



Where Life is Sweet

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

Title/Subject

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

Summary and Background

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

Condition #9 for Phase 2 states:

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

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

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

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

When the planning commission reviewed the preliminary plat for Phase 2, Condition #9 was added mandating the pedestrian connection between phases. However, there is no pedestrian easement to connect with in Phase 1.

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

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

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

Tie-In to Council Goals

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

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

Submitted By:

Clinton Spencer, Planning Director