

EXHIBIT A

Findings of Fact

Upland Meadows Subdivision

November 15, 2023

**IN A MATTER BEFORE THE CITY OF HERMISTON
BURDEN OF PROOF STATEMENT
for the
Upland Meadows Subdivision**

APPLICANT: **MonteVista Homes**
389 SW Scalehouse Ct, Ste 110
Bend, OR 97702

OWNER: Hermiston Irrigation District
366 E Hurlburt Ave
Hermiston, OR 97838

ENGINEER: Jarred Corbell, P.E.
MonteVista Homes
389 SW Scalehouse Ct, Ste 110
Bend, OR 97702

LOCATION: The subject property is approximately 52 acres located directly west of Loma Vista Elementary School, on the north side of Theater Lane. The site has not been assigned an address but is identified as Tax Lot 500 on Umatilla County Tax Map 4N2802A0.

REQUEST: Approval of a 261-lot subdivision, in Phases, within the Medium-High Density Residential Zone (R-3).

I. APPLICABLE CRITERIA:

City of Hermiston Development Code

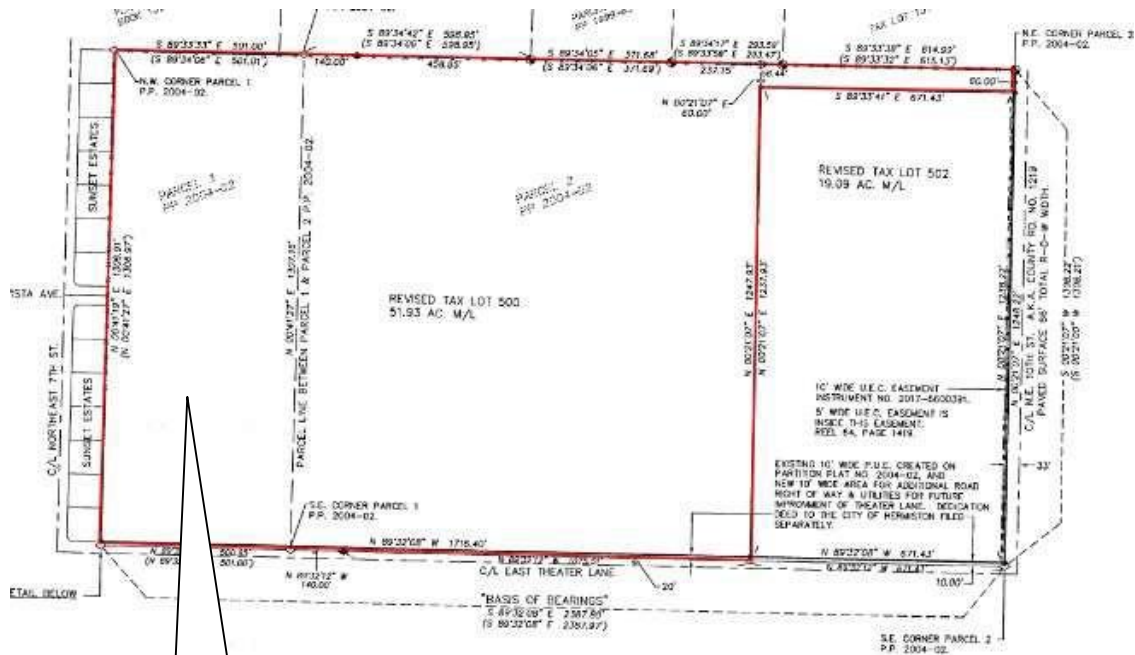
- Title XV-Land Usage

APPLICABLE STANDARDS:

- Chapter 154 Subdivisions
- Chapter 157 Zoning

II. GENERAL INFORMATION

- 1. LOCATION:** The subject property is approximately 52 acres located directly west of Loma Vista Elementary School, on the north side of Theater Lane. The site has not been assigned an address but is identified as Tax Lot 500 on Umatilla County Tax Map 4N2802A0.
- 2. ZONING:** The subject property is within The City Limits of the City of Hermiston in the County of Umatilla and zoned in the City of Hermiston Comprehensive plan as Medium-High Density Residential Zone (R-3). The property is currently annexed into The City of Hermiston.



Source: Umatilla County Tax Map 4N2802A0

**SUBJECT
PROPERTY**



Source: Google Earth

- 3. SITE DESCRIPTION & SURROUNDING USES:** The subject property contains relatively sloping topography from the north end of the project towards Theater Lane with approximately 30-feet of

fall. The site is vacant and covered with native grasses and brush. The parcel lies adjacent to Loma Vista Elementary and north of Theater Lane and has zero developed street access points.

Properties adjacent south and west lie within the City of Hermiston and are developed with single family homes on residential lots. To the north is partially undeveloped land coupled with commercial uses. To the east is Loma Vista Elementary school.

4. **PROPOSAL:** Approval of a 261-lot subdivision, in Phases, within the Medium-High Density Residential Zone (R-3).

III. **REVIEW CRITERIA:**

CONFORMANCE WITH CITY OF HERMISTON DEVELOPMENT CODE:

VARIANCE STANDARDS

157.225 VARIANCES

(a) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control;

- 1) The dimensions of the property, under which the variance is being requested, are creating an exceptional circumstance of which we have no control.
- 2) The land development guidelines of which the proposed project has been designed to and by adhering to minimum right of way widths, required lot widths and necessary rear yard setbacks, this is yielding 18 lots that do not meet minimum lot width standards.
- 3) The request is not being made by choice but rather being requested due to cause. The simple mathematics of the of the lot dimensions, again, coupled with adhering to City code, is producing the variance request, which is a maximum 5-ft reduction for 18 Lots.

(b) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;

- 4) If the variance request was not granted, then the project would be forced to spread the width of the non-conforming Lots, approximately 1,000 linear feet, across code conforming lots, which not only yield unnecessarily large lots, but force the developer to lose 18-buildable lots.
- 5) If a property owner within the same zone was trying to develop a property that was 115-ft wide, they would technically only be allowed to develop one 60-ft wide lot and be left with a remaining 55-ft wide lot which does not allow a property to maximum their rights to build 2 homes that would ultimately function the exact the same as developing on 2-60-ft wide lots.

(c) The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy;

- 6) The authorization of the variance would not constitute a change in use as proposed but rather allow for the property owner to erect a single family home on a lot width that is less than what is required by City code. The development pattern under which the property is being developed would remain unchanged.

(d) It is impractical to maintain the zoning code requirements and, at the same time, build, erect or use the structure as desired.

7) Based on the dimensions of the site and our project being designed to adhere to Zoning ordinances, it is impractical for the proposed lots, not being included in the variance request, to absorb the 55-59-ft lot widths (~1,000 ft) which in turn would create 70-ft+ wide lots when the proposed Lot widths are more than capable to erect a single family home structure with a reduced lot width and not be a detriment of the objectives set forth in the land development code.

Additional variance findings are provided in the response sections on pages 12 and 13 of this document.

DESIGN STANDARDS

154.15 RELATION TO ADJOINING STREET SYSTEM.

(A) The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets.

(B) The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents, and curves appropriated for the traffic to be carried, considering the terrain.

(C) Off-set streets should be avoided.

(D) The angle of intersection between minor streets and major streets should not vary by more than 10 degrees from a right angle unless special intersection design is provided.

(E) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.

(F) If the subdivision abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street may be required.

(G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall be allowed only when one or more of the following conditions exist:

(1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.

(2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.

(3) Where street connections would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.

(4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

(5) Cul-de-sac streets shall be as short as possible and should not exceed a length of 400 feet. A cul-de-sac shall terminate with a turn-around.

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99)

RESPONSE: As depicted on the preliminary plat submitted with this application, the proposed street network consists of a grid pattern based upon the foundation of Theater Lane, an existing east-west minor collector. The grid pattern is extended north and provides for continuation into undeveloped lands to the north. Extension and connectivity is achieved with connection to N E 8th and 9th Place via Theater Lane in the southern end of the project. The proposed street network assures safe and adequate circulation in the transportation system as all intersections are adequately spaced and aligned. Vertical grades in the proposed street locations will be designed to reduce the existing slopes and create a safe and efficient design in compliance within standards and specifications. No dead-end cul-de-sacs are proposed. Proposed street names will be cleared for duplication and submitted for approval prior to filing of the Final Plat.

154.16 STREET AND ALLEY WIDTH.

(A) The width of streets and alleys shall be adequate to fulfill city standards as provided for in the Transportation System Plan (TSP). The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

(B) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

RESPONSE: As depicted on the Preliminary Plat submitted with this application, the proposed street sections correspond to the Standards adopted in the TSP and Public Works Standards and Specs of the City of Hermiston. Improvements include the construction of a local street grid network.

154.17 EASEMENTS.

(A) *Width requirements.* Easements of at least six feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

(B) *Along streams.* Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

(C) *For irrigation.* Whenever any irrigation system is located and/or proposed to be created in an area which is being subdivided, the subdivider shall provide an adequate easement as approved by the Planning Commission and the Hermiston Irrigation District.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

RESPONSE: As depicted on the Preliminary Plat submitted with this application, easements for public utilities are proposed along the frontage of all lots, as may be necessary for the installation of such. No stream or irrigation easements apply to the subject property.

154.18 BLOCKS.

(A) In residential zones, block lengths shall not exceed 600 feet in length between intersecting through streets, except where topography or existing development creates conditions requiring longer blocks.

(B) Where block lengths exceed 600 feet, the Planning Commission may require a six- to ten-foot-wide paved bicycle/pedestrian access way through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations.

(Ord. 858, passed 4-14-75; Am. Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

RESPONSE: Following approval of a block length variance by the planning commission, block lengths are approved to exceed 600 feet in length.

154.19 LOTS.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.

(D) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc

sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

RESPONSE: As depicted on the Preliminary Plat submitted with this application, the proposed arrangement of subdivision lots is similar in form and design to the surrounding residential subdivisions. Side lot lines are proposed perpendicular to the rights of way and double frontage lots are only proposed along the short block fronting Theater Lane in order to prevent direct access to the Collector street. The dimensional properties of the proposed lots are proportional and meet the width to depth ratios in this section. An exception is being requested for the interior lot width. The minimum lot width in this zoning is 60 feet. On the proposed preliminary plat 19 lots would require an exception allowing a width reduction; ranging from 55 to 58.7 feet. Therefore, an exception to lot width is requested under the conditional use and analysis is included in this application (see section 154.75).

(F) Where a flag lot is proposed, the following design standards shall apply:

- (1) The access portion shall be at least 25 feet wide.
- (2) Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.
 - (a) When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.
 - (b) No fencing shall be installed in a shared access which inhibits the right of access for either parcel.
- (3) The access portion of an access lane shall be paved to a width of at least 20 feet.
- (4) The access shall include sufficient easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles.
- (5) The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.
 - (a) When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.
 - (b) When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.
 - (c) The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.
 - (d) The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.
- (6) No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street must be created.

(Ord. 858, passed 4-14-75; Am. Ord. [2180](#), passed 7-25-11) Penalty, see § [154.99](#)

RESPONSE: As depicted on the Preliminary Plat submitted with this application, flag style lots are not proposed in this application. Frontages provided are sufficient to construct individual driveway access to each lot.

154.20 CHARACTER OF DEVELOPMENT.

(A) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the proper protection and maintenance of the development in the future; provided, however, that the deed restrictions or covenants shall not contain (reversionary) clauses wherein any lot shall return to the subdivider because of violation thereon of the terms of the restrictions or covenants.

RESPONSE: A draft of protective Covenants will be provided and proposed to be filed for this subdivision at a later date but prior to Final Plat recordation.

(B) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

(Ord. 858, passed 4-14-75)

RESPONSE: As shown on the preliminary plat, the proposed development does not include open space tracts to be dedicated to the City.

154.21 PARKS, SCHOOL SITES AND THE LIKE.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendation of the City Comprehensive Plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

(Ord. 858, passed 4-14-75)

RESPONSE: As shown on the preliminary plat, the proposed development includes a 20-ft wide shared use trail tract through the NE corner of the property to provide access to the adjoining 60-ft wide tract running adjacent to the Loma Vista elementary school. The applicant proposes to transfer of both the

20-ft wide and 60-ft wide tracts to the Hermiston School district but the applicant intends on improving a portion of the tract as a shared pedestrian trail, to be owned and maintained by the school district.

154.22 ACCESS MANAGEMENT.

Access spacing policies set forth in the City Transportation System Plan and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(Ord. [2004](#), passed 12-13-99)

RESPONSE: The subject property lies adjacent and north to Theater Lane, classified as a Local Street on the Transportation System plan (update 2014). The proposed Preliminary Plat indicates 2 new connections to Theater lane opposite existing connections of N E 8th Place and N E 9th Place. Based on these existing connections and points of connectivity, the existing spacing should be found adequate. Therefore, the spacing of the proposed street intersections is compliant with the TSP and City Standards.

The proposed development includes frontage for 1 driveway approach per lot. Per Table 6-1 of the Public Works Design Standards, each residential lot on a collector or local street is allowed 1 approach of 12-24 feet width (or 28' maximum for three car garages). However, the proposed block layout allows for one row of double frontage lots along Theater Lane. There will be no proposed driveway access points from Theater Lane.

SUBDIVISIONS PRELIMINARY PLAT

154.35 PRELIMINARY PLAT REQUIREMENTS.

(A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat.

(B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section.

(C) The preliminary plat shall show:

(1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;

(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;

(4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;

- (5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;
- (6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;
- (7) North point, scale and date;
- (8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and
- (9) All the above information unless waived by the Planning Commission.

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

RESPONSE: As depicted on the Preliminary Plat Map submitted with this application, the required information is provided, in conjunction with this narrative and materials provided.

REQUIRED MINIMUM IMPROVEMENTS

154.60 PERMANENT MARKERS.

All subdivisions, major partitions and minor partitions are required to be surveyed in accordance with ORS [92.050](#) through [92.080](#).

(Ord. 858, passed 4-14-75; Am. Ord. [1769](#), passed 9-28-92) Penalty, see § [154.99](#)

RESPONSE: This section is procedural and the requirement will be met before Umatilla County Surveyor's Office will sign off on the final subdivision plat.

154.61 GENERAL IMPROVEMENTS.

As a condition to the approval of the final plat, the city shall require installation of certain grading, drainage, curb and gutter, sidewalk and street paving and all service utilities. A developer's agreement shall be drafted guaranteeing installation of said improvements to standard city specifications. In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities.

(Ord. 858, passed 4-14-75; Am. Ord. [1041](#), passed 3-14-77) Penalty, see § [154.99](#)

154.62 WATER LINES.

Where the city public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be planned for connection to the water supply. In all other areas a private water supply shall be provided in accordance with regulations and recommendations of the State Department of Environmental Quality and under the supervision of and approval by same. Fire hydrants shall also be installed in all subdivisions within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.63 SANITARY SEWERS.

Within the city limits, and in all areas beyond the city limits, but lying within the potential sewerage limits as shown by the Comprehensive Plan, the preliminary plat shall show the sanitary sewer layout for the area being subdivided. This layout shall comply with regulations of the State Department of Environmental Quality and shall be approved by the City Engineer.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.64 DRAINAGE.

(A) All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural water course.

(B) All major and minor partitions of land shall meet the requirements of the National Flood Insurance Act of 1968 and as amended, as applied to lands within the city.

(Ord. 858, passed 4-14-75) Penalty, see § [154.99](#)

154.65 SIDEWALKS.

(A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family homes and duplexes if there is an existing sidewalk within 500 feet on the same side of the street.

(B) In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction.

(C) If an interim street standard is being constructed which does not include bike lanes or sidewalks, a paved shoulder at least six feet wide shall be provided as an interim walkway.

(D) The provisions of sidewalks may be waived where the street serves fewer than 50 trips per day (based on ITE standards) and cannot be continued or extended to other properties.

(E) Standards for the design, width, and location of sidewalks are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

154.66 BIKEWAYS.

(A) The city's adopted Bicycle Plan is included in the Transportation System Plan, and adopted as part of the Comprehensive Plan by reference.

(B) In the case of arterial or collector streets, bike lanes shall be built during their construction, and considered during their reconstruction.

(C) Standards for the design, width, and location of bike lanes are set forth in the Transportation System Plan and are adopted by reference.

(Ord. [2004](#), passed 12-13-99) Penalty, see § [154.99](#)

RESPONSE: As shown on the submitted Preliminary Plat, provisions have been made for the installation of public sewer, water, utility, and street improvements in conformance with this section. With approval of this land use action, engineered plans will be submitted for approval, and with such, the applicant can construct the necessary and required infrastructure to serve the development.

ADMINISTRATION AND ENFORCEMENT

154.75 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the City Council may vary or modify requirements so that the subdivider may develop the property in a reasonable manner but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved.

(Ord. 858, passed 4-14-75)

RESPONSE: In consideration of the physical and dimensional properties of the subject parcel, and the potential future development pattern of vacant or underdeveloped properties, the applicant requests exceptions to the following sections.

1. 154.18 Block Length – Due to the subdivision’s requirements to connect to local streets, we are bound by the 8th Street and 9th Street connectors to the south side of the project. By maintaining the 9th street connection throughout the subdivision, it is forcing the block lengths to be extended beyond the City’s 600-ft maximum by 200 feet, which also results in a 50-ft reduction for the blocks lengths to the east of 9th street. Due to topography and transportation considerations, it does not create a benefit to the project to integrate undue horizontal geometry to 9th street within the project limits. It is our opinion that this connection and block length increase does not create a health, welfare and safety concern.

2. 154.19(c) LOTS, 157. 027(C)(4) MEDIUM-HIGH DENSITY RESIDENTIAL ZONE (R-3)- Due to the physical dimensions of the properties of the subject parcel, and in consideration of market demands, the applicant requests a variance from the minimum lot width of 60' for 19-interior lots to range from 55- 58.97' minimum width. This represents 6.8% of the total lots.

As a developer and builder, the applicant has the experience and capability of providing the product proposed within the project on lots that are overall consistent with Code, yet simply require less frontage per lot, which reduces cost per lot for public improvements, and thereby improves the affordability for the end user. Additional exhibits will be provided and presented at the Commission Hearing.

RESIDENTIAL ZONES

157.25 SINGLE-FAMILY RESIDENTIAL ZONE (R-1).

(A) *Uses permitted outright.* In a R-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling;
- (2) Residential care home;
- (3) Home occupations;
- (4) Accessory structures;
- (5) Family day care provider;
- (6) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § [157.145](#). This requirement shall not be construed as abrogating a recorded restrictive covenant; and
- (7) Utility facilities as defined in § [157.143](#).

157.26 DUPLEX RESIDENTIAL ZONE (R-2).

(A) *Uses permitted outright.* In a R-2 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-1 zone; and
- (2) Two-family dwelling.

157.27 MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3).

(A) *Uses permitted outright.* In a R-3 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted in the R-2 zone;
- (2) Bed and breakfast, boarding, lodging or rooming house;
- (3) Multiple-family dwelling; and
- (4) Residential care facility.

(C) *Lot size.* In a R-3 zone, the lot size shall be as follows:

- (1) The minimum lot area for single-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
- (2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
- (3) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
- (4) The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
- (5) The minimum lot depth shall be 80 feet.

RESPONSE: The subject property is zoned Multiple Family Residential (R-3). The proposed use is permitted outright. As shown on the tentative plan, lot sizes vary from 5,775 sf up to 11,000 sf. Lots widths vary from 55 feet to 70 feet wide, and the typical lot depth is 105 feet. An exception is requested in section 154.75.

(D) *Setback requirements.* Except as provided in § [157.140](#), in a R-3 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;

(2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and

(3) The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.

(E) *Height of buildings.* In a R-3 zone, no buildings shall exceed a height of 35 feet.

(F) *Lot coverage.* In a R-3 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.

RESPONSE: The proposed subdivision provides lots of sufficient size and dimension to construct the proposed housing within the parameters of this section. The criteria in this section will be further analyzed with building permit application, where actual structures are proposed, and those particular dimensions can be identified for compliance.

157.150 TRANSPORTATION IMPROVEMENTS, STANDARDS, AND PROCEDURES.

(A) *Purpose.* The purpose of this section is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation plans.

(B) *Applicability.* The provisions of this section shall apply to all development and subdivisions subject to the Development Standards of 157.160 et seq.

(C) *Notice and coordinated review.* If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provided to the Oregon Department of Transportation (ODOT) and Umatilla County. Notice will help identify agency standards and provide an opportunity for agency input and coordinated review of transportation impacts.

(D) *Zone changes.* In addition to the zone change approval criteria set forth in 157.226(E), all zone changes shall conform to the adopted Transportation System Plan (TSP). Proposed zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities.

(E) *Traffic impact study.* The applicant for a zone change, or a development or subdivision subject to the Development Standards of 157.160 et seq., shall submit a traffic impact study when the proposal affects a transportation facility if it:

- (1) Changes the functional classification of an existing or planned transportation facility;
- (2) Changes standards implementing a functional classification system;
- (3) Allows types or levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or
- (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

RESPONSE: The subject property is adjacent to Theater Lane, a Minor Collector. Per the attached letter from Clemow Associates, taking into consideration the Traffic Impact Analysis of the Loma Vista Elementary School and our proposed trips, the proposed subdivision does not change the functional classification of Theater Lane.

This application proposes 261 single family lots. Analysis of trip generation is as follows:

USE	ITE Rate	Trips/Day	PM Peak
261 Single family detached	9.38/unit	2447	260

The proposed development includes a network of local roadways, and connections to Theater Lane; a Minor Collector. Therefore, the development is not expected to change the functional classification of any facility, or standards of implementation of the system plan. The development is consistent with the planned zoning designation and the functional classification of the transportation network will not reduce the level of service of said facilities to levels below those in the Transportation plan.

(F) *Transportation projects.* The following transportation projects are permitted outright in all zones in the city:

- (1) Normal operation, maintenance, repair, and preservation activities associated with transportation facilities.
- (2) Installation of culverts, pathways, fencing, guardrails, lighting, and similar types of improvements that take place within the public right-of-way.
- (3) Landscaping as part of a transportation facility.
- (4) Acquisition of right-of-way for public roads, highways, and other transportation projects identified in the TSP.
- (5) Transportation projects specifically identified in the TSP.

(6) Emergency measures as necessary for the safety and protection of property.

RESPONSE: There are no proposed changes to Theater Lane.

(G) *Access management.* The following access management provisions shall apply to all development and subdivisions subject to the Development Standards of § [157.160](#) et seq.:

(1) Development shall preserve the flow of traffic in terms of safety, capacity, functional classification, and level of services. Access management policies set forth in the city TSP and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(2) Residential driveways shall be located to optimize intersection operation and, where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

(3) Properties that front on collector or arterial streets are encouraged to share an access with neighboring properties.

(4) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan. Umatilla County regulates access to county roads.

(5) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office developments wherever feasible and shall incorporate the following:

(a) A design speed of ten m.p.h. and a maximum width of 20 feet to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.

(b) A unified access and circulation plan for coordinated or shared parking areas.

(6) Pursuant to subsection (5) of this section, property owners shall record the following documents with the Umatilla County Recorder:

(a) An easement allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;

(b) A joint maintenance agreement defining maintenance responsibilities of property owners.

(7) The Planning Director or the Planning Commission may modify or waive the requirements of subsections (5) and (6) of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

RESPONSE: This proposed subdivision creates a local road network with single family residential lots. Residential lots will be served by single driveway aprons accessing the local street network. Those lots double fronting along Theater Lane, a Minor Collector street, will contain access restrictions on the recorded subdivision plat, limiting driveways to the local street frontage.

This application does not propose commercial accesses, or access to a State Highway.

(H) *Street standards.* Standards for streets, sidewalks, bike lanes, planting strips and right-of-way widths are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

(I) *Right-of-way dedication and improvement.* Right-of-way shall be dedicated as part of the development approval process. Improvements shall take place consistent with adopted street standards concurrent with the development or under a development agreement approved by the City Planning Commission or City Council.

(J) *Bike lanes and bikeways.* Bike lanes and bikeways shall be provided in accordance with the adopted TSP. Except as amended or altered by the TSP, bike lanes shall be provided along collector and arterial streets. Bike lanes and bikeways shall be constructed consistent with ODOT bicycle plan standards.

(K) *Sidewalks.* Sidewalks shall be provided along both sides of public streets, consistent with the standards of the TSP. Options are provided for curbside or setback sidewalks.

(L) *Internal connections and bicycle parking.*

(1) Internal pedestrian circulation shall be provided within new commercial, office, institutional and multifamily residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar techniques.

(2) Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be as direct as possible and shall limit out-of-direction travel. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving material.

(3) Opportunities for at least one pedestrian walkway should be provided between adjacent commercial, office, and institutional development.

(4) Bicycle parking shall be provided for new commercial, office, institutional, and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Bicycle parking spaces should be located as near as possible to building entrances used by automobile occupants.

(Ord. [2003](#), passed 12-13-99)

RESPONSE: As shown on the Preliminary Plat, the proposed road sections are consistent with the Public Works Standards and TSP. We currently do not show Right of Way dedications as we are not aware a dedication is required.

CONCLUSION- REQUEST for APPROVAL: Based on the plans and supporting documents submitted with this application, the approval criteria of Chapter 154 Subdivisions and Chapter 157 Zoning of Title XV, City of Hermiston Code being addressed in this narrative, the applicant requests approval of the 261 lot subdivision.