



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

Exhibit A
Findings of Fact Infill Designation

June 14, 2023

945 E Newport Ave

Eligibility Standards 157.215(B)

1. The property is located within the city limits as required.
2. The property is residentially zoned (R-1) Low Density Residential as required.
3. The property contains an existing single-family dwelling constructed prior to February 28, 1994 as required. The dwelling was constructed in 1951.
4. The property will be used for residential development as required.
5. The planning commission finds that the eligibility standards are satisfied.

Property Constraints 157.215(D)

The property is constrained by internal and external physical features which preclude development conforming to adopted city standards:

6. The existing lot is 117,819 square feet or 472% of the minimum lot size. A 117,819 square foot parcel can accommodate fourteen 8,000 square foot R-1 lots. However, the existing lot dimensions preclude creation of all the lots meeting the maximum depth to width ratio.
7. Creation of eight lots better retains the overall density standard for R-1 development and results in more efficient use of land.
8. The property contains a 25-foot downward slope from south to north.
9. Existing topography, the grade of E Newport Ave, and the depth of the E Newport Ave sewer main make it difficult to provide gravity sewer service for dwellings constructed on the north half of the proposed lots 6 through 10.
10. The northern boundary of the property is encumbered with a natural drain.
11. The property has inadequate access to the north boundary of the site. There is an existing but unimproved alley bordering the eastern 127 feet of the lot. E Hurlburt Ave terminates in a cul-de-sac at the northeast corner of the site. Slope and drainage issues make extension of E Hurlburt Ave from the current cul-de-sac terminus westward to SE 9th Street difficult and cost prohibitive.

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:

12. There are existing water and sewer lines in E Newport Ave. Each line meets the city minimum of eight inches in diameter. Eight additional single-family or two-family dwellings are within the service capacity of these lines.
13. E Newport Ave is presently a paved city street. There are no curb, gutter, sidewalk, or drainage facilities installed in the road adjacent to the property. The property is currently bound by a street improvement agreement from March of 2019 for improvements to E Newport Ave.

14. E Newport Ave will require completion of all remaining half-street improvements, (i.e., curb, gutter, sidewalk, infill paving, and storm drainage facilities) consistent with local residential street standards, as a condition of subdivision approval.

Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property:

15. Granting of an infill designation will allow the applicant to file a plat to create eight residential lots.
16. New construction on the newly created parcels shall meet all setback requirements of the R-1 zone.
17. All lots have access and frontage upon E Newport Ave. E Newport Avenue has adequate width and satisfactory paving condition for fire and emergency services to traverse the road.

Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties:

18. Granting of an infill designation will result in the ability to construct eight new single-family or two-family dwellings on E Newport Ave.
19. The surrounding neighborhood is developed as a low-density, single-family development. The average size of lots within a 500 foot radius of the site ranges from 9,000 to 37,000 square feet. The proposed lots within the infill area range from 8,000 to 17,000 square feet. The proposed lot size and density is similar to existing development patterns.
20. Single-family dwellings are similar in character to the established dwellings on E Newport Ave and the surrounding neighborhood. The neighborhood is developed predominately with single-family dwellings.
21. Although the neighborhood developed with single-family dwellings over the previous seventy years, changes to state law and local zoning now allow both single-family and duplex dwellings to be constructed on all residential lots.
22. Development of the site in compliance with Hermiston development standards will necessitate the installation of curb, gutter, and sidewalk on the north side of E Newport Avenue, connecting street improvements at SE 9th Street with the current terminus of sidewalk improvements at the east property line of the development site. Extension of pedestrian improvements will aid in the creation of compatible developments and improve safety along the E Newport Ave corridor.

Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density:

23. The infill designation is necessary to develop the property more aligned with R-1 density. Without an infill designation the property would develop at a lesser density than with the designation.
24. Due to the unusual depth and slope of the property, developing in a manner consistent with the lot development standards for width and depth would result in 95-foot-wide lots and reduce the lot count to seven lots. The largest lot would be 27,700 square feet, capable of accommodating three traditional lots at maximum R-1 density.
25. Hermiston's 2021 housing needs analysis demonstrates a need for 2,030 new housing units by 2040.

26. The planning commission finds that granting an infill designation maximizes the potential development density for this property.

Exhibit B

Conditions of Approval Infill Designation

June 14, 2023

945 E Newport Ave

Subject to the public hearing and testimony presented to the planning commission, the following conditions of approval are proposed:

1. A replat shall be required to create the proposed lots as described in this application. A replat shall be a separate application and land use action by the city.

APPLICATION FOR INFILL DESIGNATION

Pursuant to the provisions of §157.215 of the Hermiston Code of Ordinances, application is hereby made for an infill designation for the following described property:

Name of Applicant: Gavin Gervais Phone: (509) 222-0959

Mailing Address: 5401 Ridgline Drive Suite 160, Kennewick, WA 99338 E-Mail: gavin@knutzenengineering.com

Name of Owner (If Different): Phoenix Builders Investment Group, LLC (Anides Guerena) Phone: (509) 792-1369

Mailing Address: 1500 W Court St, Pasco, WA 99301

Legal Description: Assessor's Map No: 4N2811DA Tax Lot No: 4N2811DA02700

Subdivision (If Applicable): Bratton Replat

Please Attach a Metes and Bounds Legal Description

Street Address: 945 E Newport Ave, Hermiston, WA 97838

Current City and Comp Plan Zoning Designation: R-1 - Zone / L - Comprehensive Plan

Eligibility Standards From 157.215(B):

Eligible for all standard requirements listed under HMC 157.215(B):
The existing single-family dwelling was constructed prior to February 28, 1994;
The lot was platted prior to the adoption of the zoning standards adopted in Ordinance 1840;
The lot is located within City limits;
The lot is zoned R-1;
and the property will be used for a residential development.

Request to deviate from:

Requesting deviation from HMC 154.19(C) which states that no lot shall have a depth in excess of three times its width. We are asking for deviation for lots 5-10 of the proposed development as shown in the attached preliminary lot layout. The proposed lots meet the minimum width of 60-ft per HMC 154.19(C).

IMPORTANT! Oregon's Land Use Planning Laws and §157.215(G) of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to in fill designation requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

- 1. List all the ways in which the property is constrained per 157.215 (D). Attach supporting documentation.

This property contains steep slopes, dropping approximately 25-ft from south to north. The significant elevation drop would make it difficult to develop homes at the north of this property. Potential homes located at the north of this property would be required to install sewer lift stations to pump sewage back up to the main line located in Newport Ave. This would be extremely costly and prohibitive for development.
There is also a natural drain along the north of the property which forms a geographic barrier and prohibits development of north facing lots across the entire property.
The existing physical conditions of this property meet constraint (9) of HMC 157.215(D). Refer to the attached preliminary layout showing the existing contours on the property.

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. Explain fully.

There is existing water and sewer available in E Newport Ave that can be tapped to provide services to each proposed lot. The existing water main (8") and sewer main (8") are of adequate size to service the proposed development. Typical frontage improvements that may be required as a condition of development will be at the developer's expense.

3. Explain why the infill designation of the property will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties.

The infill designation will allow development of the property that will be consistent with the density of surrounding residential developments which share the same R-1 zoning. The property is currently underdeveloped and lacks proper frontage improvements including curb, gutter and sidewalk. Allowing this infill designation will provide the opportunity to improve the street to current City standards and provide a safe walking path for pedestrians as well as increasing the aesthetic value of the area.

4. Explain why granting the infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.

Granting of this infill designation will make development of this property economically feasible and will increase the developed density closer to the approved value as outlined in the R-1 zoning (HMC 157.025). If the infill designation is not approved for this property, it may make development of this property cost prohibitive and the property may remain underdeveloped and remain non-compliant with current City standards.


I believe granting this infill designation is in the City's best interest due to the improvements the proposed development will bring and the additional tax revenue new homeowners will bring to the City. This development would also increase the single-family housing options in Hermiston. The development would help the City meet one of the goals listed in the Hermiston Comprehensive Plan which states that there is a need for 2,030 new housing units by 2040.

ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the ___ owner owner's authorized representative. **If authorized representative, please attach letter signed by owner.**

Signature of Applicant:  Date: 05/05/2023

OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 NE 2nd Street, Hermiston, Oregon 97838, or telephone (541)567-5521. The City's fax number is (541)567-5530.

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Office Use Only

Date Filed: 5-9-23
Fee: \$475.00

Received By: Hkpl
Date Paid: _____

Meeting Date: 6-14-23
Receipt No: _____

Improvement Summary

UMATILLA County

For Assessment Year 2023

Account ID	131760		
Map	4N2811-DA-02700	Situs	945 E NEWPORT AVE HERMISTON OR 97838
Mailing	PHOENIX BUILDERS INVESTMENT GROUP LLC 1731 W CLARK ST PASCO WA 99301-5046		

Bldg	Code Area	Stat Class	Year Built	Comp %	Description	Sqft
1	0801	132	1951	100	132 - One story with basement	1,904

Rooms: 4 - BD, 2 - FB, 1 - DR, 1 - LR, 1 - FR, 1 - OTH, 1 - KT

Floors

Description	Class	Comp %	OR %	Sqft
First Floor	3	100		952
Basement	3	100		952

Improvement Inventory

Description	Qty/Size	Description	Qty/Size
FORCED AIR HEAT & COOLING	952	FULL BATH	1
FORCED AIR HEAT & COOLING	476	HF/DW/GD	1
FULL BATH	1	WATER HEATER	1

Accessories

Description	Size	Qty
CONC.-FLAT PAVING	272	
DECK-WOOD	48	
FENCE - LINK		1
GARDEN SHED-METAL LOW	80	
DECK-WOOD	580	
WOOD RAILING	88	

Total RMV \$153,370

AGENT AUTHORIZATION FORM

PROPERTY LEGAL DESCRIPTION:

LOT NO. 2700 PLAN NO. 4N2811DA PARCEL ID: 4N2811DA02700

STREET ADDRESS: 945 E Newport Ave, Hermiston, OR 97838

Please print:

Property Owner: Phoenix Builders Investment Group, LLC (Anides Guarena & Juan Soler)

Property Owner: _____

The undersigned, registered property owners of the above noted property, do hereby authorize

Gavin Gervais, of Knutzen Engineering
(Contractor / Agent) (Name of consulting firm)

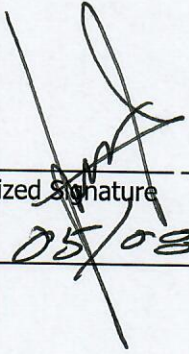
to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

Property Owner's Address (if different than property above):

1500 W Court St, Pasco, WA 99301

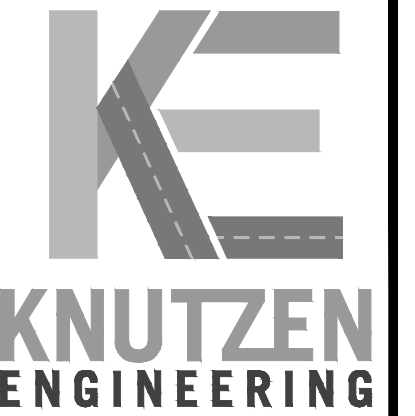
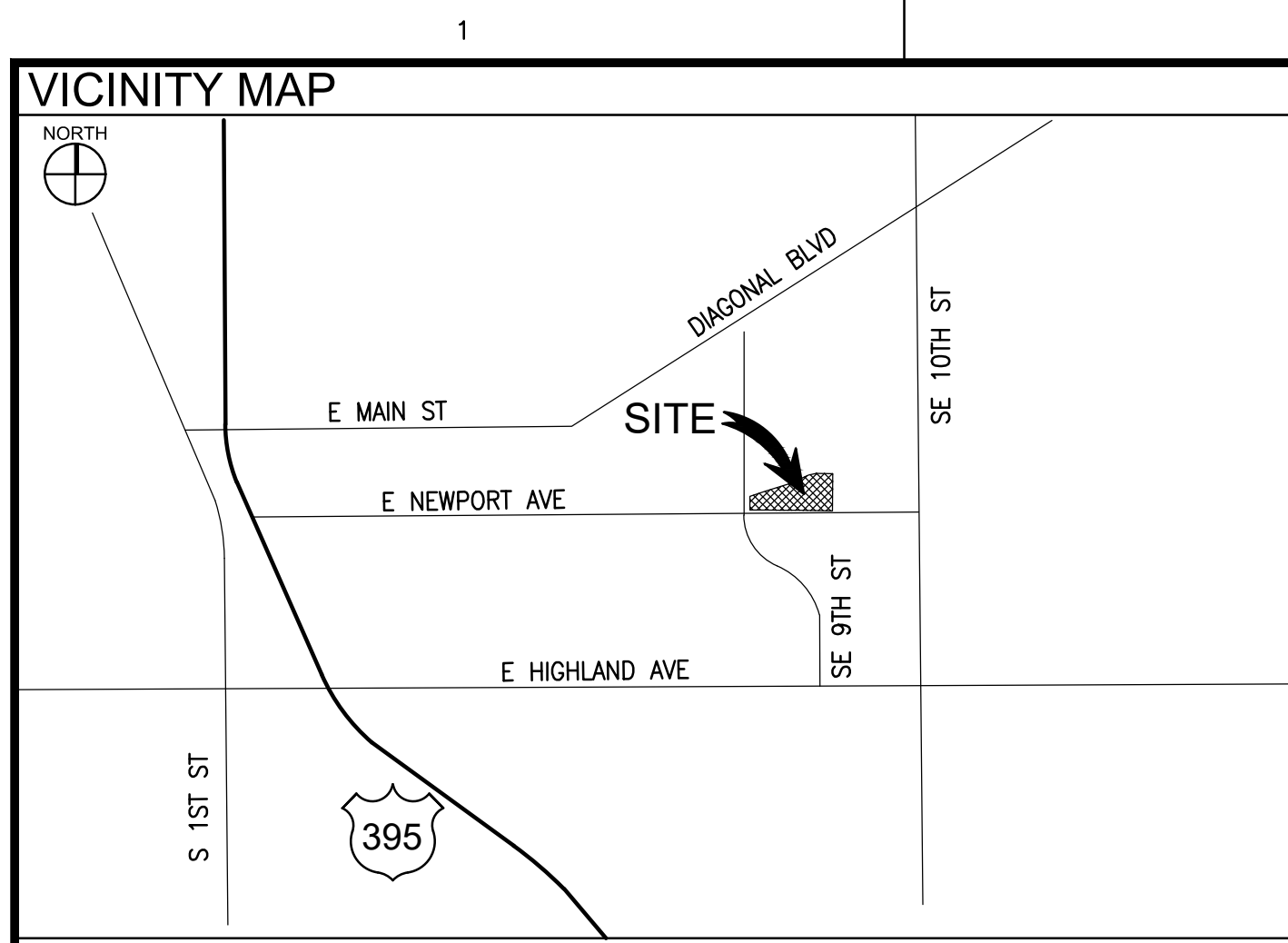
Telephone: (509) 792-1369

We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.



Authorized Signature
Date: 05/08/23

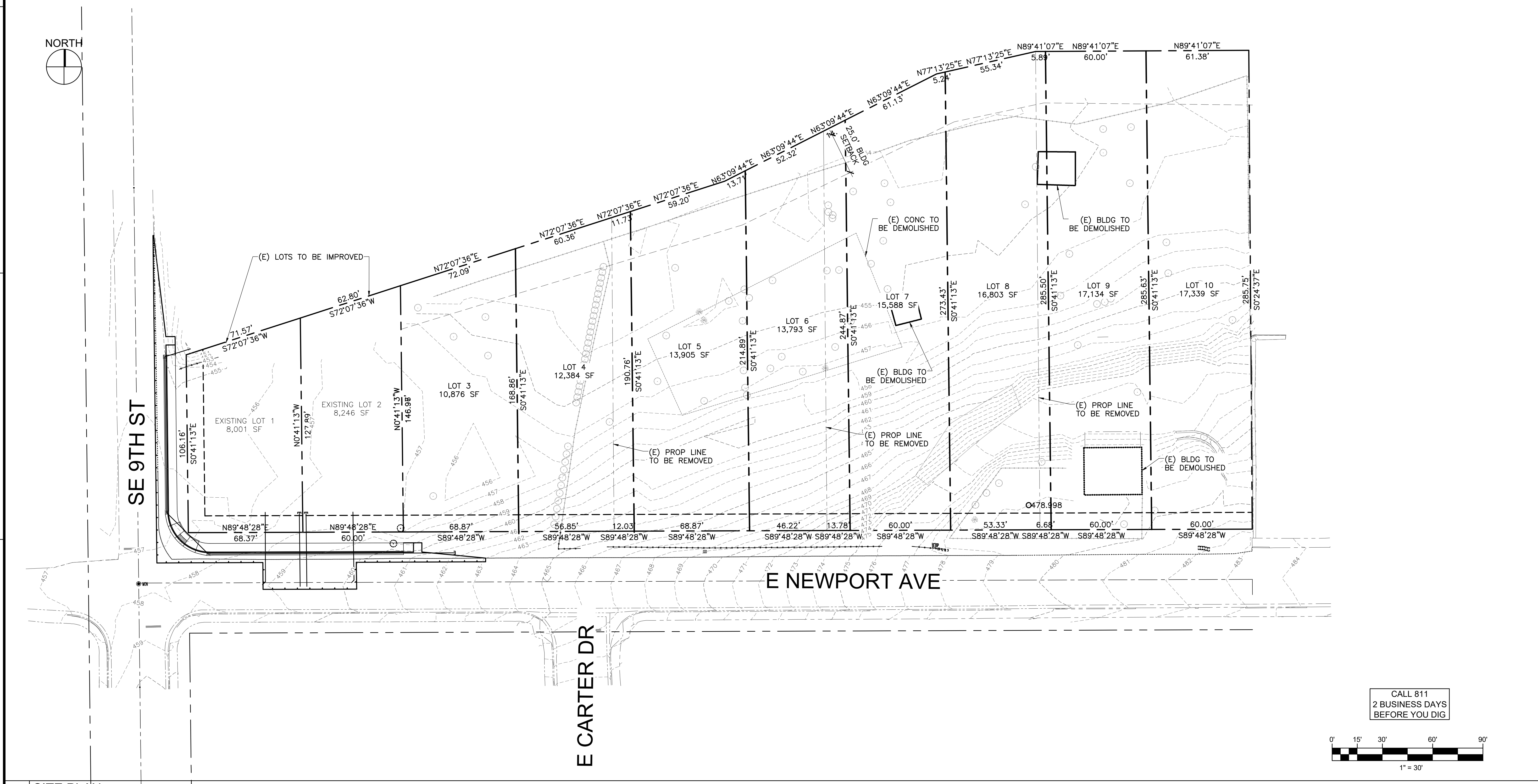
Authorized Signature
Date: _____



5401 RIDGELINE DR.
SUITE 160
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

DATE	DESIGN	CHKD	APPD

REVISIONS	No.



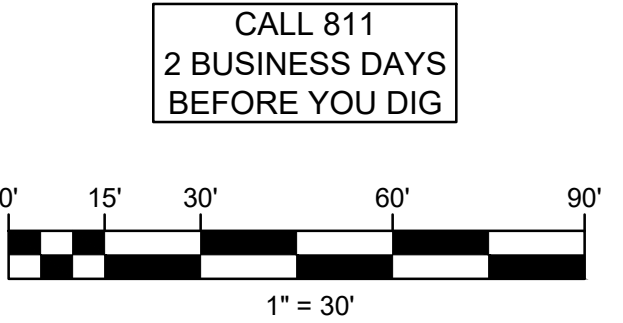
NOT FOR CONSTRUCTION
SITE PLAN
ANIDES GUERENA
GUERENA & SOLER SUBDIVISION
HERMISTON, OR 97838

APPROVAL		
DESIGN	GLG	09/26/22
CHECKED	NJM	09/26/22
APPROVED	NUM	09/26/22

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CADFILE: 21353XC01
JOB No. 21353
REV.

DWG. No.

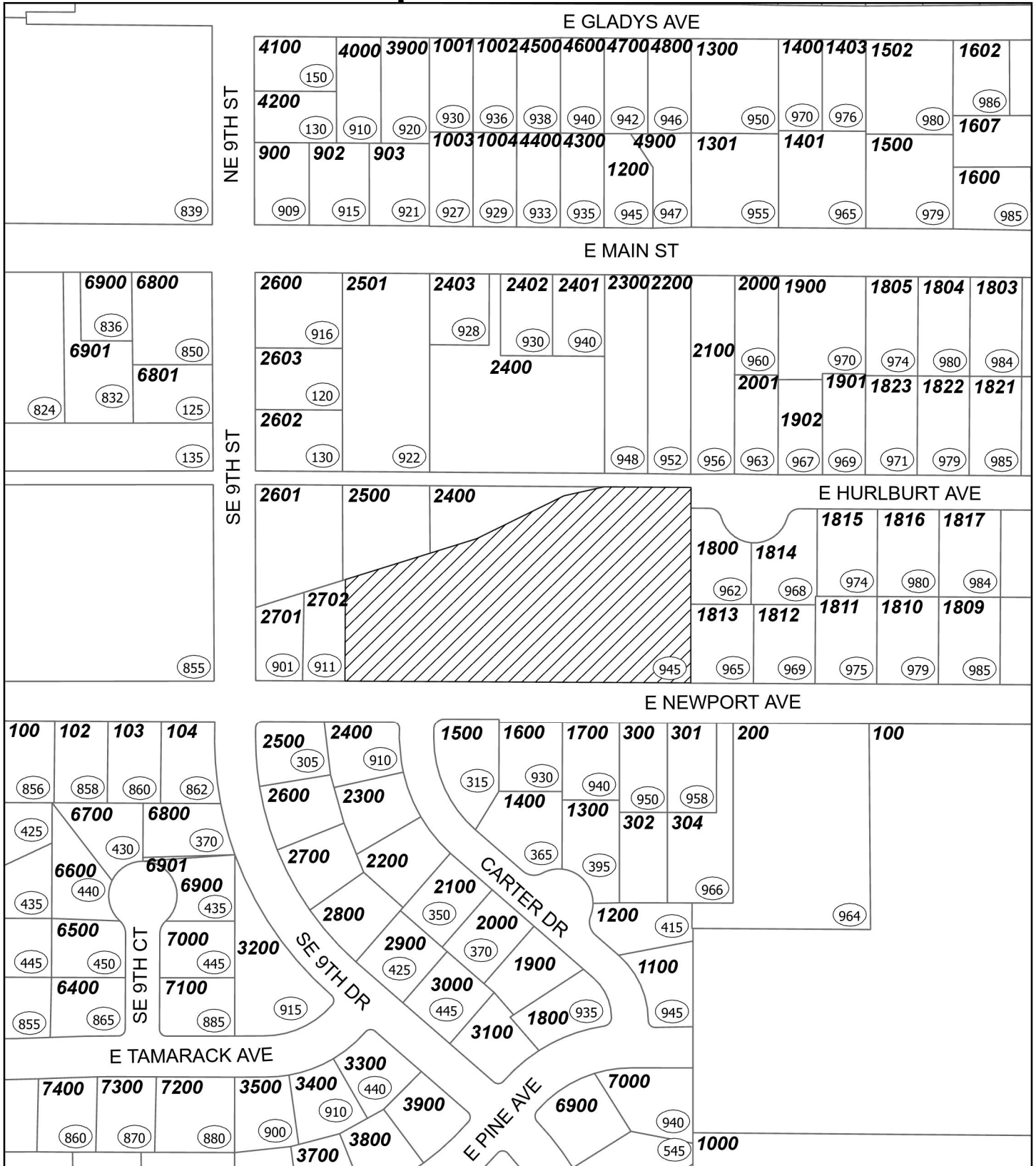
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A1 SITE PLAN
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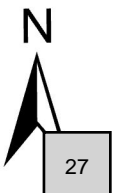
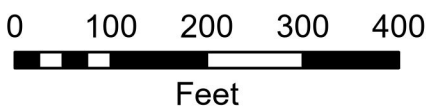
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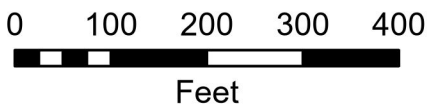
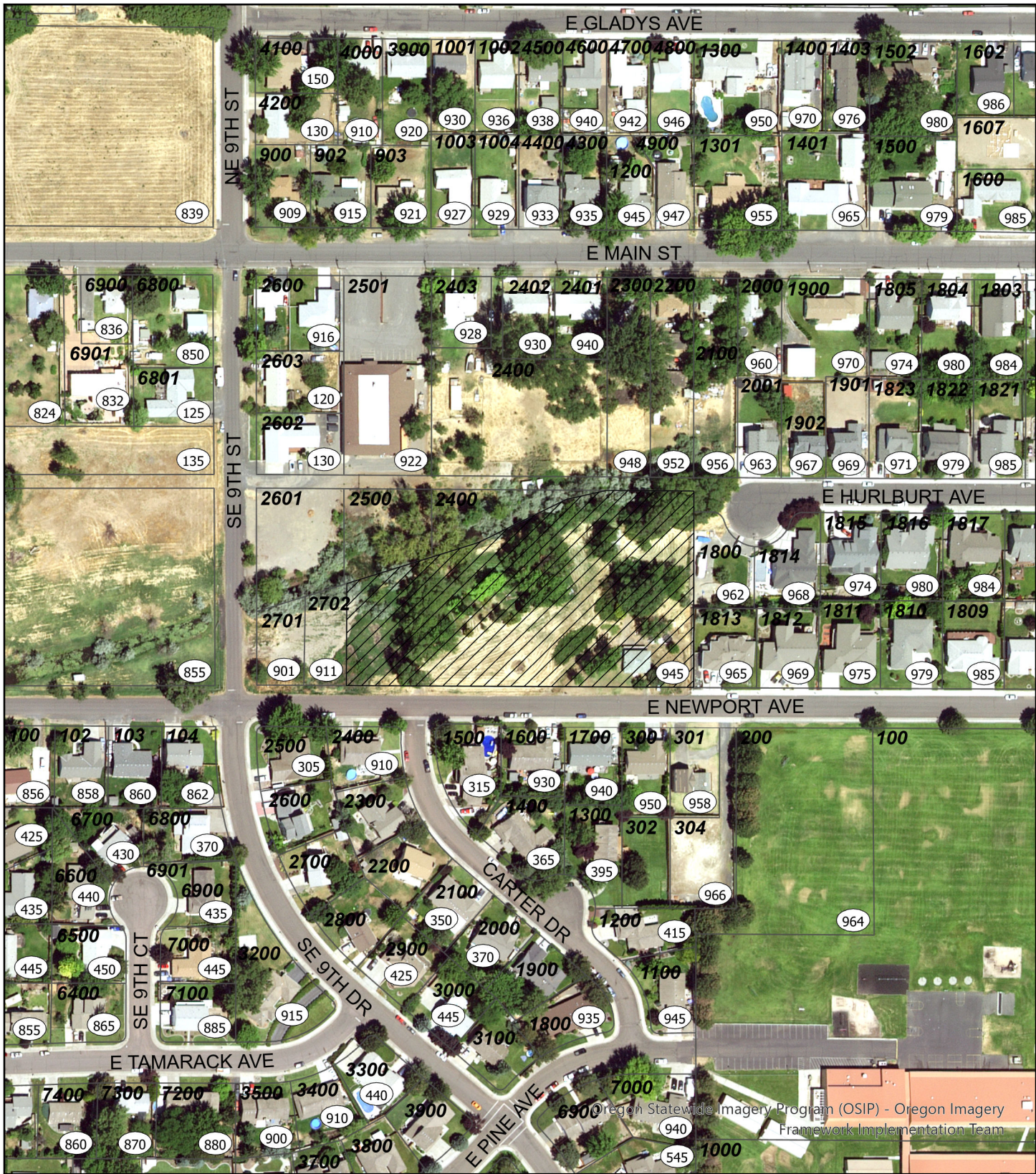
Notice of Proposed Land Use Action



Legend

-  Area of Proposed Infill Designation
-  Property Line
-  City Limits
-  Urban Growth Boundary





Legend

- Area of Proposed Infill Designation
- Property Line
- City Limits
- Urban Growth Boundary

