



# PLANNING COMMISSION

Regular Meeting Minutes  
September 10, 2025

Chairman Fialka called the regular meeting to order at 7:00PM. Present were Commissioners Misner, Caplinger, Saylor, Doherty, and Serrano. Commissioners Guerrero, Kirkpatrick, and Hamm were excused. Staff in attendance included Planning Director C.F. Spencer, City Attorney Rich Tovey, and Planning Assistant Heather La Beau. Youth Advisor Gabriel Richards was in attendance.

Chairman Fialka welcomed Youth Advisor Richards to the meeting.

## Minutes

Commissioner Saylor moved, and Commissioner Serrano seconded to approve the minutes of August 13, 2025, regular meeting. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor.

## Hearing Major Variance Request - Eastern Oregon Development LLC 579 E Elm Ave 4N2802CD Tax Lot 500

There were no conflicts of interest or ex parte contact declared so Chairman Fialka opened the hearing at 7:02PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. The applicant is requesting RV storage be allowed on a gravel surface. Section 157.179 requires a hard surface. Staff has always interpreted this to be asphalt, concrete, or chip seal. Two sets of Findings have been provided, one in favor and alternative findings in denial. Staff recommends denial of the variance as the evidence does not meet the criteria.

Commissioners discussed the possibility and ability to enforce a time limit on granting a variance.

## Testimony

Steve Richards 42980 Haney Lane Pendleton- Mr. Richards owns two mini-storage facilities in Hermiston. Mr. Richards referenced page 43, bullet 11 of the staff report regarding city's interpretation of hard surface. He hopes to convince the commissioners that compacted gravel that has been designed for driving surfaces and addresses drainage meets the definition of impervious ground for hard surface. A handout was provided by the applicant (attached) which references additional definitions of impervious and hard surfaces from several sources. Referring to the planning commission's ability to grant a variance due to hardship, Mr. Richards explained that a lack of supply of affordable RV storage parking may create hardship for some residents, especially those facing code enforcement complaints from parking on the streets. This site is different in that there are multiple drainage swales, and the compacted gravel has gone through many compaction tests. Most of the site is already paved, and there are natural buffers. There has not been a single dust complaint since the facility opened. He is willing to do dust abatement if that is required. If the concern is code enforcement, then the variance addresses that. If the concern is impervious surface, his research suggests compacted gravel addresses the drainage and environmental issues. Mr. Richards appreciates the prompt, professional, and courteous service provided by the Hermiston Planning Department.

In response to Commissioner Doherty's question, Mr. Richards said if there was a demand for additional storage, he would probably construct more buildings in the future, but if he can fill up parking pads, he would probably keep the open parking storage. He states he could always build more units on his additional property to the east.



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Marisel Espinoza, Manager of Hermiston Mini Storage 579 E Elm Ave- Ms. Espinoza assists with managing Highland Mini Storage and Stanfield Self Storage, where parking is offered. Some Stanfield tenants are Hermiston residents. There are currently 20 Hermiston residents on a waiting list for parking spaces. She feels offering new uncovered parking storage is a cheaper option for Hermiston residents and would alleviate the waiting list.

Chairman Fialka questioned how the commissioners could be certain that compacted gravel could work as well as other impervious surfaces. Youth Advisor Richards suggested compaction tests could be required at intervals to determine if they are still functioning as designed.

Commissioner Saylor questioned the difference between a gravel driveway and a compacted gravel driveway and noted the importance of an answer to make a decision. She inquired if a compromise may be to pave the drive alleys and not the parking pads to save costs.

Commissioners discussed long-term maintenance and costs of gravel versus other hard surfaces. There are different issues to consider with each option. Future effects of each option need to be considered, along with the future use of the property. Several commissioners expressed preference to compacted gravel over paving for environmental reasons.

Commissioner Saylor moved, and Commissioner Misner seconded that the Planning Commission continue the hearing to the October 8 regular meeting to allow for new evidence, including the city engineer's definition of compacted gravel. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano voting in favor.

## **Minor Partition - James Maret 395 NE 10<sup>th</sup> St 4N2811AD Tax Lot 1500**

Planning Director Spencer presented the staff report for this partition. Written testimony was received today (attached) from an adjacent property owner requesting an encroaching fence be moved. The City does not typically get involved with fence placement issues as it is a civil issue. The plat depicts a future shop; the shop is already constructed.

### Findings of Fact

#### Chapter 154: Subdivisions

#### Design Standards

##### §154.15 Relation to Adjoining Street System.

The property is serviced by NE 10<sup>th</sup> Street. NE 10<sup>th</sup> Street is partially improved adjacent to Parcels 1 and 2. All street rights of way are already platted and no changes are proposed.

##### §154.16 Street and Alley Width.

All existing rights of way are 60 feet in width and in compliance with the city standards for collector streets.

##### §154.17 Easements.

There are existing 5-foot power easements along the rear lot lines of Parcels 1 and 2. There are also two 5-foot power easements running perpendicular to the front and rear lot lines. All easements are shown on the plat. ORS 92.044 only permits cities to require easements abutting a street.

##### §154.18 Blocks.

Block length is not applicable to this plat.



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### §154.19 Lots.

Parcel 1 is 27,741 square feet or 0.63 acres. Parcel 2 is 33,583 square feet or 0.77 acres. Parcel 1 contains an existing dwelling and out-buildings. Parcel 2 contains an existing outbuilding. Each lot exceeds the minimum lot size for single- and two-family housing in the R-1 zone. Each lot exceeds the minimum lot width of 60 feet and the minimum lot depth of 80 feet in the R-1 zone. Lot design standards are satisfied.

### §154.20 Character of Development.

The development is occupied with a single-family dwelling and out-buildings on Parcel 1. Parcel 2 contains an outbuilding and is intended for additional residential development. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

### §154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional 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

NE 10<sup>th</sup> Street is partially improved with paving but no curb, gutter, or sidewalk. A non-remonstrance agreement agreeing to participate in a future LID for Parcels 1 and 2 was signed and recorded in January of 2025 for the issuance of a building permit for the outbuilding on Parcel 2. Additionally, at the time of new residential construction on Parcel 2, street improvements consisting of infill paving, curb, gutter, and sidewalk will be required consistent with §157.164(D) of the Hermiston Code of Ordinances.

#### §154.62 Water Lines

Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in NE 10<sup>th</sup> Street. Parcel 2 will be required to connect to municipal water service at the time of residential development. The applicant or owner is responsible for all costs associated with connection to water service.

#### §154.63 Sanitary Sewer System.

Each parcel is adjacent to municipal sewer service along the entire parcel frontage. An 8 inch sanitary sewer line is installed in NE 10<sup>th</sup> Street. Parcel 2 will be required to connect to sanitary sewer service at the time of residential development. The applicant or owner is responsible for all costs associated with connection to sewer services.

### Preliminary Plat

Staff has reviewed the plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances which states:

"...Minor partitions containing three lots or less may be exempted from the provisions of this section."

### Final Plat



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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 or 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

### §157.025 Low Density Residential (R-1)

Each lot exceeds the minimum lot size of 8,000 square feet for single and two-family dwellings. Each lot



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exceeds the minimum lot width of 60 feet and the minimum lot depth of 80 feet. Total coverage of all structures on Parcel 1 and Parcel 2 is less than the 40% maximum lot coverage for each lot. The R-1 development standards are satisfied. Uses permitted in the R-1 zone are listed in §157.025(A) and (B) of the Hermiston Code of Ordinances.

### §157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to excessively well-drained soils. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

### Conditions of Approval

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. 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.
3. Parcel 2 will be required to complete street improvements to NE 10<sup>th</sup> Street, including consisting of infill paving, curb, gutter, and sidewalk will be required consistent with §157.164(D) of the Hermiston Code of Ordinances.
4. A residence shall be constructed on Parcel 2 within 18 months of plat recording. If a residence is not constructed on Parcel 2 within 18 months of plat recording, the property owner shall sign and record with Umatilla County records a covenant not to sell separately if property owner is the same for Parcels 1 & 2 or remove the structure, if property is not held in same ownership as Parcel 1.

Commissioners questioned an existing shed that is built across an easement. This is not part of the new lot lines being created. Commissioners discussed sidewalk requirements, and effectiveness of non-remonstrance agreements. Commissioner Misner moved, and Commissioner Saylor moved to approve the findings of fact. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor. Commissioner Saylor moved and Commissioner Caplinger seconded to approve the final plat subject to the conditions of approval. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor.

### Minor Partition – Jason Lines 620/640 SE 5<sup>th</sup> St 4N2811CD Tax Lot 4502

Planning Director Spencer presented the staff report. The applicant was granted a variance in 2024 allowing the reduced lot widths to partition the property into two lots. Each existing house will be on its own lot. The shed shown on the plat has already been relocated and is no longer across the property lines.

### Public Testimony

Jason Lines 32136 W Walls Road- Mr. Lines is the owner of the lot and is requesting the partition be approved.





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## Findings of Fact

### Chapter 154: Subdivisions

#### Design Standards

##### §154.15 Relation to Adjoining Street System.

The property is serviced by SE 5<sup>th</sup> Street. SE 5<sup>th</sup> Street is partially improved adjacent to Parcels 1 and 2. All street rights of way are already platted and no changes are proposed.

##### §154.16 Street and Alley Width.

All existing rights of way are 50 feet in width and in compliance with the city standards for local streets.

##### §154.17 Easements.

No easements are shown on the plat. ORS 92.044 only permits cities to require easements abutting a street.

##### §154.18 Blocks.

Block length is not applicable to this plat.

##### §154.19 Lots.

Parcels 1 and 2 are each 5,639 square feet (0.12 acres). The minimum lot size in the R-3 zone is 5,000 square feet for single and two-family dwellings. Each parcel contains a single-family dwelling. Each lot exceeds the minimum lot size for single- and two-family housing in the R-3 zone. Each lot exceeds the minimum lot depth of 80 feet in the R-3 zone. The lots do not meet the 60 foot lot width standard and a variance from this standard was granted on September 11, 2024. There is a shed which straddles the lot line common to Parcels 1 and 2. The applicant has indicated the shed will be relocated to only one parcel. Upon relocation of the shed, the lot design standards are satisfied.

##### §154.20 Character of Development.

The development is occupied with two single-family dwellings. Uses permitted in the R-3 zone are listed in 157.027 of the Hermiston Code of Ordinances.

##### §154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional 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

SE 5<sup>th</sup> Street is partially improved with paving but no curb, gutter, or sidewalk. A non-remonstrance agreement agreeing to participate in a future LID for Parcels 1 and 2 was signed and recorded in February of 2025 as a condition of approval for the major variance.

##### §154.62 Water Lines



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Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in SE 5<sup>th</sup> Street. Each dwelling is connected to the municipal water supply.

### §154.63 Sanitary Sewer System.

Each parcel is adjacent to municipal sewer service along the entire parcel frontage. An 8 inch sanitary sewer line is installed in SE 5<sup>th</sup> Street. Each dwelling is connected to the sanitary sewer system.

### Preliminary Plat

Staff has reviewed the plat and determined the submission of a preliminary plat is not required in accordance with §154.35(B) of the Hermiston Code of Ordinances which states:

“...Minor partitions containing three lots or less may be exempted from the provisions of this section.”

### 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



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necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed or 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

### §157.027 Medium-High Density Residential (R-3)

Each lot exceeds the minimum lot size of 5,000 square feet for single and two-family dwellings. Each lot exceeds the minimum lot depth of 80 feet. A variance was granted on September 11, 2024 allowing a 47 foot lot width based on the existing configuration of the dwellings. Total coverage of all structures on Parcel 1 and Parcel 2 is less than the 45% maximum lot coverage for each lot. The R-3 development standards are satisfied. Uses permitted in the R-3 zone are listed in §157.027(A) and (B) of the Hermiston Code of Ordinances.

## Conditions of Approval

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.

Commissioner Saylor moved, and Commissioner Doherty seconded to approve the findings of fact. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor. Commissioner Saylor moved, and Commissioner Doherty seconded to approve the final plat with the conditions of approval as amended. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor.

## Replat – Four Bros LLC 678/692 E Elm Ave 4N2811BA Tax Lots 101 & 102

Planning Director Spencer presented the staff report. This is a replat of a 2022 partition. This replat moves the flag access from the eastern property line to the middle of the parcels. The flag includes an area for shared access, generating more developable area.

## Findings of Fact

### Chapter 154: Subdivisions

#### Design Standards

#### §154.15 Relation to Adjoining Street System.

The property is serviced by E Elm Ave (OR 207). E Elm Ave is partially improved adjacent to Parcels 1, 2, and 3. All street rights of way are already platted and no changes are proposed.

#### §154.16 Street and Alley Width.

All existing rights of way are 66 feet in width and in compliance with the city standards for minor arterial streets.

#### §154.17 Easements.





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A new 36 foot wide and 60 foot deep shared access easement is created on Parcel 3 for the benefit of Parcels 1, 2, and 3. Maintenance responsibilities for this area shall be spelled out in a separate instrument. ORS 92.044 only permits cities to require easements abutting a street.

### §154.18 Blocks.

Block length is not applicable to this plat.

### §154.19 Lots.

Parcel 1 is 35,169 square feet or 0.81 acres. Parcel 2 is 26,906 square feet or 0.62 acres. Parcel 3 is 156,966 square feet or 3.6 acres. All parcels are currently vacant. There is an approved development to construct a tire shop on Parcel 1. Parcel 3 is owned by the City of Hermiston and is intended for future public use, either for additional public works storage or for future park use.

### §154.20 Character of Development.

The development is currently vacant. All parcels are zoned for commercial use and a tire shop has received site plan approval from the city for Parcel 1. Uses permitted in the C-2 zone are listed in 157.041 of the Hermiston Code of Ordinances.

### §154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional 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

Elm Ave is partially improved with paving but no curb, gutter, or sidewalk. As a condition of approval for the tire shop on Parcel 1, the city is requiring completion of the street with curb, gutter, sidewalk, and paving adjacent to the property frontage. As each additional parcel develops, the same improvements will be required.

#### §154.62 Water Lines

Each parcel is adjacent to municipal water service along the entire parcel frontage. A 12 inch municipal water line is installed in E Elm Ave. The applicant and city have agreed to jointly bore under E Elm Ave to connect to this water line with one point of connection.

#### §154.63 Sanitary Sewer System.

There are no sewer services available in E Elm Ave and the site is more than 300 feet from the nearest sewer service. Each parcel may utilize a private septic system for sanitary service.

### Preliminary Plat

Per §154.35(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



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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; **The 12 inch water line in E Elm Ave is not shown on the plat. However, the location of this line shall be provided with civil drawings for the development**
4. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract; **A proper name for the replat shall be provided on the final plat**
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**
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; and **This information is required with civil improvement drawings and not recommended for this replat.**
9. All the above information unless waived by the Planning Commission.

Staff recommends that the planning commission waive the requirements in 3, 6 and 8 above, but to require a proper name for the replat to be submitted with the final plat.

### Chapter 157: Zoning

#### §157.041 Outlying Commercial (C-2)

Parcel 1 is 35,169 square feet or 0.81 acres. Parcel 2 is 26,906 square feet or 0.62 acres. Parcel 3 is 156,966 square feet or 3.6 acres. All parcels are currently vacant. There is an approved development to construct a tire shop on Parcel 1. There is no minimum lot size, width, or depth requirement in the C-2 zone. Uses permitted in the C-2 zone are listed in §157.041(A) and (B) of the Hermiston Code of Ordinances. A tire shop as proposed for Parcel 1 is a permitted use per §157.041(A)(12).

#### §157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to a high water table. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above



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requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

## Conditions of Approval

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. The following corrections shall be made to the plat:
  - a) A name for the subdivision shall be submitted with the final plat consistent with §154.35(4) of the Hermiston Code of Ordinances.
  - b) The Lands of City of Hermiston parcel shall be renamed as Parcel 3.
3. All conditions of approval from the June 4, 2025 Four Bros tire shop site plan approval remain in effect and are incorporated into the conditions by reference.
4. The property lies within an area subject to potential groundwater pollution hazards due to high water table. 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.

## Public Testimony

Phyllis Delgado 277 Shepler St Dallasport WA- Ms. Delgado is part owner of J&J Northeast Construction, the contractor who will be developing the tire shop. The project is a new experience for them and has been a big learning curve. The tire shop is currently operating in a small, rented space outside of town on N Hwy 395. They bought the property to expand the business and look forward to being a good addition to the city.

Commissioners discussed access paving, maintenance, and future development of the city's lot.

Commissioner Saylor moved and Commissioner Serrano seconded to approve the findings of fact, waiving requirements 3, 6, and 8 on page 78 of the staff report. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor. Commissioner Caplinger moved and Commissioner Doherty seconded to approve the preliminary plat with the conditions of approval. Motion passed 5-0 with Commissioners Misner, Caplinger, Saylor, Doherty and Serrano in favor.

## Planner Comments and Unscheduled Communication

Planning Director Spencer reported the council approved the UGB amendment and it now moves on for county approval in September and October. State approval is anticipated by the end of the year.

Staff are hoping to work again with Winterbrook Planning, as a state pre-approved consultant, if the city is awarded a Housing Assistance Planning grant for residential code update.



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Commissioners briefly discussed the location of barrier placement for ODOT's project on E Elm Ave and Highway 395.

A solution was reached between the railroad and the county for increased septic capacity at a business on S Hwy 395.

Introductions were made between the commissioners and Youth Advisor Gabriel Richards. He also serves as a Youth Advisor on the City Council and the Parks & Recreation Committee.

### **Adjournment**

Chairman Fialka adjourned the meeting at 8:42PM.

DRAFT

Many industry sources equate “impervious surfaces” with “hard surfaces”.

From a stormwater and environmental standpoint, compacted and graded gravel, when engineered for vehicular use and appropriately maintained, is often identified as a hard (impervious) surface.

## **Key References**

### **1. Aaron Hoefft – ACH Engineering (Engineer for Hermiston Mini Storage project)**

“When it comes to drainage, hard surfaces are defined as asphalt, concrete, brick or **compacted gravel**. They all have the same coefficient of water runoff.

### **2. American Society of Civil Engineers (ASCE)**

ASCE's stormwater and LID design frameworks identify **impervious or hard surfaces as those that significantly impede infiltration, such as:**

- a. Pavements**
- b. Rooftops**
- c. compacted gravel areas** engineered for vehicle use.

### **3. Department of Environmental Quality (DEQ)**

In the **Water Quality Model Code and Guidebook**, DEQ defines impervious surfaces as:

“Impervious surface means a constructed hard surface that prevents or retards the infiltration of water into the soil... Examples include rooftops, asphalt or concrete paving, driveways, sidewalks, patios, parking lots, storage areas, and compacted gravel.”



Kimberly Lopez  
31967 Sun Ridge Lane  
Hermiston, OR 97838

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City of Hermiston  
Clint Spencer, Planning Director  
180 NE 2<sup>nd</sup> St  
Hermiston, OR 97838

**RE: 4N2811AD Tax Lot 1500 Land Partition by James Maret**

Planning Director Spencer,

I own the property located at 985 E Ridgeway Ave., also known as 4N2811AD tax lot 1700. My property borders the south west portion of the Maret property. After the Maret property was surveyed for the land partition, it became apparent that their fence in encroaching onto my property. I would like it noted and request that Mr. Maret relocate the fence to his side of the property at his expense.

Thank you

Kimberly Lopez