



PLANNING COMMISSION

City Hall 180 NE 2nd St

Where Life is Sweet

November 09, 2022 at 7:00 PM

AGENDA

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

1. CALL TO ORDER - 7:00 PM

2. MINUTES

A. Minutes of the October 12, 2022 regular planning commission meeting

3. NEW BUSINESS

A. Final Plat- Cimmaron Terrace Phase V 4N2802DB Tax Lot 103 - NE 8th St

B. Work session to discuss alternative planned unit development incentives

4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

5. ADJOURN

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

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



PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

Commissioner Caplinger, acting as temporary Chair, called the meeting to order at 7:00PM. Present were Commissioners Doherty, Hamm, Burns, Sargent, Collins, and Kirkpatrick. Staff in attendance included Planning Director Clinton Spencer, City Attorney Richard Tovey and Heather La Beau. Youth Advisor Elizabeth Doherty was excused and Youth Advisor Jeannine Heredia was absent.

Minutes

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

Hearing- Annexation- Nobles 4N2804D Tax Lots 1100, 1101, 1102, & 1103- NW Sjoren Lane

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

Planning Director Spencer presented the staff report. The annexation proposal is for 3.64 acres of land with a comprehensive plan designation of Medium Density/Mobile Home Residential (MH). A feasibility analysis to determine the ability of the properties to be served by municipal services has been completed. It is possible to connect and extend a small sewer service. Water service is also feasible.

Testimony

Kelly Nobles-1050 Stephens Ave Umatilla

Mr. Nobles thanked the commissioners for their time. There are currently three single family dwellings and one duplex for a total of five units on the four lots. Mr. Nobles stated he has seen the neighbor's letters and agrees with some of the code issues and he intends to address those. He has owned the property for several years and has some small conversations with the neighbors, but not the conversations mentioned in the letters. Those were probably with his father, the previous owner. However, the code issues are not a part of the annexation application. He has received approval for adding an Accessory Dwelling Unit (ADU) on the two lots to the west using septic systems and well water. He has spent two years working with the state and DEQ. Mr. Nobles feels like it would better serve the properties, community and environment to annex the properties and connect to municipal water and sewer services. He stated that ADUs, like homeless shelters, are needed but no one wants to be next to them. He will proceed with adding the ADUs whether or not the properties are annexed. The ADUs will still need to meet design standards and code requirements.

Terri Allstot- 1215 NW Academy Lane

Ms. Allstot received the City's notice and has visited with Mr. Nobles. They know he already has permission to place the additional two homes, which will be adjacent to the backside of their property. She submitted a letter of testimony.

Brian Allstot-1215 NW Academy Lane



PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

Mr. Allstot submitted several photographs of the view from the back of his property and stated the properties over the years have not been kept up and have not been improved. He suggested the commissioners take a drive and see what he's talking about amongst the other neighbors who try to take care of their places. While he has nothing against low income people or mobile homes, he is hesitant of new development. It is the unknown that scares him, he would like to see some form of policing.

Stewart Swena- 1300 NW Sjoren Lane

Mr. Swena lives adjacent to the property and has similar concerns as those previously voiced, property upkeep and the effect of that on property values. Neighbors have similar concerns. They see the need for low cost housing.

Ladonna Swena-1300 NW Sjoren Lane

Mrs. Swena stated there is a long history of the way it's been. She says they were promised all sorts of things that have never seen to happen. They know the neighbors that live next to them and they feel sorry for them as they are not equipped to take care of the property. She has lived in mobile home before, it's just the ones brought in were in poor condition and fixed up, but were not kept that way.

Kelly Nobles

In rebuttal, Mr. Nobles stated he appreciates the Swena's but has never had a conversation with them so he is not sure what broken promises there are as he has not made any. The Swena's tree fell over and damaged the fence a year/year and a half ago and has never been repaired. Mr. Nobles is happy to address the concerns but again reiterated they are not part of the annexation criteria and he has not had conversations with the neighbors. If the properties were annexed, the City's code enforcement officer has jurisdiction. He has worked with both Hermiston and Umatilla code enforcement in the past and he finds them helpful. Another dwelling on the vacant pasture would be a change for the better. The environmental concerns with septic systems and wells was a consideration for the annexation proposal.

When asked about the existing structures maintenance and lack of grass, Mr. Nobles stated if the properties were in the City then code enforcement would be able to enforce. The yards do have grass around the house, but not in the 60' of right-of-way, with the exception of one lot that has too many vehicles parked in the area to have grass.

Commissioner Caplinger closed the hearing at 7:41PM.

Findings of Fact

1. The City has received consent to annexation from the property owner for approximately 3.64 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on September 21 and 28, 2022. Notices were also posted in four



PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

- public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on September 21, 2022.
 4. Affected agencies were notified.
 5. A public hearing of the planning commission was held on October 12, 2022. Comments received at the hearing are incorporated into the planning commission record.
 6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on October 5 and 12, 2022. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
 7. A public hearing of the city council was held on October 24, 2022. Comments received at the hearing are incorporated into the record.
 8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
 - a. The city has received consent from the property owners within the affected area
 - b. An election has been deemed not necessary since consent from more than half the owners has been received
 - c. The property is contiguous with the existing city limits
 - d. All statutorily required notices have been published and posted
 9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
 10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
 11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
 12. Sewer is available to service this property in NW 11th Street. At the time of connection, the applicant is responsible for construction of a new municipal sewer line in NW Sjoren Lane. All civil plans shall be approved by the City Engineer.
 13. Water is available to service this property in NW 11th Street. At the time of connection, the applicant is responsible for construction of a new municipal water line in NW Sjoren Lane. All civil plans shall be approved by the City Engineer.



Where Life is Sweet

PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

- 14. Street infrastructure is sufficient upon development based on existing Street Improvement Agreements for tax lots 1100 and 1103 and new Street Improvement Agreements for tax lots 1101 and 1102, conditioned upon this annexation.

Findings on Zoning Designation

- 1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Medium Density/Mobile Home Residential (MH).
- 2. The proposed Multi-Structure Residential (R-4) zoning designation corresponds with the underlying comprehensive plan map designation.

Conditions of Approval

- 1. The applicant shall dedicate 50 feet of land for use as a public street (the future extension of NW Sjoren Lane) across the southern boundary of Tax Lots 1101 and 1102.
- 2. The applicant shall sign a street improvement agreement for NW Sjoren Lane agreeing to future installation of a half street improvement including curb, gutter, sidewalk, and paving for Tax Lots 1101 and 1102.

Commissioners discussed the concerns of neighboring landowners, livability, neighborhood compatibility, zoning, code violations, density, water rights, and street improvements.

Commissioner Hamm moved and Commissioner Burns seconded to make the project file a part of the record. Motion passed unanimously. Commissioner Hamm moved and Commissioner Burns seconded to adopt the findings of fact as amended (addition of #14). Motion passed unanimously. Commissioner Doherty moved and Commissioner Hamm seconded to recommend approval of the annexation to the city council subject to the approval conditions. Motion passed unanimously.

New Business- Replat- Hermiston Mini Storage LLC 4N2802D Tax lot 1200 & 4N2802CD Tax lot 501

Planning Director Spencer presented the staff report. The replat to reconfigure the lots is necessary for the development of the septic system.

Findings of Fact **Design Standards**

§154.15 Relation to Adjoining Street System.

The properties are bordered by E Elm Ave only. Each lot has frontage on E Elm Ave which is a state highway.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is currently serviced by E Elm Ave which is a state highway 66 feet in width. The Oregon Department of Transportation controls access to all state highways.



Where Life is Sweet

PLANNING COMMISSION

Regular Meeting Minutes

October 12, 2022

§154.17 Easements.

There is an existing easement for the Hermiston Drain along the entire north boundary of the properties. A 20' wide sanitary sewer easement is being dedicated along the north boundary of Parcel 2 of Partition plat 2021-18 and continuing through the adjacent parcel to the east along its eastern boundary. An additional 20' private sewer easement is being dedicated along the southern border of Parcel 2 of Partition plat 2021-18.

§154.18 Blocks.

No block spacing standard is required for this partition.

§154.19 Lots.

There are no lot size or dimensional standards in the NCO or M-1 zones. The newly created lot is 2.308 acres.

§154.20 Character of Development.

The property is split zoned NCO and M-1. Uses permitted in the NCO zone are listed in 157.043 of the Hermiston Code of Ordinances. The 40' wide M-1 zoned portion is generally unbuildable due to existing and proposed easements.

§154.21 Parks, School Sites and the Like.

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

Minimum Improvements Required

§154.60 Permanent Markers

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

154.61 General Improvements

E Elm Ave provides all access for this site.

§154.62 Water Lines

Water has been extended along the south boundary of Parcel 1 Partition Plat 2021-18 and is available for extension and connection to this parcel.

§154.63 Sanitary Sewer System.

Sewer is at the intersection of NE 4th Street and E Elm Ave. This property proposes to be serviced by a private septic system.

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**



Where Life is Sweet

PLANNING COMMISSION

Regular Meeting Minutes

October 12, 2022

- (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.**

Finding: All items required for the final plat are shown on the final plat.

Chapter 157: Zoning

§157.043 Neighborhood Commercial Overlay Zone (NCO)

There is no minimum lot size in the NCO zone. The NCO portion of the property is 2.42 acres in size. Uses permitted in the NCO zone are listed in 157.043 of the Hermiston Code of Ordinances.

§157.055 Light Industrial Zone (M-1)



Where Life is Sweet

PLANNING COMMISSION

Regular Meeting Minutes
October 12, 2022

There is no minimum lot size in the M-1 zone. The M-1 portion of the property is .38 acres in size. Uses permitted in the M-1 zone are listed in 157.055 of the Hermiston Code of Ordinances.

Commissioners discussed split zoning, sewer options to serve the property, landscaping requirements, and existing and proposed easements.

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

Planner Comments and Unscheduled Communications

Planning Director Spencer welcomed everyone to the new City Hall Building.

The November meeting will include a workshop for discussing a two track development process.

While the lot sizes proposed for Prairie Meadows are small, there are options to help alleviate parking concerns such as alleys with rear yard garages and offsite parking areas.

The city council awarded a \$40,000 façade grant for Mr. Smith & Ms. Stanton’s property located at 395 E Main St.

There were expressions of gratitude for Commissioner Caplinger temporarily serving as the chair.

Adjourn

Commissioner Caplinger adjourned the meeting at 8:09 PM.

Heather LaBeau

From: Swena Family <swenafamily@gmail.com>
Sent: Tuesday, October 11, 2022 4:57 PM
To: Planning
Subject: Sjoren Lane Annexation

STOP and VERIFY This message came from outside of the City of Hermiston

10/11/22

To Members of the Planning Commission and City of Hermiston Oregon:

We have been living on Sjoren Lane since 1994. The lots next to us were empty for many years except for some cows that would escape the broken-down fence now and then. The home at the corner of 11th and Elm had renters. When 2 very old dilapidated mobile homes were moved onto the property we did not know what was happening. Septic and wells were put in, and promises were made that the premises would be fixed up and the yards landscaped. That did not happen.

We had a gravel road. The upkeep of it was done by the neighbors. Only once do I recall the owner of the property helping with dust abatement. Later I was told that Mr. Nobel was behind the request. He put in some money to appease the requirements of working with the neighbors so the land division he wanted could be passed. Later, the neighbors worked together and put in a paved lane. Mr. Noble did not assist in the cost of the lane or the upkeep of it.

The fence we put in between lot number 1102 and our field was damaged by a renter's dog pulling out the vinyl slats and the trees growing into it. Contact was made by phone several times and the renter was talked with. Repairs were promised but did not happen. A tree fell on it from our side and we are trying to get it fixed. The fences on the rental properties and buildings have been in disrepair for years. Promises have been made and not kept. The neighborhood would be much noisier and congested if more homes were put in.

Does the city really want to annex this kind of development? Many of the neighbors do not. Some of the neighbors have been out of town and unaware of what is proposed, including us.

Yes, cities grow and develop but do we want ours to develop like this?

Ladonna Swena
1300 NW Sjoren Lane
Hermiston OR, 97838

October 11, 2022

James B and Teri A Allstott
1215 NW Academy Lane
Hermiston, OR 97838

Dear Planning Department; Clint Spencer, Planning Director,

This letter is in reference to the purposed annexation of property on NW Sjoren Lane by KC Nobles Enterprises LLC.

We are opposed of this request as it borders the back side of our property and has not been properly maintained throughout the years past. We are against more Medium Density Mobile Homes due to the lack of maintenance or yard up keep/green space. Observations of the last 25 years showed a lack of improvements of the property or grounds, including the homes currently on site.

We will be present at the hearing on Wednesday, October 12, 2022 in hopes that you will be in open to hearing more information on this matter.

Sincerely,



James B and Teri A Allstott

Heather LaBeau

From: chaclupny <chaclupny@gmail.com>
Sent: Wednesday, October 12, 2022 12:22 PM
To: Planning
Subject: Annexation of Nobles properties into the City of Hermiston

STOP and VERIFY This message came from outside of the City of Hermiston

Dear Planning Committee:

Thank you for the privilege of commenting on the future annexation of the Nobles properties. My name is Charles E. Clupny. My family and I live at 1225 NW Sjoren Lane inside the Urban Growth Boundary but in the County area.

Last night I received a phone call from a neighbor concerned about the proposed action. I am only now commenting because we have been gone from our home for a month. I found out last night late a letter was received from the City of Hermiston. We have not received your letter to review since it was mailed after we left Hermiston. In addition, no Hermiston news was available to us if it was printed in the local paper.

These issues aside I would like to express that I am not opposed to the annexation sought by Mr. Nobles. My concerns arise out of the property owners past and future actions in developing his properties. Since the letter copy I was able to review from the neighbor dated October 12, 2022 indicated curb, street and the addition of multiple family homes I am concerned about the timeline and or requirements the City will agree to with Mr. Nobles. If past actions are followed, I am concerned that the new dwellings (used or new) may be the only items that may be completed in the near future. The quality of those structures may be something less than the surrounding landowners would like to have in their current neighborhood.

I apologize for my format but this issue was a surprise to me when received late at night per a phone call. I look forward to reading your letter upon my arrival in Hermiston on October 16th.

I am not able to be at the planning meeting tonight, October 12, 2022. My plan is to attend the City Council meeting scheduled for October 24, 2022.

Thank you again for the opportunity to comment.

Sincerely,
Charles E. Clupny

Sent from my U.S.Cellular© Smartphone

Heather LaBeau

From: melissa198301@gmail.com
Sent: Wednesday, October 12, 2022 8:19 AM
To: Planning
Subject: Proposed land action Sjoren LN

STOP and VERIFY This message came from outside of the City of Hermiston

I live on 1505 NW 11th St.

I would like to vote No for annexing in these properties to the city.
it is going to cause more difficulty of trying to turn on and off NW 11th st to Sjoren LN
not to mention the impacted that will happen during all the construction that will have to happen if this get approved. An how it will affected the other properties around it.

I get that people want to make improvements. But living in the country is nice and not having all that extra traffic and issues wouldn't be preferred..
thank you for your time in this matter

Melissa Hughs
1505 NW 11 th st
Hermiston OR 97838

HERMISTON IRRIGATION DISTRICT

Section 2, Item A.



366 East Hurlburt Avenue
Hermiston, OR 97838-2445
Office: 541-567-3024
Mobile: 541-571-7698
E-mail: Manager@hermistonid.org

September 28, 2022

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

**Re: KC Nobles Enterprises LLC
Annexation – 4N2804D 1100, 1101, 1102, 1103**

Dear Mr. Spencer,

Thank you for the opportunity to review and comment on this annexation. Our review of the properties has revealed that these properties are located within the boundary of Hermiston Irrigation District. All four properties have water rights with HID and those water rights are allocated as listed below and shown on the attached map:

<u>Tax Lot</u>	<u>Water Right</u>
1100	0.90 acres
1101	0.80 acres
1102	0.80 acres
1103	0.30 acres

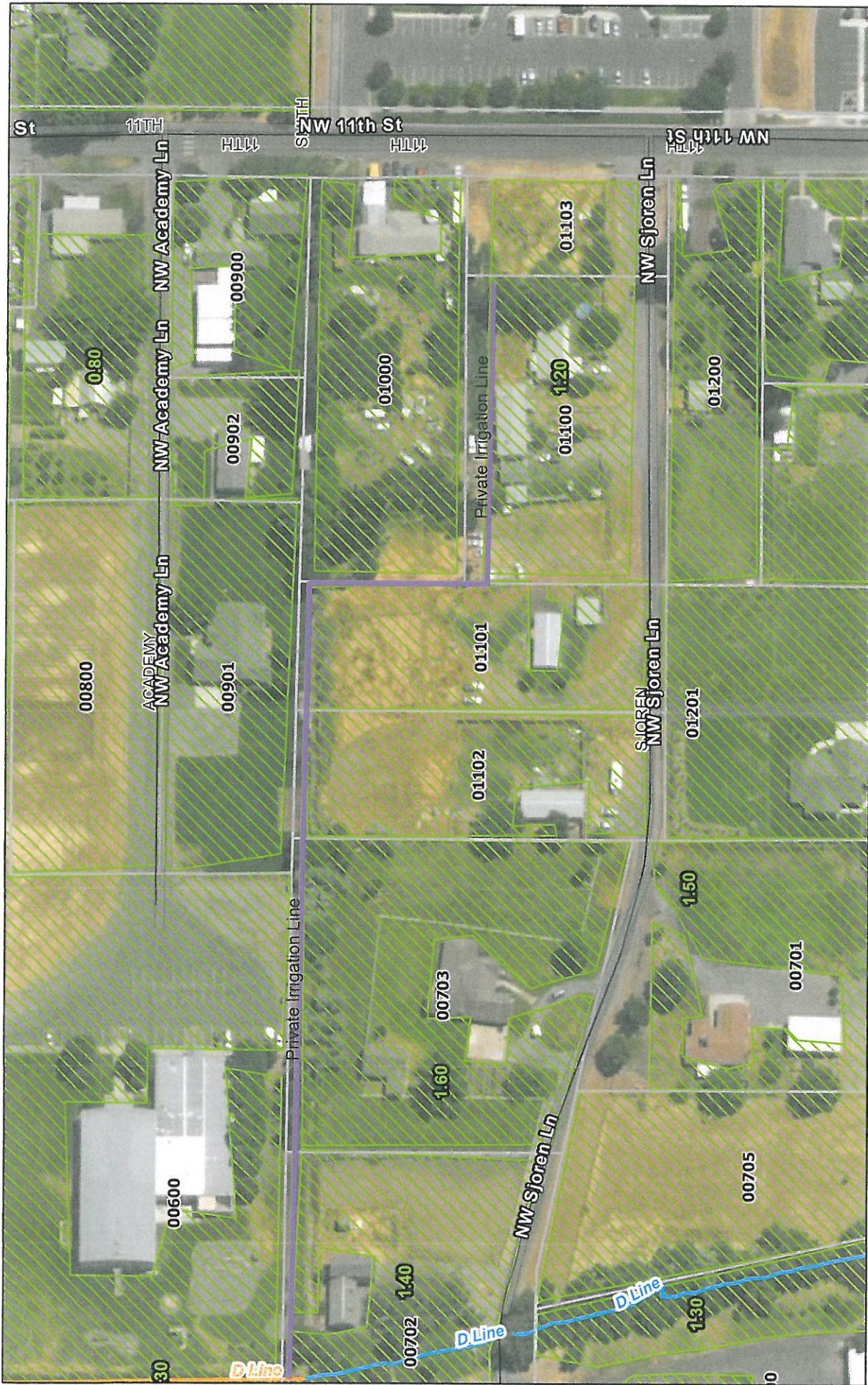
There are no HID or USBR easements on any of the properties listed in this annexation. There are however, private irrigation easements as shown on the attached map and identified on Umatilla County Partition Plat No 2021-37.

HID has no objection to or restrictions on this request for annexation.

Respectfully,

Annette Kirkpatrick
District Manager

KC Nobles Enterprises LLC Annexation 4N2804D 1100, 1101, 1102, 1103, 1103



9/28/2022, 9:40:15 AM

1:2,257

0 0.01 0.03 0.05 m

0 0.02 0.04 0.08 km

— Override 1
— DistrictBoundary
— CountyRoads
— Taxlots
— Pipeline
— Canals
 WaterRights

Section 2, Item A.

Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team, Esri Community Maps Contributors, State of Oregon

Hermiston Irrigation District

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Sent from my iPhone







Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of November 9, 2022

Title/Subject

Final Plat- Cimmaron Terrace Phase V 4N2802DB Tax Lot 103 - NE 8th St

Summary and Background

Kevin Bethje has submitted a final plat for Phase 5 of the Cimmaron Terrace subdivision. The property is described as 4N2802DB Tax Lot 103. The property is zoned Medium-High Density Residential (R-3). This phase creates 24 lots ranging in size from 1,956 to 2,934 square feet in size. The entirety of the lots in this phase are proposed for townhouse development. Phase V of the subdivision was sold and the infrastructure completed prior to Phase IV.

The planning commission’s approval of the preliminary plat in May of 2010 was subject to 17 conditions.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances which governs the information presented on the final plat.

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

Tie-In to Council Goals

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

Fiscal Information

The twenty-four R-3 lots will result in twenty-four new housing units with an average price of \$300,000. Each housing unit will produce an average of \$2,043 in municipal tax revenue. The net result is approximately \$49,032 in tax revenue to the city at full build-out.

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

Staff recommends the planning commission approve the final plat.

Motion to approve the final plat with the conditions.

Submitted By:

Clinton Spencer, Planning Director

Exhibit A
Conditions of Approval and Findings of Fact
Cimmaron Terrace Phase V
November 9, 2022

Conditions of Preliminary Plat Approval May 18, 2010

- 1) Applicant shall dedicate to the city the 7.09 acre wetland area to the city for park purposes. As requested by the Parks and Recreation Department, the applicant shall install the following improvements on the park site prior to city acceptance of the park:
 - a. Utility stubs (water, sewer, and electricity) to the property.
 - b. A natural surface trail loop (department will work with developer to establish route).
 - c. Entrance paving and four paved parking spaces.
 - d. Simple kiosk (department will provide plans).

Finding: This condition has been satisfied. A development agreement for this park has been executed between the developer and city.

- 2) Applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has been satisfied and signs the final plat.

Finding: The applicant shall meet this condition of approval. The necessary signature block for the Irrigation District is included on the final plat.

- 3) Applicant must sign a developer's agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for each phase of the Cimmaron Terrace development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.

Finding: This condition has been satisfied.

- 4) Streetlights shall also be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.

Finding: Construction of improvements is underway. All construction conditions shall be satisfied prior to the city signing the final plat. This condition has been satisfied.

- 5) Per Section 157.164(E) of the Hermiston Code of Ordinances, where it has been determined that the extension of public facilities is required, all costs related to such extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.

Finding: This condition shall remain in effect.

- 6) 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.

Finding: This condition shall remain in effect.

- 7) The applicant will be required to completely pave E Theater Lane with two travel lanes of paving from the western boundary of the development to NE 10th Street when Phase IV as shown on the preliminary map is completed. Curbing, drainage and sidewalks will be required for the development frontage of Theater Lane only and will not be required off-site or on the north side of Theater Lane.

Finding: The offsite paving to NE 10th Street is being completed by the city under a separate improvement project. This condition has been satisfied.

- 8) Each of the lots in the Alora Heights pressure zone shall be required to pay \$309.50 at the time of connection to water and sewer services. This money shall be used to fund future improvements to the Alora Heights booster station which operates near capacity.

Finding: The city public works department has waived this condition of approval. Construction of the E Punkin Center water tower and offsite water lines has negated the need for future improvements to the Alora Heights booster station. This condition is no longer necessary.

- 9) A portion of the development site is too low to adequately gravity flow to the sewer service in E Oregon Avenue. Therefore, the developer will be required to either construct a second sewer line to service this portion of the development or construct a sewer pump station for service.

Finding: This condition has been satisfied.

- 10) Sidewalks shall be installed along all new and existing street frontages within the development and along the southern boundary of E Theater Lane adjacent to the development.

Finding: This condition shall remain in effect.

- 11) The developer will install all necessary facilities to prevent the collection of surface water in any low spot and to adequately maintain all stormwater on-site.

Finding: This condition shall remain in effect.

- 12) The developer shall be responsible for obtaining access for NE 9th Street onto E Elm Avenue from the Oregon Department of Transportation. This shall include all required access permits from the State of Oregon as well as all necessary right-of-way acquisition from affected property owners.

Finding: This condition will be satisfied in subsequent phases. Right of way has been acquired by the developer.

- 13) The off-site portion of NE 9th Street between the development and E Elm Avenue shall be improved with paving only. Curbs and sidewalks are not necessary for the off-site portion.

Finding: This condition will be satisfied in subsequent phases.

- 14) All utilities shall be extended to the eastern property boundary to be available for future extensions in accordance with §157.164(E) of the Hermiston Code of Ordinances.

Finding: This condition shall remain in effect.

- 15) The developer shall dedicate 5 feet of right-of-way to E Theater Lane, bringing the south half of the right-of-way to 25 feet from centerline.

Finding: This condition has been satisfied.

- 16) At such time that 80 dwellings are constructed outside the Alora pressure zone, the developer will be responsible for constructing a second water connection to provide redundancy to the development.

Finding: This condition has been waived by the public works department. The construction of the E Punkin Center water tower has changed the utility plan for the development.

- 17) The developer shall erect a break-away barrier at E. Oregon Avenue during Phase 1 until such time when access to E. Elm Avenue is available.

Finding: This condition has been satisfied.

§154.46 Final Plat Requirements

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;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (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;
- (I) All necessary curve data;
- (J) The location of all survey monuments and bench marks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;

(L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

(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;

(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; and

(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.

All items required for the final plat are shown on the final plat.

CALCULATED POSITION FOR C-1/4 CORNER SECTION 2 PER SURVEY REFERENCE #4

(S 00°32'59" W 1328.29') SR NO. 6
(S 00°23'35" W 1308.29')

EAST THEATER AVE.
330.00'

S 89°35'42" W 1325.55'
995.55'

(N 89°34'44" E 2651.28) SR NO. 7
N 89°35'42" E 2651.10'

S 89°35'42" W 1325.55'

FOUND BRASS CAP
IN PAVEMENT
"KRUMBEIN"
S-156-C, 1980, HELD

N 00°32'05" W
1330.89'

S 00°32'05" E 2661.77'
(S 00°32'16" E 2661.60) SR NO. 5

SITE

N 89°39'03" E 1327.39'
1087.79'

N 89°39'03" E
1327.00'

(S 00°27'36" W 1328.29') SR NO. 6
S 00°25'38" E
1328.68'

FOUND AND HELD SOUTH QUARTER
CORNER SECTION 2 PER
SURVEY REFERENCE #6

S 89°41'54" W
1328.45'

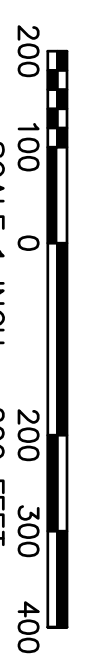
S 00°28'21" E
1329.78'

2656.89' N 89°41'54" E
(2656.82' N 89°41'53" E) SR NO. 5

S 89°41'54" W
1328.45'

FOUND AND HELD SOUTH EAST
CORNER OF SECTION 2
PER SURVEY REFERENCE #5

N 00°32'05" W
1330.89'

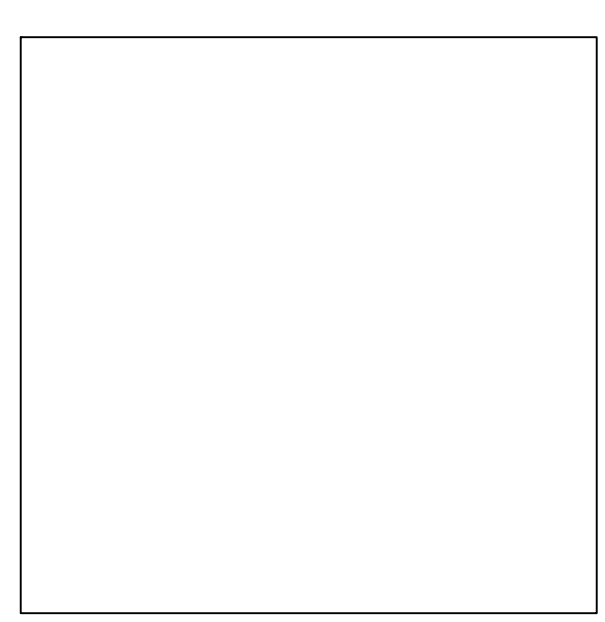


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CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N, R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367
SHEET 1 OF 3



REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JANUARY 9, 2001
KEVIN L. BETHUE
55437
Expires 12-31-2023
10-17-2022

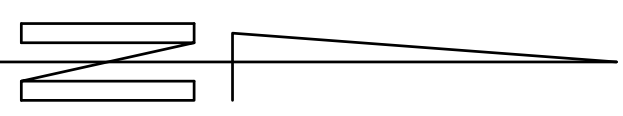
SURVEYOR'S CERTIFICATE
I, KEVIN L. BETHUE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAN, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

KEVIN L. BETHUE PROFESSIONAL LAND SURVEYOR
CERTIFICATE NUMBER 55437.
10-17-2022
DATED

- SHEET INDEX**
- 1) EXTERIOR BOUNDARY, SECTION
 - 2) LOTS, DIMENSIONS, SQUARE FOOTAGES AND ADDRESSES
 - 3) APPROVAL SIGNATURES, VICINITY MAP

- SURVEY REFERENCE**
- 1) PARTITION PLAT NO. 2004-02
 - 2) PHEASANT RUN-PHASE FOUR BOOK 14, PAGE 37
 - 3) PHEASANT RUN-PHASE FIVE BOOK 14, PAGE 35
 - 4) PHEASANT RUN-PHASE SIX BOOK 14, PAGE 80
 - 5) LEWIS SURVEY BOOK 14, PAGE 01-B
 - 6) PHEASANT RUN PHASE 1 BOOK 13, PAGE 135
 - 7) SUNSET ESTATES, BOOK 13, PAGE 86
 - 8) "PLAT OF CIMMARON TERRACE PHASE 1", BOOK 16, PAGE 29
 - 9) "CIMMARON TERRACE PHASE 2", BOOK 17, PAGE 3
 - 10) "CIMMARON TERRACE PHASE 3", BOOK 17, PAGE 51
 - 11) FLOWERS SURVEY, BOOK 19, PAGE 112-B
 - 12) "CIMMARON TERRACE REPLAT", BOOK 16, PAGE 94

BASIS OF BEARING: OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83/2011 DATUM PER OPUS SOLUTION, COMBINED SCALE FACTOR 0.99994817. DISTANCES SHOWN ARE GROUND DISTANCES.



CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N , R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367

SHEET 2 OF 3

SURVEY REFERENCE

- 1) PARTITION PLAT NO. 2004-02
- 2) PHEASANT RUN-PHASE FOUR BOOK 14 PAGE 37
- 3) PHEASANT RUN-PHASE FIVE BOOK 14 PAGE 55
- 4) PHEASANT RUN-PHASE SIX BOOK 14 PAGE 80
- 5) LEWIS SURVEY BOOK 14 PAGE 01-B
- 6) PHEASANT RUN PHASE 1 BOOK 13 PAGE 135
- 7) SUNSET ESTATES, BOOK 13, PAGE 86
- 8) "PLAT OF CIMMARON TERRACE PHASE 1", BOOK 16, PAGE 29
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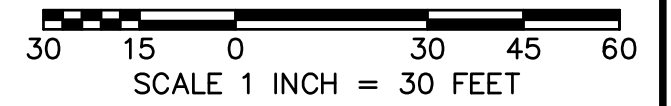
SURVEYOR'S CERTIFICATE

I KEVIN L. BETHJE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

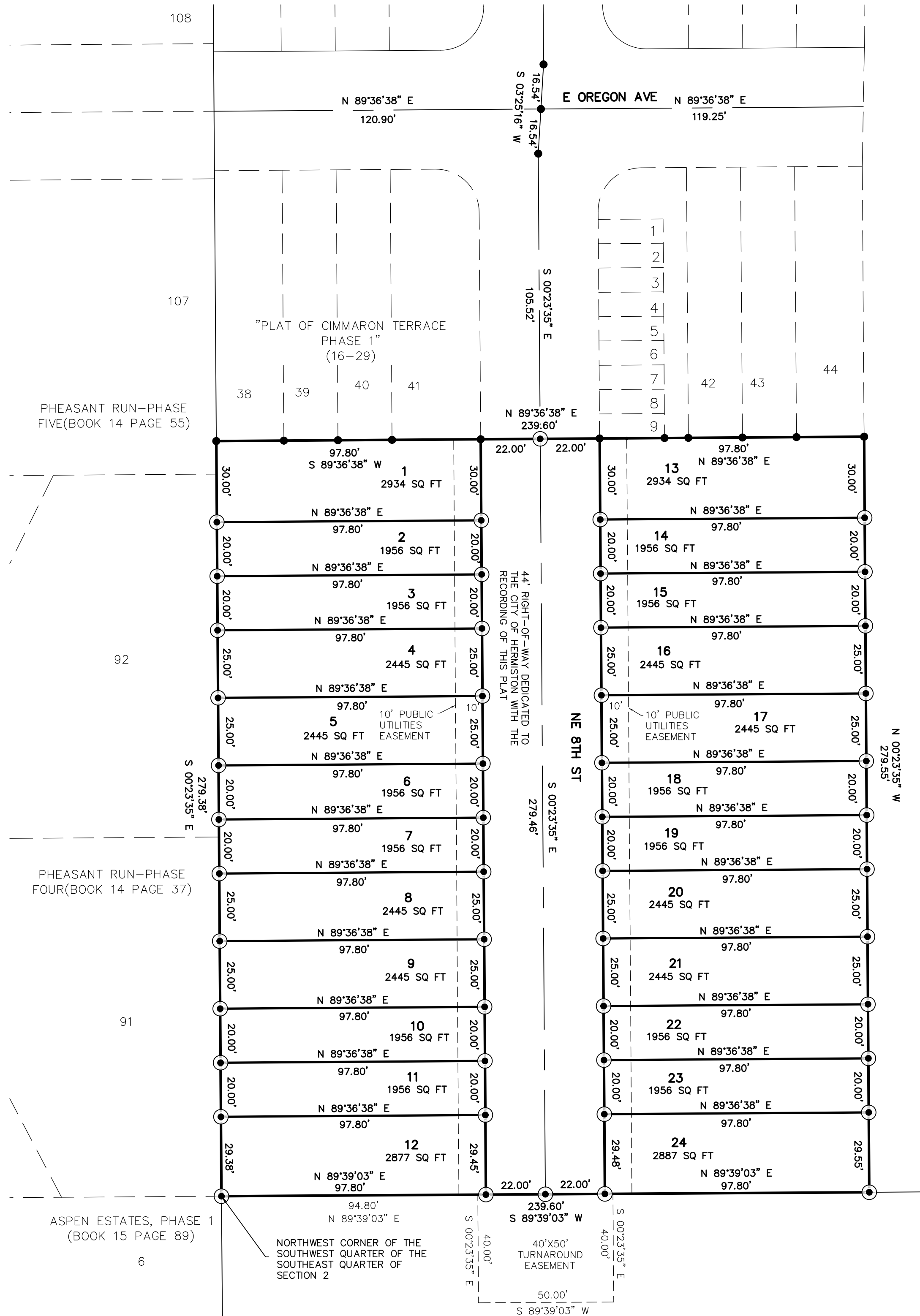
KEVIN L. BETHJE PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437.
10-17-2022
DATED

LEGEND

- INDICATES 5/8" X 30" IRON ROD WITH "BETHJE LS 55437" CAP SET
- INDICATES FOUND 5/8" IRON ROD WITH "BETHJE LS 55437" CAP, HELD PER SR NO. 8 UNLESS NOTED OTHERWISE
- INDICATES CALCULATED POSITION, NOTHING FOUND OR SET



BASIS OF BEARING: OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83/2011 DATUM PER OPUS SOLUTION, COMBINED SCALE FACTOR 0.99994817. DISTANCES SHOWN ARE GROUND DISTANCES.



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509-491-1071

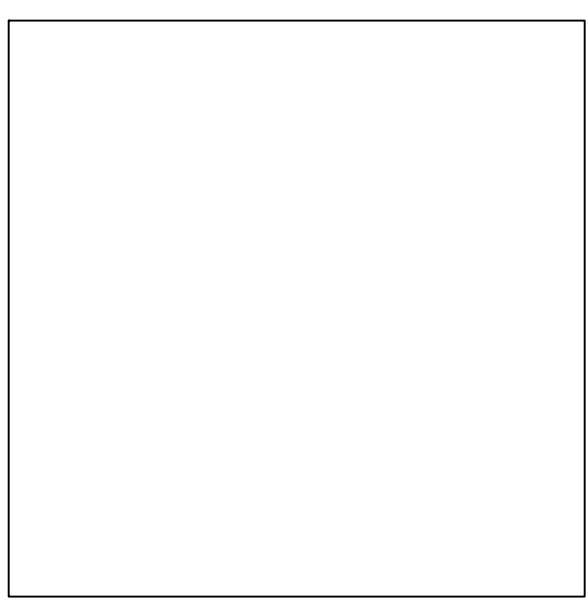
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CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N, R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367
SHEET 3 OF 3

LEGAL DESCRIPTION:
THAT PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 38 OF THE PLAT OF CIMMARON TERRACE PHASE 1" ACCORDING TO THE PLAT THEREOF, RECORDED UNDER BOOK 16 OF PLATS AT PAGE 29, RECORDS OF UMATILLA COUNTY, OREGON, SAID POINT BEING ON THE WESTERLY LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°36'38" EAST ALONG THE SOUTH LINE OF LOTS 38 THRU 44 OF SAID PLAT, 239.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 44; THENCE SOUTH 00°23'35" EAST ON THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 44, 279.55 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°39'03" WEST ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER, 239.60 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°23'35" WEST ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER, 279.38 FEET TO THE POINT OF BEGINNING; CONTAINING 1.54 ACRES, MORE OR LESS, TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS APPARENT OR OF RECORD.



ACKNOWLEDGEMENT:
STATE OF _____
COUNTY OF _____
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2022, _____ PERSONALLY APPEARED BEFORE ME, AND BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE NOTARY PUBLIC—OREGON _____ DATE _____
PRINTED NAME _____
COMMISSION NO: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION:
WE, PACIFIC NORTHWEST LAND COMPANY, LLC ARE OWNERS OF THE TRACT OF LAND DESCRIBED ON THE ACCOMPANYING PLAT, AND DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED AND HEREBY DEDICATE THE STREETS AND EASEMENTS AS SHOWN FOR PUBLIC USE. WE ESTABLISH AND ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF CIMMARON TERRACE PUD PHASE V.

SIGNATURE _____ DATE _____

UMATILLA COUNTY SURVEYOR:
I, DAVID H. KRUMBEN, UMATILLA CO. SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT, THAT IT COMPLES 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 _____, 2022.

CITY OF HERMISTON PLANNING COMMISSION
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND THAT IT COMPLES WITH THE CITY OF HERMISTON REGULATIONS WITH REFERENCE TO SUCH PLATS, AND I 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.
MAYOR _____ DATE _____

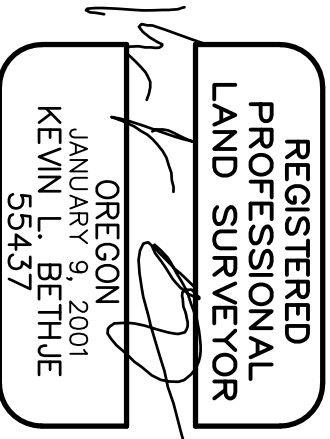
HERMISTON IRRIGATION DISTRICT
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY.
MANAGER _____ DATE _____

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 _____, 2022.

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 _____, 2022

COUNTY ASSESSOR _____ COUNTY TAX COLLECTOR _____



SURVEYOR'S CERTIFICATE
I, KEVIN L. BETHUE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.
KEVIN L. BETHUE _____ PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437.
10-17-2022
DATED _____

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Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of November 9, 2022

Title/Subject

Work session to discuss alternative planned unit development incentives

Summary and Background

Recent changes to state law and local development trends have raised community concerns about future residential development creating significant internal congestion and lowering the overall desirability of Hermiston for future growth. Hermiston is thus forced into a difficult position where compliance with state housing goals is required, but is also wishing to develop housing which exceeds the minimum standards possible in state law.

There are three key changes to state housing requirements which have substantially altered Hermiston’s code.

1. Permitting of accessory dwellings on all single-family lots, while simultaneously prohibiting the requirement to provide off-street parking for accessory dwellings.
2. Changing single-family zoning to allow two-family dwellings in all zones.
3. Reduction in off-street parking standards to a maximum of one space per unit for two-family dwellings.

Under Oregon law, the city must establish these requirements as minimum standards. Any developer may choose to develop to the minimum standard. This type of development must be implemented by the city using the “clear and objective” development path. Clear and objective housing policy undergirds all development of what is known in Oregon as “needed housing.” Needed housing is essentially single-family, two-family, multi-family, accessory dwellings, and manufactured home parks. It can also be called workforce housing. The concept underlying needed housing and clear and objective standards is that when a builder submits a housing application which satisfies the clear and objective standards (meets setbacks, meets lot coverage, meets building height), the city shall issue a permit.

Thus, when the city wishes to encourage certain development factors, such as maintaining a higher off-street parking ratio, this encouragement must be placed within a voluntary development track. The purpose of this work session is to brainstorm and discuss what types of development options can be created which create a voluntary development path which is more attractive than following the clear and objective minimum path. In other words, are there

incentives which would make it more attractive to voluntarily build a higher sta
development?

A variety of factors motivate developers, but all share one thing in common, the development must be profitable. Attached to this memo are a few concept drawings drawn by staff which increase the density of development and decrease lot size while simultaneously providing more parking. The parking increase is not overwhelming, but does allow the city to require three, four, or more spaces while trading lot coverage and lot size. In order to achieve this in some designs, street access must be sacrificed. In another, the lot width is reduced, but the dwelling is shifted to a zero lot line configuration to require a half or even full lot depth driveway.

These are concepts only; their practicality may be questionable in the real world. For example, a zero lot line dwelling needs to be constructed with a two-hour fire wall on the abutting wall and thus, no windows would be permissible on that wall of the dwelling. That may make it essentially an unsellable house.

This is intended as a brain storming work session. Are there designs that have merit? Is a return to alleys and rear parking a possibility? Is a reduction in lot size below that allowed in the zone, but requiring common overflow parking an option? The discussion should be exciting and edifying.

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

N/A

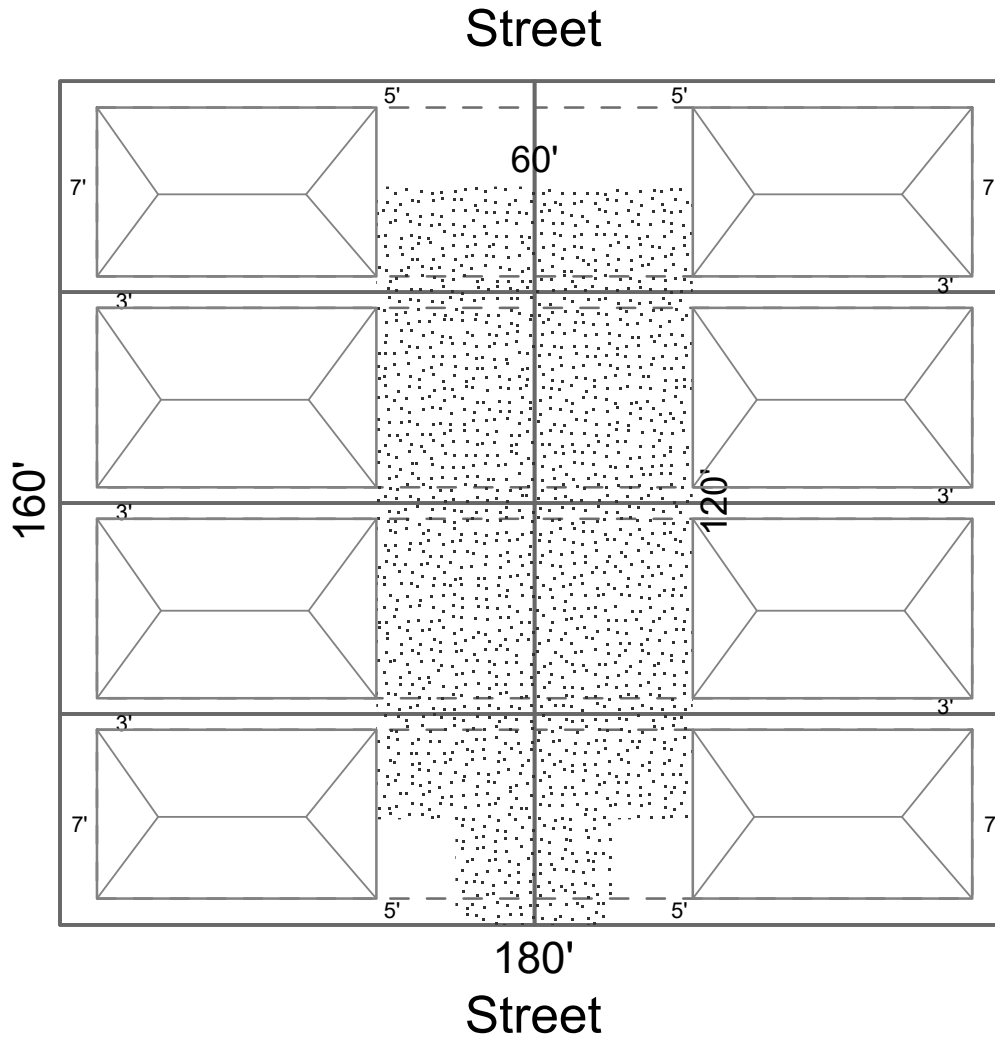
Recommended Action/Motion

N/A

Submitted By:

Clinton Spencer, Planning Director

Cluster Housing Concept

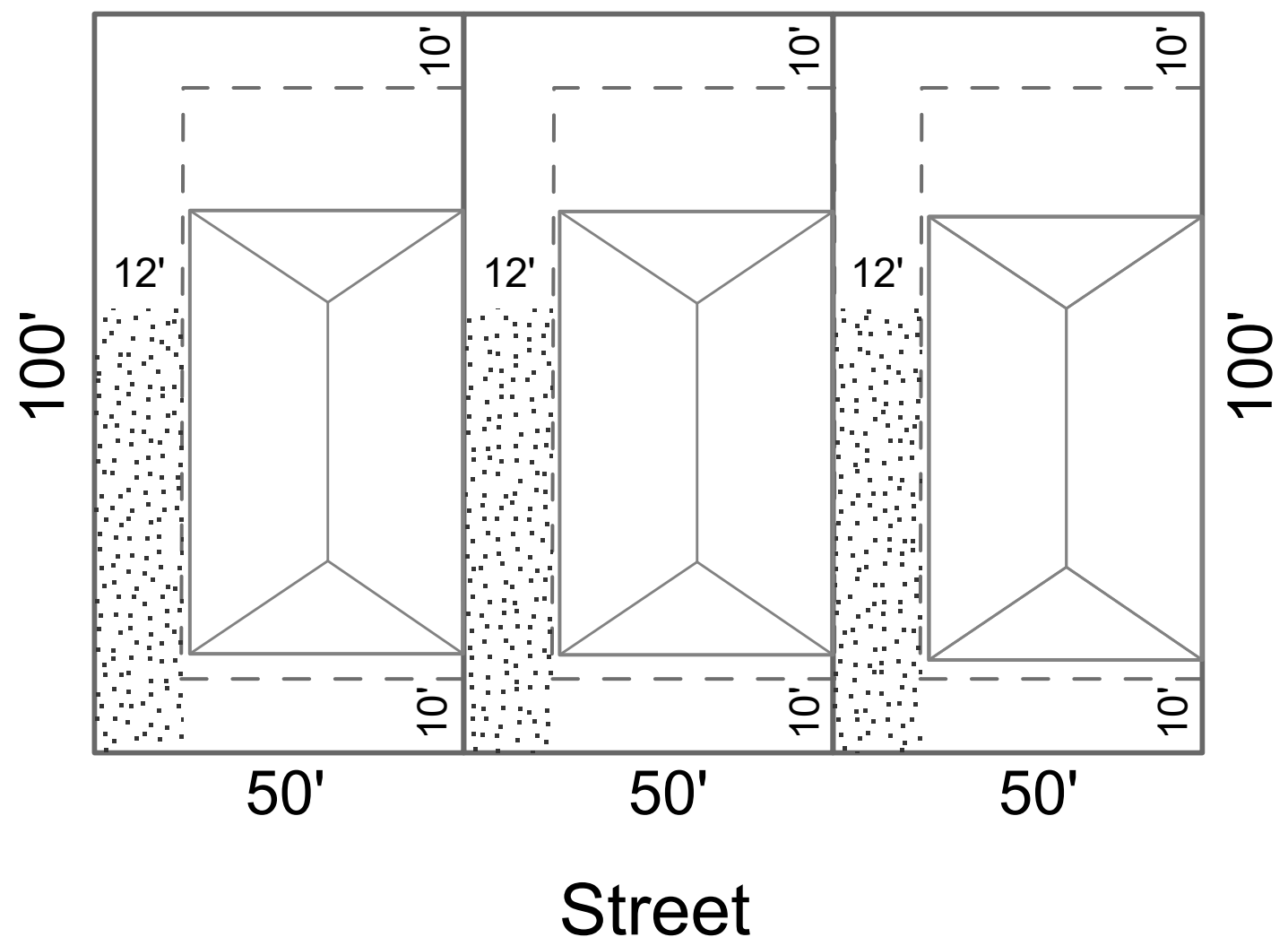


The cluster housing concept maximizes parking by placing all parking in a shared easement across all lots. Lot coverage is maximized. Example houses shown range from 1,600 to 1,700 square feet.

The concept shown here offers 20 off-street parking spaces. An additional 6 spaces can be offered on each street frontage. The demonstrated concept offers 8 dwellings in the same space as six conventional lots increases provided par

Zero Lot Line Concept

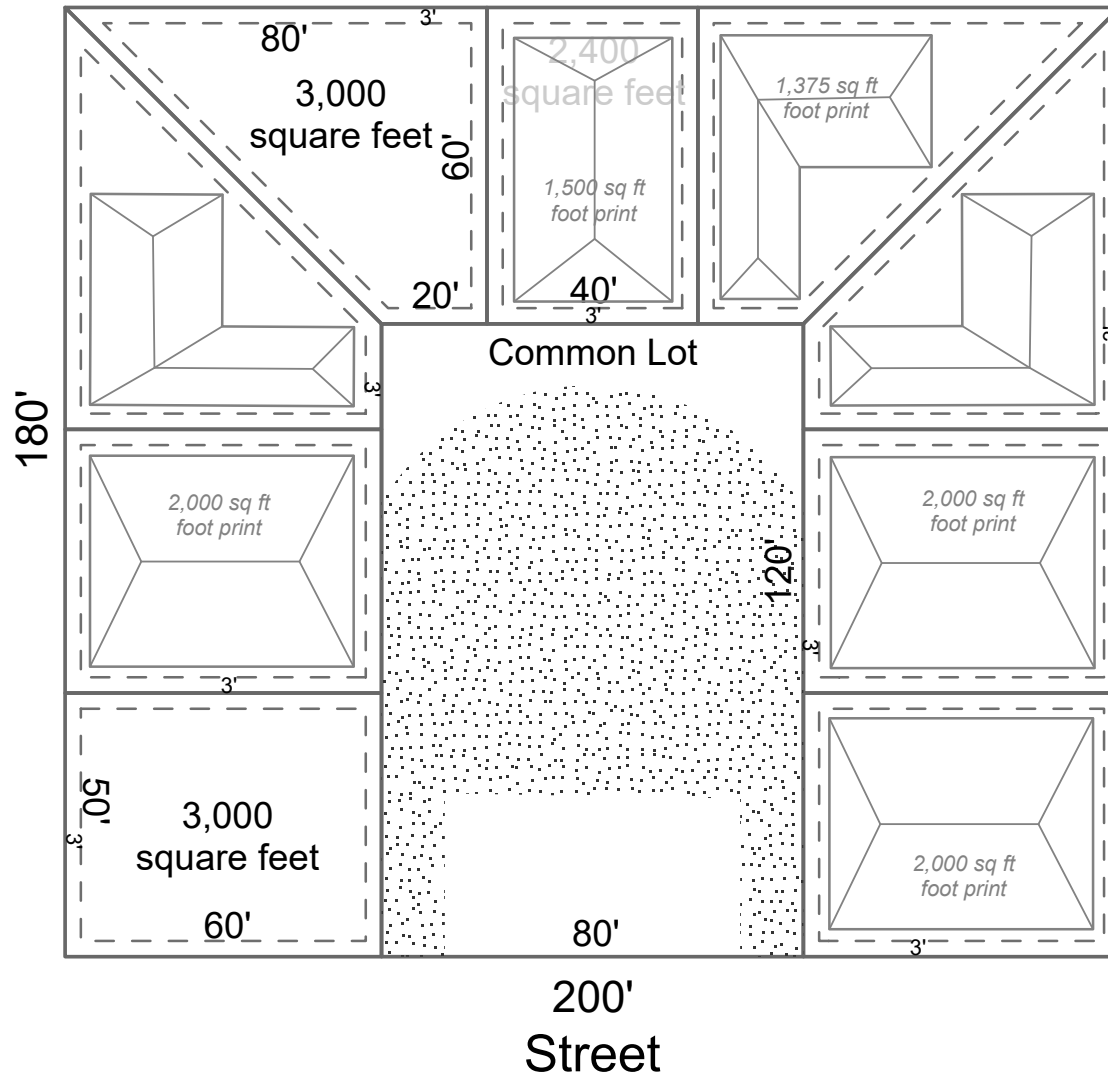
Section 3, Item B.



The zero lot line concept offers the potential for a deep driveway, potentially extending up to 100% of the lot depth, offering up to five off-street parking spaces.

The offset, deep driveway places parking outside of the building envelope, offering the potential to alter the lot dimensions. A narrower or shallower lot can be offered. Under this scenario, a dwelling could be built to fill entire building envelope, increasing lot cover

Common Parking Lot Concept



The common parking lot concept creates a commonly owned area and requires a HOA for maintenance. Density and lot coverage are greatly increased. Nine dwellings are built where 7 could regularly be built in an R4 zone.

The common area may be designed to provide significant off-street parking. Potentially 20 spaces could be provided. The common area also provides open space/recreational opportunity.