



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of June 14, 2023

Title/Subject

Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA TL 2700- 945 E Newport Ave

Summary and Background

Gavin Gervais of Knutzen Engineering has submitted a request for an infill designation for an existing residential lot located at 945 E Newport Ave. If the infill designation is approved, the applicant plans to divide the property into eight residential lots. A copy of the proposed lot layout is attached to this report. The infill designation may be applied to properties that have constraints which make traditional development impossible and is applied on a case-by-case basis.

The property is described as 4N2811DA Tax Lot 2700 and is zoned Low Density Residential (R-1). This lot was included in the Bratton Replat approved by the city in 2019, which created two residential lots at the corner of SE 9th Street and E Newport Ave and consolidated four lots from the Hermiston Orchards subdivision into one 2.7 acre lot. The parcel (Lot 3, Bratton Replat) has 506.63 feet of frontage on E Newport Ave and 285.75 feet of depth at the deepest point on the east lot line and narrows to 146.96 feet on the west lot line. There is an existing drainage ditch which forms the north lot line of the majority of the lot, creating a natural barrier to access from the north. However, there is an existing public alley which may provide access to the proposed Lot 10 and potentially Lot 9 with additional street dedication and improvement. The drainage ditch is not claimed by the Hermiston Irrigation District and the city uses the ditch for stormwater purposes.

The R-1 zoning requires an 8,000 square foot minimum lot size, lot depths of at least 80 feet, and lot widths of 60 feet. The property has a theoretical maximum capacity of 14 lots, although that capacity would be difficult to obtain under any circumstances as additional street dedication and construction would be required to obtain adequate access for all lots. However, a more conventional flag lot development or lots serviced from the north alley would yield 12 lots.

The applicant is requesting a deviation from 154.19 (C) of the Hermiston Municipal Code which states that no lot shall have a depth in excess of three times its width. The request is for Lots 5 through 10 of the proposed development. If the application is approved, the applicant intends to demolish the existing dwelling and create eight new single-family lots ranging in size from 8,001 to 17,339 square feet. All the proposed lots are at least 60' in width.

For an infill designation to be granted, the applicant must demonstrate that the property meets four of the eligibility criteria in 157.215(B) of the Hermiston Code of Ordinances. The eligibility criteria are as follows:

1. A lot with a single-family or two-family dwelling constructed prior to February 28, 1994;
2. A lot in existence prior to the adoption of the zoning standards adopted in Ordinance 1840 on February 28, 1994;
3. A lot within the city limits, except as provided in subsection (C)(2) of this section;
4. A lot located within the R-1, R-2, R-3, R-4 or RR zone; and
5. The property will be used for residential development.

Once it's established that the eligibility standards are met, the applicant must demonstrate that there are existing constraints on the property that make traditional development unfeasible. The planning commission has authority to identify constraints. Potential constraints are listed in section 157.215 (D) of the Hermiston Code of Ordinances and contain numerous examples but is not intended as a comprehensive list.

The city must develop findings of facts to support approval or denial of an infill designation. The criteria used to support a decision are contained in 157.215(G) and are as follows:

1. The property is constrained by internal or external physical features which preclude development conforming to adopted city standards;
2. Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense;
3. Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property;
4. Approval of infill designation will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties; and
5. Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.

The application is attached to this report. Staff has prepared findings of fact based on the information submitted. These findings are included as Exhibit A. Draft conditions of approval should the infill designation be granted are attached as Exhibit B.

Tie-In to Council Goals

Housing continues to be a council priority.

Fiscal Information

There is no financial impact from the infill designation. Approval of the infill designation and subsequent construction of housing will likely generate \$2,500 in property tax revenue per home.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Grant an infill designation for the property
- Deny an infill designation for the property
- Continue the hearing and request additional information

Recommended Action/Motion

Motion to make the project file a part of the record.

Motion to adopt findings of fact.

Motion to impose conditions of approval.

Motion to grant infill designation to the property.

Submitted By:

Clinton Spencer, Planning Director