



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 27, 2022

Title/Subject

Replat- Diamond Run Phase 1 4N2812B - 1210 E Elm Ave

Summary and Background

Home Run Land LLC has submitted a request for a middle housing land division in Phase 1 of the Diamond Run subdivision on E Elm Ave. The proposal divides the duplex lots within phase 1 into attached single-family lots. In essence, each half of a duplex will become an owner-occupied lot. 1. The application replats Lots 1 through 72 of Phase 1. The lots proposed for division are 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. The remaining lots are proposed for tri-plex housing.

A middle housing land division is a new process created by the State of Oregon in SB 458 adopted by the legislature in 2021. It is intended to facilitate splitting middle housing built under HB 2001 (duplexes for medium-sized cities such as Hermiston) so that each unit in a middle-housing development may be on a separate lot. SB 458 amended two Oregon revised statutes, ORS 92 (land divisions) and ORS 197 (land use planning). Under the amended ORS 92, section 92.031 establishes that cities shall approve a middle housing land division provided that it meets criteria established within the statute and notwithstanding local regulations.

The city may also impose conditions of approval on a middle housing land division. Conditions shall not exceed those imposed on single-family dwellings in the same zone. The conditions of approval are attached.

A middle housing land division is a unique creation in the statewide land use system. In the amended ORS 197 the city grants a tentative approval at the administrative level and then the final approvals are obtained normally as with any land plat. ORS 197.360 through 197.380 establish that this application is treated as an expedited land division and is specifically exempt from a traditional hearings process (ORS 197.365(3)(b)(A)). It is subject to traditional noticing requirements although this type of notice specifies that those notified have 14 days to submit comments and then a decision is rendered administratively. The city has complied with the procedural requirements in ORS 197.365. Notice was issued on May 18, 2022 and the comment period closed on June 1, 2022. An administrative decision compliant with ORS 197.365(3)(b) was issued on June 2, 2022. A copy of this notice of decision is attached.

As noted, the city approved the tentative land division on June 8, 2022. Additionally, the planning commission approved the plat itself at the regular meeting on June 8, 2022. The plat now comes before the city council for approval as well.

Tie-In to Council Goals

Approval of plats is a matter of city administration. In the case of this type of land division, approval is required if the criteria in ORS 92.031 are satisfied.

Fiscal Information

There is no impact to the city from the approval of the plat. Each attached dwelling is expected to be priced near \$200,000 to \$250,000 and generate \$1,520 in tax revenue annually.

Alternatives and Recommendation

Alternatives

In this type of land division, approval is required if the criteria in ORS 92.031 are satisfied. The planning commission and planning staff have determined that the criteria in OR 92.031 are satisfied.

Recommended Action/Motion

Staff recommends that the city council approve the final plat.

Submitted By:

Clinton Spencer, Planning Director