



*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of December 13, 2023

**Title/Subject**

Major Variance & Subdivision, Upland Meadows Subdivision - MonteVista Homes 4N2802A Tax Lot 500 - 811 E Theater Ave

**Summary and Background**

MonteVista Homes has submitted two applications for land located at 811 E Theater Lane. The land is proposed for residential development and is known as the Upland Meadows Subdivision. The applicant has submitted a preliminary plat application for a 261 lot R-3 subdivision and a concurrent request for two major variances. The first variance requests to deviate from the lot width standards for 19 of the lots within the proposed development. The second variance requests to deviate from the block length standard of 600 feet in the subdivision design standards.

The property is described as 4N 28 02A Tax Lot 500 and is located on the north side of E Theater Lane between Loma Vista Elementary School and NE 8<sup>th</sup> Street. The property is approximately 51.93 acres and is designated as Medium-High Density Residential (R-3) on the city zoning map and as Medium Density Residential (M) on the city comprehensive plan map. The property is owned by the Hermiston Irrigation District and the applicant has a purchase agreement for the property if the development is approved.

Per §157.232 of the Hermiston Code of Ordinances, where multiple land use permits are considered for one property, all applications may be considered at one time. Therefore, staff will produce one report for both the major variance requests and preliminary plat request. The hearing will be conducted under the more restrictive quasi-judicial variance request requirements and will consider both the variances and preliminary plat.

*Lot Width Variance*

The variance request is necessary for the consideration of the preliminary plat as presented. Under city zoning rules, R-3 lots require a minimum lot width of 60 feet. Since 19 of the lots are between 55 and 58 feet in width, the plat does not meet zoning requirements unless a variance is granted by the planning commission. Therefore, if the planning commission does not grant a variance, the preliminary plat will require redesign. However, the planning commission may request a modification of the preliminary plat to be presented at the next meeting should the variance fail.

In requesting lot width deviations, the applicant is requesting to reduce the lot width from 60 feet to between 58 and 55 feet for 19 lots. The application narrative makes the argument that the overall dimensions of the development site and road requirements make it necessary to reduce lot widths for four lots in each block in order to accommodate the increased lot width for corner lots (70 feet instead of 60 feet for internal lots) and the city's 50 foot right of way standard. The applicant has developed house plans intended to maximize the off-street parking and develop an optimal house on a 55-foot lot. The requested variance is intended to maximize the lot count within the development while also maintaining buildable lots by reducing the lot widths a minimal amount of 10% which would typically be an administrative variance at the staff level.

As noted, the variance request itself is a minor variance request. The Hermiston code allows for staff to approve deviations from the development standards of up to ten percent administratively. In this case, varying the lot width requirement in §157.027(C)(3) by less than six feet is a minor deviation. In this case the request varies the lot width between two and five feet. However, the minor variance standard in §157.225(A)(4) permits only one minor variance request to be considered. The requested variance totals 19 separate requests. Therefore, staff has referred the request to the planning commission as a major variance request.

### *Block Length Variance*

The applicant has also requested a variance from §154.18(A) of the subdivision code which establishes a block length of 600 feet unless topography or development necessitates longer blocks. Where block length is proposed to exceed 600 feet, pedestrian access to enhance circulation and connections to destinations are required. The applicant is requesting to create block lengths of 792 feet for four of the blocks within the development. The request is to allow the longer block length and simultaneously not require additional pedestrian circulation. The plat does not meet subdivision design requirements unless a variance is granted by the planning commission. Therefore, if the planning commission does not grant a variance, the preliminary plat will require redesign. However, the planning commission may request a modification of the preliminary plat to be presented at the next meeting should the variance fail.

The application narrative notes that the subdivision must create new connections to E Theater Lane in alignment with NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place on the south side of Theater. City staff met with the developer to discuss alignment of the subdivision and future connectivity requirements. In order to properly service future development north of the site, it is necessary to create at least one connection exiting the north boundary of the development to allow future utility extensions and traffic circulation for future development. NE 8<sup>th</sup> Place does not align with potential future development and will align roughly with the boundary between the Sunset Estates development and land described as 4N 28 02A Tax Lot 301. NE 9<sup>th</sup> Place provides a more logical point of connection with Tax Lot 301, allowing for a better future street connection eventually connecting E Theater Lane and E Punkin Center Road.

It would be possible to bisect the development with a new north/south street creating two blocks slightly exceeding 600 feet, rather than one 790-foot block and one 550-foot block. However, adjustment of the street network to better balance the block length is hampered by the existing connections of NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place on the south side of E Theater Lane. The proposed street alignment aligns with NE 9<sup>th</sup> Place and creates a through street with potential connectivity to E Punkin Center in the future. Moving the block lengths will necessitate either creating a north/south street which does not align with the existing points of access to E Theater Lane or creating a new connection point midway between NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place. A new street connection between NE 8<sup>th</sup> Place and NE 9<sup>th</sup> Place will create unsatisfactory and unsafe turning

movements from both the Upland Meadows proposal and the Cimmaron Terrace existing development and is not recommended.

In order to better facilitate pedestrian connectivity to nearby destinations, the developer proposes to create a pedestrian trail between Lots 75 and 76 at the northeast corner of the development. This pedestrian trail will connect the development to Loma Vista Elementary School using a 20 foot right of way. This alternative provides a more efficient and beneficial pedestrian connection. It is more efficient as it provides shorter connectivity to Loma Vista Elementary. Student traffic may move directly to the school without creating pedestrian trips south to E Theater Lane, east to NE 10<sup>th</sup> Street, and then north to the school. At the longest point, this is a distance of nearly 4,000 feet. This alternative creates a shorter pedestrian trip of approximately 1,500 feet, a savings of 2,500 feet or about 10 minutes of walking time. It is also more beneficial as this connection is likely to be heavily utilized in a subdivision of 261 lots. A development of this size will be used by many elementary aged children each day for school commuting. Pedestrian paths running north/south mid-block are unlikely to be as heavily used.

The city has not historically had positive citizen acceptance of mid-block pedestrian paths and those that were platted and built near West Park elementary were eventually vacated and removed. Homeowners are not receptive to pedestrian paths along their side lot lines and erect taller fences to provide more yard privacy and ultimately creating narrow, dark corridors which collect trash and are unused. Lots adjacent to trails are also more difficult to sell. The maintenance required versus the amount of use the paths see is not a positive cost/benefit situation. City staff would prefer a pedestrian access to Loma Vista which is frequently used over a series of mid-block paths that are not used.

It is incumbent upon the planning commission to consider if the alternative proposed is acceptable, if mid-block paths will be required, or if block lengths exceeding 600 feet are not acceptable and an additional north/south street is required. Creation of an additional north/south street will require the loss of at least eight lots from the development.

#### *Planning Commission Action on Variance Requests*

The applicant has drafted narrative findings to support their variance request. Staff has reviewed the draft findings and determined the adequacy of the findings to specifically address the criteria in 157.225 is not sufficient. Staff recommends that should the planning commission agree with the variance requests, that the commission make a preliminary decision on the variances and direct the applicant to further develop the findings for final adoption at the January 10, 2024, meeting. The findings as written establish a rough basis for the requested variances but do not establish a relational nexus between the variance request and alternatives. For example, it is possible to build lots in conformance with the zoning code but resulting in the loss of potentially 18 lots as claimed in the application. What is the economic impact of conformance with the standard lot width? How does conformance with the standard compare with the allowed density in the R-3 zone? Is imposition of the development standards creating a hardship where the land cannot develop to the highest and best use allowed under the zoning? Does the cost of adding additional streets to limit block length and the resulting loss of lots create a hardship where the land is not feasible for development? These are factors that should be considered by the planning commission and cited using objective language in the findings. However, the planning commission may also choose to accept the findings as submitted, or modify the findings during the meeting and adopted revised findings.

#### *Preliminary Plat Review*

The preliminary plat review is written with the assumption that the variance requests are approved by the planning commission. Should either variance fail, the preliminary plat will require redesign and will be tabled at this meeting.

The proposed development sits on 51.93 acres of R-3 zoned land within the city limits. The development is served by E Theater Lane which is classified as an urban minor collector. The development also has potential vehicular access to NE 10<sup>th</sup> Street, classified as an urban major collector, but the development plan does not propose vehicular access to NE 10<sup>th</sup> Street. The development plan proposes an internal circulation network of seven new local streets and one new through street to provide future access and utilities to potential residential lands to the north and connectivity to E Punkin Center Road. Chris Clemow, a traffic engineer with Clemow and Associates, has reviewed the development for traffic impact. The review is based upon the traffic analysis prepared for Loma Vista Elementary and considers those findings and adds in the additional traffic impact from this development. It is the finding of the engineer that the proposed development will not change the functional classification of E Theater Lane and that the street network can accommodate the development with required improvements.

Two new points of access are proposed to E Theater Lane. These points of access are in alignment with existing points of access on the south side of Theater Lane. These access points form the bulk of access for the subdivision. A third point of access extends out of the development to the north providing future extension of NE 9<sup>th</sup> Place. However, the future utility of this access is dependent on future construction and may be many years in the future. In order to adequately provide access for fire and life services to the development the Umatilla County Fire District is requesting a secondary point of access to NE 10<sup>th</sup> Street. This secondary access is required by the fire code which requires developments of over 30 lots to provide at least two points of access. Under the code the two points of access must be separated by a distance of at least one-half of the length of diagonal dimension of the property being served. For Upland Meadows, the property has a diagonal dimension of 2,100 feet and the two proposed points of access have a spacing of 440 feet, not meeting the spacing requirement and requiring an additional point of access. The 60-foot-wide access connecting the property to NE 10<sup>th</sup> Street provides an additional point of access meeting this requirement. The access can be improved as a fire compliant access or as a public street. The planning commission may wish to discuss which better serves the needs of the city as a whole. After reviewing the requirements and circulation plan, it is the staff recommendation that a paved fire access is sufficient. Additionally, regardless of the ultimate disposition of the access, the NE 10<sup>th</sup> Street frontage of this 60-foot tract will be required to be improved to major collector status as a condition of development.

With the approval of the lot width variance for 19 of the lots, all of the lots are designed in accordance with the R-3 standards. Corner lots have the required extra lot width of 70 feet as required under §157.027(C)(3) and the remaining lots are at least 60 feet or an approved deviation to 55 feet or more. All lots have at least 80 feet of depth and are in fact closer to 105 feet in depth. All lots exceed the minimum lot size of 5,000 square feet and corner lots exceed 6,000 square feet. Twelve cul-de-sac lots are proposed, three at each corner of the development and accessing a cul-de-sac bulb. All twelve lots have at least 25 feet of street frontage as required by §157.027(C)(3).

Street names are not included on the preliminary plat. Chapter 94 of the Hermiston Code governs street names. Specifically, §94.22 governs street names and states:

(A) All streets running northerly and southerly shall be denominated by numbers, that is, First Street, and shall be designated as "streets".

(B) A street lying between numbered streets shall be denominated by number and designated "place", for example, First Place.

(C) All streets running in an easterly and westerly direction, with the exception of Main Street, shall be named and designated "avenues."

(D) Circular and semi-circular streets shall be designated as "drives."

Staff recommends that the planning commission condition the developer to develop street names in conformance with §94.22. Specifically, Roads 2, 3, and 4 are streets running east/west and shall all be designated as Avenues. The NE 9<sup>th</sup> Place extension is properly designated on the preliminary plat and shall retain that designation. Road 1 forms a complete loop around the development and shall be designated as a Drive. A short section of road is in alignment with NE 8<sup>th</sup> Place and shall be designated as NE 8<sup>th</sup> Place.

Specific findings addressing the subdivision design and compliance with the city code have been written by the applicant and are attached to this report as Exhibit A. The recommended conditions of approval are attached as Exhibit B. Additional exhibits are also attached, including an aerial photo of the site, property map, preliminary plat, a development map highlighting which lots are proposed for the width variance, and a traffic opinion from Clemow and Associates.

Notice was mailed to all property owners within 300 feet of the proposal and affected agencies by direct mail on November 29, 2023. A sign was placed on the property on November 29, 2023.

The criteria that are applicable to the preliminary plat are contained in §94.20 through §94.26, §154.15 through §154.35, §154.60 through §154.66, and §157.025 of the Hermiston Code of Ordinances.

### **Tie-In to Council Goals**

Promotion of housing remains a council goal for 2023.

### **Fiscal Information**

There are 261 single-family lots proposed for the subdivision. Each house should sell in the \$350,000 to \$475,000 range. At full build-out the development will generate approximately \$532,000 in revenue to the city each year.

### **Alternatives and Recommendation**

#### **Alternatives**

The planning commission may choose to:

- Approve or reject the lot width variance
- Approve or reject the block length variance
- Approve the subdivision plat and conditions
- Approve the subdivision plat and modify the conditions
- Modify the subdivision plat
- Reject the subdivision plat

#### **Recommended Action/Motion**

Staff recommends that the planning commission tentatively approve the two variance requests and preliminary plat but require the applicant to submit more detailed findings of fact for consideration at the January meeting. Following adoption of the findings of fact, the planning commission will make a final decision on the variances and preliminary plat and begin the standard appeal period.

Motion for tentative decision on lot width variance.

Motion for tentative decision on block length variance.

Motion for tentative decision on preliminary plat.

**Submitted By:**

Clinton Spencer, Planning Director