

**Findings of Fact for Diamond Run Phase 1 Middle Housing Land Division**

**June 27, 2022**

**E Diagonal Blvd**

**ORS 92.031**

**(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:**

**(a) A proposal for 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 197.758 (5);**

*Findings:*

1. The City of Hermiston has received an application to replat Lots 1 through 72 of Phase 1 of Diamond Run Subdivision. Said replat facilitates the development of common-wall attached single-family dwellings (i.e. duplex dwellings) on Lots 1 through 7, Lots 9 through 20, Lots 29 through 35, Lots 37 through 41, Lots 44 through 48, Lots 51 and 52, Lot 54, Lots 58 through 63, Lot 66, and Lots 68 through 72. Lots not included are not replatted for attached single-family but are renumbered consistent with the revised lot numbering.
2. Under ORS 197.758(3) Hermiston is defined a medium-sized city (having a population between 10,000 and 25,000) and shall permit development of two-family dwellings on all lots zoned for single-family development. All lots proposed for division in (1) above are zoned Medium-High Density Residential (R-3) and permit one and two-family dwellings per 157.027(A) of the Hermiston Code of Ordinances.
3. Ten building permits have been submitted to the Hermiston Building Department to construct duplex dwellings permitted under ORS 197.758(3) and the builder has participated in meetings before the planning commission on April 13, 2022 and with city development staff on May 23, 2022 and committed to developing all remaining lots not able to accommodate multi-family dwellings with two-family dwellings as permitted by the State of Oregon.
4. The City of Hermiston finds that the proposal to develop the lots listed in (1) above with duplex dwellings is a qualifying proposal for the development of middle housing and therefore eligible for a middle housing land division subject to the requirements listed herein.

**(b) Separate utilities for each dwelling unit;**

*Findings:*

5. Separate utility connections are provided for each dwelling unit. Utility connections consist of one shared service for water and sewer connecting to the respective mainline in the adjacent public street. Each utility will branch within the utility easement or right-of-way depending upon the lot configuration.
6. The proposed utility connections constitute a deviation from the city's public works standards.
7. A deviation from the city's public works standards is hereby approved for Phase 1 of Diamond Run subdivision. Approval of said deviation is a site specific process and does not constitute a precedent nor waiver of future imposition of public works standards.

**(c) Proposed easements necessary for each dwelling unit on the plan for:**

**(A) Locating, accessing, replacing and servicing all utilities;**

*Finding:*

8. Utility easements of 10 feet in width are provided along the front property line of all lots. Said easements were dedicated on the plat for Diamond Run Phase 1. These easements are preserved on the plat.
9. Multiple easements providing for electrical transmission are provided extending service from the UEC electric substation at the northwest corner of the site.

**(B) Pedestrian access from each dwelling unit to a private or public road;**

*Finding:*

10. Each lot abuts public right of way and no easements are needed to accommodate pedestrian access to each unit.
11. Pedestrian access easements providing access from the development to public trail facilities, required as part of the original Diamond Run approval, are preserved.

**(C) Any common use areas or shared building elements;**

*Finding:*

12. No common areas or shared building elements are proposed. This requirement is not applicable.

**(D) Any dedicated driveways or parking; and**

*Finding:*

13. All driveways will be the sole responsibility of the property owner on which the driveway is located. This requirement is not applicable.

**(E) Any dedicated common area;**

*Finding:*

14. No common areas are proposed. This requirement is not applicable.

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

*Finding:*

15. Each lot is proposed for exactly one dwelling unit. Building permit applications are on file for 10 units as of May 27, 2022 and additional permit applications are expected to be filed.
16. Pursuant to ORS 92.031(3) the city will prohibit further division of the lots listed in (1) above.
17. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in (1) above.

**(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with 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.**

*Finding:*

18. As noted in (3) above, the building permits on file with the City of Hermiston have been reviewed and demonstrate compliance with the applicable building code requirements relating to property lines and separation of structures. The City will continue to require this compliance on all future attached single-family dwellings created for middle housing.

## **Conditions of Approval for Diamond Run Phase 1 Middle Housing Land Division**

**June 27, 2022**

### **E Diagonal Blvd**

1. Pursuant to ORS 92.031(3)(a) the city will prohibit further division of the lots split for middle housing. Said lots are Lots 1-14, Lots 16-39, Lots 47-52, Lots 56 and 57, Lots 60-67, Lots 69-78, Lots 80-83, Lots 86-95, Lots 98-107, and Lots 109-122.
2. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in Condition 1 above.
3. Pursuant to ORS 92.031(3)(b) a notation shall be placed on the plat stating that approval was granted under ORS 92.031.
4. Pursuant to ORS 92.031(2)(e) all attached single-family dwellings constructed on the lots listed in Condition 1 above shall be constructed in accordance with applicable building codes provisions relating to new property lines and the Oregon residential specialty code.
5. Addresses shall be removed from the final plat.

June 8, 2022

Lloyd and Lois Piercy  
PO Box 249  
Echo, OR 97826



Re: **Notice of Decision** – Middle Housing Land Division – Diamond Run Phase 1

This letter is intended to supersede and replace the city's June 2, 2022 letter approving the above referenced middle housing land division. The June 2 letter is hereby withdrawn. The findings of fact and conditions of approval from the June 2 approval are no longer in effect and the amended findings and conditions are attached to this letter.

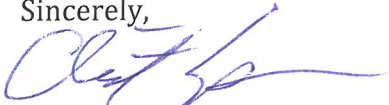
The City of Hermiston has reviewed and granted tentative approval of your application for a replat of Diamond Run Subdivision Phase 1. The replat is intended to provide individual lots for duplex dwellings within the development. This request is considered a middle housing land division under ORS 197.360 and regulated under ORS 197.360 through 197.380 and ORS 92.031 and is processed differently than a standard replat governed under Chapter 154 of the Hermiston Code of Ordinances.

In reviewing your application, the city has applied the standards contained in ORS 92.031 to your tentative plan. Attached to this letter are findings of fact demonstrating compliance with these standards. Additionally, conditions of approval relating to compliance with State of Oregon rules for middle housing land divisions are attached.

This letter constitutes a tentative approval as required by the State of Oregon under ORS 92.031(2). This approval is an administrative approval. Under the provisions of Chapter 154 of the Hermiston Code of Ordinances, all land divisions must also be approved by the Hermiston Planning Commission and City Council. Pursuant to ORS 197.365(3)(b), the planning commission and city council will not hold hearings on this proposal as the required notice was provided by the city for the administrative review of the tentative plan. However, the planning commission will meet on June 8, 2022 to review and approve the final plat and the city council will meet on June 27, 2022 to review and approve the final plat. Both meetings will be held at 7:00 pm at the Hermiston Community Center, 415 Highway 395 S, Hermiston, OR.

You have the right to file an appeal of the city's decision. An appeal must be filed within 14 days of the date this letter is mailed. If no appeal is filed by 5 pm on June 22, 2022, the city's decision is considered final.

Sincerely,



Clinton Spencer  
Planning Director

C:   Ambience Homes  
      Byron Smith  
      Development Staff  
      Building Department  
      Rich Tovey

**Findings of Fact for Diamond Run Phase 1 Middle Housing Land Division**

**June 8, 2022**

**E Diagonal Blvd**

**ORS 92.031**

**(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:**

**(a) A proposal for 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 197.758 (5);**

*Findings:*

1. The City of Hermiston has received an application to replat Lots 1 through 72 of Phase 1 of Diamond Run Subdivision. Said replat facilitates the development of common-wall attached single-family dwellings (i.e. duplex dwellings) on Lots 1 through 7, Lots 9 through 20, Lots 29 through 35, Lots 37 through 41, Lots 44 through 48, Lots 51 and 52, Lot 54, Lots 58 through 63, Lot 66, and Lots 68 through 72. Lots not included are not replatted for attached single-family but are renumbered consistent with the revised lot numbering.
2. Under ORS 197.758(3) Hermiston is defined a medium-sized city (having a population between 10,000 and 25,000) and shall permit development of two-family dwellings on all lots zoned for single-family development. All lots proposed for division in (1) above are zoned Medium-High Density Residential (R-3) and permit one and two-family dwellings per 157.027(A) of the Hermiston Code of Ordinances.
3. Ten building permits have been submitted to the Hermiston Building Department to construct duplex dwellings permitted under ORS 197.758(3) and the builder has participated in meetings before the planning commission on April 13, 2022 and with city development staff on May 23, 2022 and committed to developing all remaining lots not able to accommodate multi-family dwellings with two-family dwellings as permitted by the State of Oregon.
4. The City of Hermiston finds that the proposal to develop the lots listed in (1) above with duplex dwellings is a qualifying proposal for the development of middle housing and therefore eligible for a middle housing land division subject to the requirements listed herein.

**(b) Separate utilities for each dwelling unit;**

*Findings:*

5. Separate utility connections are provided for each dwelling unit. Utility connections consist of one shared service for water and sewer connecting to the respective mainline in the adjacent public street. Each utility will branch at the property line, providing a separate water meter and sewer connection for each dwelling unit.
6. The proposed utility connections constitute a deviation from the city's public works standards.
7. A deviation from the city's public works standards is hereby approved for Phase 1 of Diamond Run subdivision. Approval of said deviation is a site specific process and does not constitute a precedent nor waiver of future imposition of public works standards.



**(c) Proposed easements necessary for each dwelling unit on the plan for:**

**(A) Locating, accessing, replacing and servicing all utilities;**

*Finding:*

8. Utility easements of 10 feet in width are provided along the front property line of all lots. Said easements were dedicated on the plat for Diamond Run Phase 1. These easements are preserved on the plat.
9. Multiple easements providing for electrical transmission are provided extending service from the UEC electric substation at the northwest corner of the site.

**(B) Pedestrian access from each dwelling unit to a private or public road;**

*Finding:*

10. Each lot abuts public right of way and no easements are needed to accommodate pedestrian access to each unit.
11. Pedestrian access easements providing access from the development to public trail facilities, required as part of the original Diamond Run approval, are preserved.

**(C) Any common use areas or shared building elements;**

*Finding:*

12. No common areas or shared building elements are proposed. This requirement is not applicable.

**(D) Any dedicated driveways or parking; and**

*Finding:*

13. All driveways will be the sole responsibility of the property owner on which the driveway is located. This requirement is not applicable.

**(E) Any dedicated common area;**

*Finding:*

14. No common areas are proposed. This requirement is not applicable.

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

*Finding:*

15. Each lot is proposed for exactly one dwelling unit. Building permit applications are on file for 10 units as of May 27, 2022 and additional permit applications are expected to be filed.
16. Pursuant to ORS 92.031(3) the city will prohibit further division of the lots listed in (1) above.
17. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in (1) above.



**(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with 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.**

*Finding:*

18. As noted in (3) above, the building permits on file with the City of Hermiston have been reviewed and demonstrate compliance with the applicable building code requirements relating to property lines and separation of structures. The City will continue to require this compliance on all future attached single-family dwellings created for middle housing.

**Conditions of Approval for Diamond Run Phase 1 Middle Housing Land Division**

**June 8, 2022**

**E Diagonal Blvd**

1. Pursuant to ORS 92.031(3)(a) the city will prohibit further division of the lots split for middle housing. Said lots are Lots 1-14, Lots 16-39, Lots 47-52, Lots 56 and 57, Lots 60-67, Lots 69-78, Lots 80-83, Lots 86-95, Lots 98-107, and Lots 109-122.
2. Pursuant to ORS 92.031(6) the city will prohibit the construction of accessory dwellings permitted under §157.136(A)(3) of the Hermiston Code of Ordinances on all lots listed in Condition 1 above.
3. Pursuant to ORS 92.031(3)(b) a notation shall be placed on the plat stating that approval was granted under ORS 92.031.
4. Pursuant to ORS 92.031(2)(e) all attached single-family dwellings constructed on the lots listed in Condition 1 above shall be constructed in accordance with applicable building codes provisions relating to new property lines and the Oregon residential specialty code.
5. Addresses shall be removed from the final plat.



**Planning  
Department**

June 13, 2022

Lloyd and Lois Piercy  
PO Box 249  
Echo, OR 97826

Re: **Notice of Decision** – Middle Housing Land Division – Diamond Run Phase 1  
Amended Findings of Fact

The City of Hermiston reviewed and granted tentative approval of your application for a replat of Diamond Run Subdivision Phase 1 on June 8. Additional comments were received from the applicant's representative. At their request, the findings of fact were amended. Finding #5 has been amended to read:

5. Separate utility connections are provided for each dwelling unit. Utility connections consist of one shared service for water and sewer connecting to the respective mainline in the adjacent public street. Each utility will branch within the utility easement or right-of-way depending upon the lot configuration.

The five conditions of approval remain as stated in the June 8 letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clint Spencer".

Clint Spencer  
Planning Director

C: Ambience Homes  
Byron Smith  
Development Staff  
Building Department  
Rich Tovey