

Findings of Fact for Diamond Run Phases 2 and 3 Middle Housing Land Division

December 31, 2025

E Diagonal Blvd – 4N 28 12BB Tax Lots 300 and 502

ORS 92.031

- (1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420(2) or (3).**
- (2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:**
 - a. A proposal for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420(5);**

Findings:

- (1) The City of Hermiston has received an application to replat Lots 124 and 125 of the Replat of Lots 1 Thru 72, 74 and 75 of Diamond Run Subdivision Phase 1. Lots 124 and 125 received preliminary plat approval from the City of Hermiston as part of the Diamond Run subdivision on August 20, 2020. Preliminary approval granted by the city approved 77 lots on Lots 124 and 125. Under the provisions of §157.027(A)(1) of the Hermiston Code of Ordinances, each lot may accommodate a single- or two-family dwelling. Construction of two-family dwellings constitutes development of middle housing under the provisions of ORS 197A.420(3).**
- (2) Amendment of the underlying preliminary plat to place each dwelling unit in a two-family dwelling on an individual lot constitutes a middle housing land division as defined in ORS 92.031(1) and (2)(d).**
- (3) The applicant has provided the city as part of this application a lot development plan consistent with the requirements of ORS 92.031(2) which identifies the development of exactly one dwelling unit on each parcel resulting from the middle housing land division. Said development plan is included in the project file and incorporated into the findings by reference.**
- (4) The development plan indicates that each set of two-family dwellings will be constructed with a common wall as required by ORS 197A.420(1)(d).**
- (5) The City of Hermiston finds that the proposed land division with common wall two-family dwellings is a qualifying middle housing development proposal and therefore eligible for a middle housing land division subject to the requirements of ORS 92.031.**

- b. Separate utilities for each unit;**

Findings:

- (6) Separate utility connections are provided for each dwelling unit. The developer has submitted civil plans for the development of infrastructure within this development. Each lot and dwelling is planned for a separate water and sewer connection. Plans are on file with the City of Hermiston Community Development Department.
- (7) The City of Hermiston finds that the utility plans and installed utilities demonstrate that separate utilities are installed for each unit. ORS 92.031(2)(b) is satisfied.

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

- A) Locating, accessing, replacing, and servicing all utilities;**
- B) Pedestrian access from each dwelling unit to a private or public road;**
- C) Any common use areas or shared building easements;**
- D) Any dedicated driveways or parking; and**
- E) Any dedicated common area;**

Findings:

- (8) Utility easements, ten feet in width are located on all front lot lines consistent with ORS 92.044(7).
- (9) Pedestrian access easements are not necessary for any lot in this development, with the exception of Lots 166 and 167. A 20-foot access and utilities easement is dedicated on these lots to insure adequate access to Lot 167.
- (10) Common areas, driveways, parking, and building area easements are not required for these lots, with the exception of Lots 166 and 167 which do require an access easement for Lot 167.
- (11) The City of Hermiston finds that the easement requirements of ORS 92.031(c) are satisfied.

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

Findings:

- (12) The application includes a lot by lot development plan. The development contains an evidentiary record that each lot is intended to accommodate exactly one dwelling unit on each parcel.
- (13) Pursuant to ORS 92.031(3), the city will prohibit further division of all lots in this middle housing development.
- (14) Pursuant to ORS 92.031(6), the city will prohibit the construction of accessory dwellings on all lots in this middle housing development.

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

(15) The applicant has submitted building footprints and plans demonstrating compliance with the specialty residential code and meeting the requirements that all newly constructed units share a common wall as required by ORS 197A.420(1)(d).

(16) All newly constructed units shall share a common wall and be considered as one half of a duplex located upon one lot meeting the minimum lot size for single-and two-family lots in the R-3 zone. The aggregate of all pairs of lots meets the minimum size of 5,000 square feet as required by §157.027(C)(1) and §157.152(B).