

Findings of Fact for Umatilla Basin

Properties LLC.

150 NE 8th Pl

Conditional Use Permit

December 11, 2024

The proposal is in conformance with the Comprehensive Plan and Zoning Code.

1. The property is located at 150 NE 8th Place and is described as 4N 28 11DB Tax Lot 2700.
2. The property is approximately 5,800 square feet (0.13 acres) in size. The existing building covers approximately 935 square feet. Total lot coverage of the existing dwelling and outbuildings is approximately 20%.
3. The property lies within the Medium Density Residential zone and allows uses permitted conditionally in the R-1 and R-2 zones subject to issuance of a conditional use permit.
4. A day care home is a use subject to a conditional use permit in the R-1, R-2, R-3, and R-4 zones per §157.025(B)(4) of the Hermiston Code of Ordinances.
5. A public hearing was held on December 11, 2024, in accordance with 157.207(A) of the Hermiston Code of Ordinances.
6. Notice of public hearing was prepared and published on November 27, 2024, in accordance with the notice requirements of 157.229 of the Hermiston Code of Ordinances.

The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission.

7. The property has no paved parking spaces. There is sufficient space available to create at least three parking spaces accessing either E Fay Ave or NE 8th Place. The applicant shall submit a parking plan showing at least three parking spaces as required by §157.176 of the Hermiston Code of Ordinances (requiring one- and one-half spaces per teacher, two teachers are proposed) as part of the civil improvement review process.
8. The existing property is approximately 5,800 square feet which is an area deficiency from the minimum lot size of 6,500 square feet in the R-2 zone. However, 157.026(C)(1) establishes that 6,500 square feet is the minimum lot size for single and two family dwellings. Further, the property is an existing lot of record. 157.139 establishes that where there is an area deficiency, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family or two-family residence. The proposed Day Care Home is not considered a residential use per the definition established in 157.002.
9. The existing property is approximately 86 feet wide and 116 feet deep, exceeding the minimum lot width of 60 feet and minimum lot depth of 80 feet in the R-2 zone.
10. Total lot coverage of all structures on the site is approximately 20%, which is below the maximum lot coverage of 45% in the R-2 zone.

11. There is sufficient area on-site to provide sufficient open space for children meeting the requirements of OAR 414-300-0150. This requirement mandates there be a minimum area of 35 square feet of indoor area and 75 square feet of outdoor area per child. Twelve children on-site require a minimum of 420 indoor square feet and 2,625 outdoor square feet.
12. The outdoor play area sizing requirement may be reduced to one-third of the required area when groups of children have different scheduled play times. The existing fenced area to the rear of the structure and south of E Fay Ave encompasses approximately 1,500 square feet and an additional 1,000 square feet of play area is required and is available for enclosure with fencing adjustments.

Public facilities are of adequate size and quality to serve the proposed use.

13. The building is connected to existing water and sanitary sewer lines adjacent to the property. No upgrade to these lines is required to service the change in occupancy.
14. NE 8th Place and E Fay Ave are classified as local residential streets on the city's transportation system plan. A local residential street is well suited to accommodate the level of trip generation a small-scale day-care home will generate. Local residential streets are intended to accommodate between 250 and 500 trips per day. Trip generation from this use will be less than 50 trips.
15. Public improvements installed on the frontage of NE 8th Place is sufficient with the exception of sidewalk. Sidewalk installation is required as part of any change in occupancy to the structure per §157.164(C) of the Hermiston Code of Ordinances.
16. Public improvements installed on the frontage of E Fay Ave are not sufficient to accommodate any change in occupancy on the property and additional improvements are required per §157.163(F) and §157.164(C) and (D). Additional public improvements in the form of half-street paving, curb, gutter, and sidewalk are required as part of the development and shall be installed prior to occupancy of the structure.

The proposed use will prove reasonably compatible with surrounding properties.

17. The property sits within the R-2 zone which is a medium density residential zone which permits a variety of residential uses and home occupations.
18. The property is adjacent to single-family uses. Low intensity educational uses such as a day care home is well-suited for this type of neighborhood due to the limited traffic generation, limited noise creation, and limited hours of operation.
19. Day care homes provide a community asset in Hermiston. Oregon Childcare Research Partnership has documented that there is a shortage of childcare opportunities in Hermiston. For children aged 0-5 there are only enough providers for 25% of the eligible children and for children above 5 there are enough providers for 33% of the eligible children.
20. The property is bounded by two streets providing adequate buffering for the site. The remaining two property lines will be required to be fenced to provide additional buffering and shielding for the outdoor play area.