

To: City Council of the City of Hermiston

NOTICE OF APPEAL

1. Title of the decision to be reviewed: Change of Occupancy at 945 S. Hwy 395

2. Date of decision: July 11, 2023

3. State of Interest of person seeking review and that he/she was a party to initial proceedings: Glade and Amy Smith  
SA Smith property owners

4. Specific grounds for review. State clearly and separately:  
See attached

Date: July 23, 2023

Amy Smith  
Signature

Amy J. Smith  
Printed Name

490 Christiansen Loop Hermiston OR  
Mailing Address

509-830-0430  
Telephone Number: 541-720-5372

FILING FEE OF \$375 PLUS \$30 ADVANCE FOR OUT-OF-POCKET COSTS TO BE PAID ON FILING

\$405 filing fee and advance paid \_\_\_\_\_  
Date & initials

\*\*\*Instructions on Reverse Side of This Page\*\*\*

## INSTRUCTIONS

1. Usually Title appears on the Notice of Decision and right of appeal (e.g. "Conditional use at West Park School")
2. Date of Notice (as in #1 above)
3. For example: Neighbor, resident of the city with special interest in subject matter
4. Grounds

### Procedure:

#### Planning Commission

- a. Did not follow rules of order
- b. Commissioner was biased

### Substance:

- a. Wrong reasons were reached in reaching decision
- b. Criteria for allowing permit not supported by facts in that ...
- c. Conditions imposed will not correct the problem of ...

These ideas are merely suggestions. No hard, fast formalities need be followed; however, your reasons for appeal must be understandable. This will allow the city council to be prepared at the time your appeal is heard.

Expenses: Out-of-pocket costs are for postage to mail notice to affected parties and publishing notice in the local newspaper. You will be billed or refunded, depending on actual costs.

We are appealing specific general notes and conditions of approval included in this Notice of Decision as referenced below.

General notes bullet point number 1 references a utility pole located at the northeast corner of Tax lot 102. This utility pole in fact is located on Tax lot 200 to the north of Tax lot 102. The proper use of Tax lot 102 as an entrance lane is not in conflict with the utility pole. We are asking that this general note be modified for clarification or be removed from the Notice.

Conditions of Approval #5 references the need to install a new approach in the future if we add tenants to the current building. The current approach to Tax lot 102 off of Fourth street is the full 10' width of Tax lot 102. It is our opinion that the current approach that has been deemed functional as a drive through lane will continue to be functional if additional tenants are added to the space. No plans or specifications of a new approach were provided making it difficult to compare to current conditions. We are asking for this condition to be removed.

Conditions of Approval #8 calls for Parking lot lighting to be installed. It is our intent to install Wall Pack lighting on the exterior of the building to provide sufficient light for the drive lane and parking stalls. Parking lot poles are not necessary or practical at this location. We are asking that this approach be considered to satisfy this condition.