are proposed, the total number of compact*

parking spaces shall not exceed 25% of the total spaces required in §157.176 of this  
Compact spaces shall be 8 feet 6 inches in width and 18 feet in length.

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*Should a specific bicycle parking requirement be adopted?*

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Hermiston only requires that bicycle parking be provided with all new development, not that a required number of bicycle spaces or racks be built. It is unusual to not require a ratio in the code for bicycles. This is usually a fraction of the amount required for other uses. Examples might be 0.25 spaces per 1,000 square feet of floor area at a convenience store (2.5 spaces for a 10,000 square foot building) or 1 space per 1,000 square feet for a restaurant (five spaces for a 5,000 square foot fast-food building). Rather than developing a comprehensive bicycle parking standard for each use in the zoning code, staff recommends the planning commission consider a fractional requirement based upon required parking. In this case based upon observed bicycle usage, a ratio could be set up as simple as one bicycle space for each 10 required vehicle parking spaces. This could be capped at a maximum of 20 bicycle spaces to avoid a user such as Walmart which has 1,300 paved spaces also having 130 bicycle spots.

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*Should the city develop specific electric vehicle parking requirements?*

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Electric vehicle charging stations are a patchwork statewide. Where requirements are implemented, they are used as an incentive to lessen the overall parking requirement. In other words, cities that require the installation of spaces, use the installation of the spaces as an incentive to reduce the overall number of spaces required. This reflects the current thinking away from auto-oriented development in the larger metro areas. By utilizing a “carrot” approach to electric vehicle charging sites, the cities are creating a two-fold incentive to lessen the area needed for parking and encouraging customers and employees to use transit or alternative transportation. This is not a feasible goal with Hermiston’s character as a regional trade hub. Workers and customers both may be commuting up to fifty miles each way for a shopping visit or a job. Lessening the parking requirements will only create more congestion. Currently, the state offers an opt-in system for municipalities to participate in an electric vehicle charging program. This program is detailed in OAR 918-020-0380. It is not recommended that the city opt-in to this system. Once a city opts into the program, it must require electric vehicle charging be installed or available for installation in all developments with more than 50 parking spaces and at least five% of the spaces must be available for electric installation.

There are numerous state and federal programs offering grants, rebates, and tax credits for the voluntary installation of electric charging stations. It is recommended that this remain a voluntary program for the time being.

However, staff cannot find another city in the state currently requiring the installation of additional conventional off-street parking spaces to offset the electric charging spaces. A requirement of this nature would act as a disincentive to installation of charging in the future as many commercial and multi-family residential developments utilize close to 100% of their area with conventional development. If additional spaces are required when charging stations are installed, there often is not sufficient room to accommodate additional paving, striping and travel

lanes or where there is, it would require removal of landscaped areas which often have stormwater facilities. It is recommended that this option not be pursued.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

N/A

**Alternatives and Recommendation**

Alternatives

No alternatives are proposed for this work session. This session is intended to produce feedback on existing parking and guide future code development.

Recommended Action/Motion

N/A

**Submitted By:**

Clinton Spencer, Planning Director

**OFF-STREET PARKING AND LOADING**

**157.175 OFF-STREET PARKING REQUIREMENTS.**

(A) At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, excepting those properties that have been assessed for public off-street parking facilities, off-street parking spaces shall be provided in accordance with the requirements of this subchapter unless greater requirements are otherwise established.

(B) If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area of the functional use of the building but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(C) *Property Reuse Incentive.*

(1) *Reduced Number of Spaces. When a new use is proposed for a previously developed site, a 25% reduction to the required number of parking spaces determined by Section §157.176 (Uses and Spaces) is allowed if the property meets the following conditions:*

*a. The property cannot accommodate the required number of parking spaces without demolishing existing structures; and*

*b. There is no opportunity for joint use parking as provided in §157.178(D) (Additional Requirements—Joint parking and loading spaces) with neighboring properties.*

**157.176 USES AND SPACES.**

<b><i>Residential</i></b>	
Single and two-family dwellings	Two spaces, one of which may be located within any required yard
Multi-family dwellings	Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms
Bed and breakfast, boarding, lodging or rooming house	Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager

<i>Institutional</i>	
Welfare or correctional institution	One space per five beds for patients or inmates
Nursing home/Assisted living facility	<i>One space per four beds plus one for each employee on largest shift</i>
Residential care facility	<i>One space per employee on largest shift</i>
Hospital	<i>Spaces equal to 1.5 times the number of beds plus one space per three employees on largest shift</i>
<b>Place of Public Assembly</b>	
Church, Meeting room, or Mortuary	One space per four seats or eight feet of bench length in the main auditorium
Library, reading room	<i>One space per 400 square feet of floor area</i>
Day care, preschool	1.5 spaces per teacher-employee
Elementary or junior high school	1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater
High school	<i>1.5 spaces per classroom plus one space for each five students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater</i>
College, commercial school for adults	One space per five seats in classrooms
<b>Commercial Amusement</b>	
Stadium, arena, theater	One space per four seats or eight feet of bench length
Bowling alley	<i>Four per lane</i>
Dance hall, skating rink	One space per 100 square feet of net floor area plus one space per two employees
<b>Commercial</b>	

Retail store	<i>One space per 300 square feet of floor area, or one space per 200 square feet of retail floor area plus one space per 1,000 square feet of storage/backroom area, whichever is greater</i>
Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	<i>One space per 800 square feet of gross floor area</i>
Bank, office (except medical and dental)	One space per 333 square feet of floor area
Medical and dental	One space per 300 square feet of floor area
Eating or drinking establishment	One space per four seats in the dining area
Drive up kiosk	<i>One space per employee concurrently on-site plus one ADA space</i>
Personal services (beauty shop, barber, nail salon, tattoo, or similar)	<i>One space per chair plus one space per two employees</i>
Hotel/Motel	<i>One space per guest room plus one space for each two employees on largest shift</i>
<b>Industrial</b>	
Storage warehouse	<i>One space per 3,000 square feet</i>
Manufacturing	<i>One space per 10,000 square feet plus one space for each employee on largest shift</i>
Rail or trucking freight terminal	<i>One space per 2,000 square feet</i>
Wholesale establishment	<i>One space per 1,000 square feet</i>
Data center or telecommunication facility	<i>One space per employee on largest shift plus one space per 25,000 square feet of gross floor area</i>

**157.177 OFF-STREET LOADING.**



(A) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(B) *Merchandise, materials or supplies.*

(1) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

(2) Off-street parking areas used to fulfill the requirements of this subchapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

**157.178 ADDITIONAL REQUIREMENTS.**

(A) *Obligations and violations.*

(1) The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this subchapter.

(2) Use of property in violation hereof shall be a violation of this subchapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and in violation of this subchapter to begin or maintain the altered use until the required increase in off-street parking or loading is provided.

(B) *Additional requirements not listed.* Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(C) *Sum of requirements.* In the event several uses occupy a single structure or parcel of land concurrently, the total requirements for off-street parking shall be the sum of the requirements of all uses computed individually.

(D) *Joint parking and loading spaces.* Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases or contracts to establish the joint use.

(E) *Location of spaces.* Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(F) *Storage of vehicles and material prohibited.* Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(G) *Vision clearance problems.* Off-street parking of any vehicle, watercraft or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard, shall not be allowed in any required yard.

(H) *Plan submission.* Plans shall be submitted as provided in 157.232.

(I) *Compact parking spaces.* *Parking areas developed under the provisions of this chapter, except for single and two-family dwellings and vehicle sale areas, may choose to utilize compact parking spaces,. Where compact parking spaces are proposed, the total number of compact parking spaces shall not exceed 25% of the total spaces required in §157.176 of this chapter. Compact spaces shall be 8 feet 6 inches in width and 18 feet in length.*

**157.179 DESIGN REQUIREMENTS.**

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

(B) *Minimal resident disturbance.* Except for parking to serve single-family or two-family 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 two-family 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.

(H) *Drive-Up window queuing.* Where drive-up windows are proposed, adequate vehicle stacking shall be provided in addition to the off-street parking requirements in §157.176 of this chapter. The required stacking shall be calculated using the following requirements:

- a. *Queuing length shall conform with the requirements of the ITE manual (trip generation manual)*
- b. *Queuing length shall be designed for the peak hour.*
- c. *Queuing length shall accommodate 1/12 of the peak hour (or five minutes) drive-up window trip generation.*
- d. *30 feet of queueing space is required per vehicle in the queue.*

(I) *Bicycle parking.* Where bicycle parking is required by §157.150(L)(4), the number of bicycle spaces shall be calculated as one bicycle space per 20 required off-street vehicle parking spaces, to a maximum of 20 bicycle spaces.