



# PLANNING COMMISSION

## Regular Meeting Minutes

June 12, 2024

Chairman Fialka called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Saylor, Guerrero, Kirkpatrick, Misner, Collins and Caplinger. Commissioner Hamm was excused. Staff in attendance included Planning Director C.F. Spencer, City Attorney Richard Tovey and Planning Assistant Heather La Beau.

Chairman Fialka welcomed the return of Commissioner Misner. Brief introductions were given as the commissioners expressed welcoming greetings to Commissioner Misner.

### Minutes

Commissioner Saylor moved, and Commissioner Kirkpatrick seconded to approve the minutes of the May 8, 2024, regular meeting. Motion passed.

### Hearings- Annexation & Comprehensive Plan Map Amendment 3 Rivers Oregon Property LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502 & 1503 – 1940/1990/2180 NE 10<sup>th</sup> St

Chairman Fialka opened the hearing at 7:07PM. There were no conflicts of interest or ex parte contact declared. The following hearing guidelines were read.

The planning commission is holding a hearing to consider a request for a comprehensive plan map amendment and annexation to the City of Hermiston. The planning commission will consider the request and make a recommendation based on the criteria established in §156.08 and §150.05 of the Hermiston Code of Ordinances. The applicant proposes the comprehensive plan map amendment and annexation of approximately 25.9 acres of land located on the northeast corner of E Theater Lane & NE 10th Street. The applicants are Dennis Gisi and Larry Bankston.

The applicable substantive criteria relied upon by the City in rendering the decision to amend the Comprehensive Plan Map and annex the property are contained in §156.08 and §150.05 of the Hermiston Code of Ordinances.

Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.797(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.797(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received, adopt findings of fact,



# PLANNING COMMISSION

## Regular Meeting Minutes

June 12, 2024

and make a recommendation to the city council on comprehensive plan map amendment and annexation.

Planning Director Spencer presented the staff report. The application considers three tracts under three separate owners for consideration of comprehensive plan map amendment and annexation. Low Density Residential (R-1) zoning is proposed. The vacant portion of the lots are intended to develop residentially after annexation. Utilities are sufficient in NE 10<sup>th</sup> St to service future residential development. The county will need to co-adopt the comprehensive plan amendment for the annexation to be approved. The Joint Management Agreement between the city and county dictates when the city will assume responsibility for a road. It is not automatic with annexation.

### Testimony

Dennis Gisi PO Box 906 Walla Walla WA- Mr. Gisi is one of the property owners/developer and is happy to have the opportunity to help Hermiston grow. His vision for the property is larger, 10,000 square foot residential lots to allow for a shop or pool along with the home. He feels there is a market for this due to the professional growth in the area. His realty firm assists various entities with employee relocation.

Ryan Billen 400 Bradley Blvd Suite 106 Richland WA (via Zoom)- Mr. Billen is with PBS Environmental, the engineer who prepared the applications and supporting documents. A comprehensive approach was taken in preparing the traffic report., including a large area of land evaluated to consider future development growth. ODOT and HID both reviewed the report.

Chairman Fialka closed the hearing at 7:24PM.

### Findings of Fact

#### *Findings of Fact on Comprehensive Plan Map Amendment*

### **Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)**

1. Notice of the proposed annexation and amendment was published in the local newspaper on May 22 and 29, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed land use action was physically posted on the property on May 22, 2024, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on May 22, 2024, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
4. Comments received as a result of all required publications are incorporated into the record of proceedings.

### **Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)**

5. The city is required to review its land use designations and supply adequate amounts of all zoning types.
6. The proposed map amendments are citizen initiated to fulfill perceived market demand rather than city initiated. The city applies all applicable comprehensive plan policies and statewide planning goals to determine the appropriateness of the proposed amendments to land supply.



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## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

7. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, and the Confederated Tribes of the Umatilla Indian Reservation on May 22, 2024.
8. The subject properties of approximately a combined 25.85 acres of land is within the urban growth area and has the “urbanizable” plan designation and a FR (Future Residential) comprehensive plan designation and FU-10 zoning designation. The owners have evaluated the market demands and analyzed appropriate and compatible uses in the neighborhood surrounding the subject property. Both owners are each proposing single family housing, which will be compatible to the neighborhood.
9. The proposed R-1 zoning includes a combined 25.85 acres between the three parcels (TL 1500, 1502, and 1503).

#### **Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)**

10. As all three parcels adjoin existing roadways, utilities, and the existing Hermiston city limits, the change will promote compact urban development and ensure efficient utilization of land resources. It will facilitate economic provision of urban facilities and services because it will add much needed housing stock for the local residents. It will also convert land that is not considered high value farmland to low density (R-1) residential lots.
11. The existing church is considered a preexisting conditional use within the proposed R-1 zone under its previous approval from Umatilla County. Future expansion, or change in use on the site will require new conditional use approval subject to 157.205 through 157.210 of the Hermiston Code of Ordinances.
12. Residential development is needed in this area and is a good fit with existing adjacent property uses.
13. The property is within the urbanizable portion of the UGB and has a county FR (Future Residential) comprehensive plan and an FU-10 zoning designation. The property is adjacent to the city limits and the proposed annexation is consistent with Policy 5. Following amendment of the plan map designation to a mix of low density residential, the property will become part of the urban portion of the UGB.
14. The applicant is proposing annexation and incorporation to the city and therefore Policy 6 is not applicable.

#### **Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)**

15. The Subject properties are vacant or used as a residence and a church. It is located within the city’s acknowledged urban growth boundary and is designated as urbanizable land. The land is not considered high value farmland and is not protected as Goal 3 farmland and therefore an exception to Statewide Planning Goal 3 is not required.

#### **Goal 4 (Forest Lands) and Policy 7 (Natural Resources)**

16. There are no forest lands identified within the Hermiston UGB. Goal 4 is not applicable.

#### **Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)**



## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

17. The properties do not have any identified natural resources, scenic and historic areas, open spaces, surface water, mineral or historic resources, therefore an exception to the Statewide Planning Goals 5, 8, 9 and 10 is not required.

#### **Goal 6 (Air, Water and Land Resources Quality and Policies 11 (Air Quality), 12 (Noise), and 13 (Water Quality))**

18. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

#### **Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)**

19. Figure 12 of the Hermiston Comprehensive Plan indicates this property is subject to potential natural hazards due to excessively well drained soils.
20. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources.
21. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

#### **Goal 8 (Recreational Needs) and Policy 16 (Parks, Recreation and Open Space)**

22. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This portion of the urban growth boundary is not identified in either document as a potential park site. Additionally, the city has developed Cimmaron Park within 1,500 feet of this site.

#### **Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)**

23. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. This land is listed on the Comprehensive Plan as F-R and not meant for economic development. Employment lands are not affected by this amendment to the comprehensive plan. Therefore, Goal 9 and the implementing policies are not applicable.

#### **Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)**

24. Changing the subject property from county F-R to city R-1 Low-Density helps satisfy the city's projected housing need. The 2021 City of Hermiston Housing Capacity Analysis shows the existing housing supply of 8,051 housing units. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1% between 2020 and 2040. To accommodate the growth in population, the city's projected need within the city's housing needs analysis will require a total of 10,081 housing units, resulting in a need for 2,030 new housing units by 2040.



Where Life is Sweet

## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

25. The subject property is currently zoned county FU-10, which allows for one housing unit per 10-acre lot. The proposed change includes 25.85 acres zoned R-1 Low-Density Residential which the applicant believes will yield 65-70 housing units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 1,164 new single family detached units are needed by 2040. There is an identified demand of 1,220 new units within the Low-Density zoning by 2040 thus the proposed zone change would go further to satisfy this projected need than the current zoning.
26. This residential development is close to public services, schools, and retail services, as well as public transit.
27. Applicant plans to develop lots primarily for single-family detached homes that would range in sales price from low \$300s to mid-\$400s.
28. The creation of approximately 70 new houses will have a meaningful impact on housing availability and affordability, in alignment with Policies 21 and 22.

**Goal 11 (Public Facilities and Services) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)**

29. Water and sewer are currently adjacent to the property on 10<sup>th</sup> Street.
30. NE 10<sup>th</sup> Street is an urban major collector that borders all three of the properties. East Theatre Lane is classified as a minor collector that runs along the south border of the southern property (Tax Lot 1503). All streets abutting the property will be improved to comply with the city's transportation plan at such time as development of abutting phases occurs.
31. All storm water will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
32. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
33. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
34. The Hermiston Police Department provides public safety services to the area under consideration. The police department has adequate capacity to patrol and protect the area with no additional actions required by the developer.
35. Umatilla County Fire District #1 provides fire and life safety services to the area under consideration. The UCFD#1 has adequate capacity to service the area with no additional actions required by the developer.
36. Concurrent with development, applicant will extend power and telecommunications services to the property after adoption of annexation and zone changes.

**Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)**

37. Applicant has provided a transportation study and transportation impact analysis.
38. The Oregon Department of Transportation has accepted the submitted analysis.
39. The following summary and recommendations have been extracted from the transportation study performed by PBS Engineering and Environmental, Inc.





# PLANNING COMMISSION

## Regular Meeting Minutes

June 12, 2024

- All study intersections are anticipated to operate within agency mobility standards in the 2025 Current and Proposed Zone Designation scenarios. As such, no improvements are specifically necessary to mitigate the Proposed Zone Designation transportation impacts.
- All study intersections have adequate storage available on all approach movements to accommodate the 95th percentile vehicle queues.

### **Goal 13 (Energy Conservation)**

40. This goal requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The proposed zoning of the subject property will promote low-scale density residential development in close proximity to schools, parks, and existing commercial neighborhoods thereby minimizing travel needs.

### **Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)**

41. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

### ***Findings of Fact on Annexation***

1. The City has received consent to annexation from the property owners for approximately 25.8 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on May 22 and 29, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on May 22, 2024.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on June 12, 2024. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on May 29 and June 5, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on June 24, 2024. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
  - a. The city has received consent from the property owners within the affected area.
  - b. An election has been deemed not necessary since consent from more than half the owners has been received.
  - c. The property is contiguous with the existing city limits.
  - d. All statutorily required notices have been published and posted.



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## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
12. Water is currently adjacent to the property in NE 10<sup>th</sup> Street. A 12" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
13. Sanitary sewer is currently available adjacent to the property in NE 10<sup>th</sup> Street. A 12" line is available to service the property and may be extended into the development site. Sewer sizing will be determined at the time of development.
14. Applicant is willing to extend both sewer and water to the subject property.

#### *Findings of Fact on Zoning Designation*

1. Following amendment by the city and adoption by Umatilla County, the comprehensive plan map will designate the area as Low Density Residential. Proposed map designations are attached as a map to this report.
2. The proposed Low Density Residential zoning designation appropriately implements the Low Density Residential comprehensive plan map designations adopted for the property.

#### Conditions of Approval

1. Annexation is contingent upon co-adoption of the comprehensive plan map amendment by Umatilla County under the provisions of the Hermiston Planning Area Joint Management Agreement, dated March 2, 2017. In the event that Umatilla County fails to co-adopt the map amendments, annexation shall fail, and a new comprehensive plan map amendment and annexation application shall be submitted.
2. Portions of the property are identified on Figure 12 of the Hermiston Comprehensive Plan as being subject to ground water pollution hazards due to excessively well-drained soils. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. Future access to NE 10<sup>th</sup> Street and E Theater Lane will be subject to access permitting by the Umatilla County Road Department.
4. NE 10th Street adjacent to each parcel shall be improved to urban major collector status to the centerline at such time that development occurs on each affected parcel.
5. E Theater Lane adjacent to Tax Lot 1503 shall be improved to urban minor collector status to the centerline, plus one travel lane at such time that development occurs on Tax Lot 1503.

Commissioner Saylor moved and Commissioner Collins seconded to make the project file a part of the record. Motion passed. Commissioner Collins moved and Commissioner Kirkpatrick seconded to adopt the Findings of Fact as written. Motion passed. Commissioner Saylor moved and Commissioner Guerrero



# PLANNING COMMISSION

## Regular Meeting Minutes

June 12, 2024

seconded to approve the conditions of approval as written. Motion passed. Commissioner Doherty moved and Commissioner Misner seconded to recommend approval of the comprehensive plan map amendments to the city council. Motion passed. Commissioner Saylor moved and Commissioner Collins seconded to recommend approval of the annexation to the city council. Motion passed.

### **New Business -Replat- Owens 4N2811DA Tax Lots 2400 & 2403 928 E Main St**

Planning Director Spencer presented the staff report. This replat is proposed to adjust the lot lines between the two properties. The county surveyor preferred the lot line adjustment be processed as a replat. The existing 16' wide flag lot access is acceptable as is, however if the owner wished to partition the lot in the future, additional width would need to be provided.

#### **Testimony**

Brian Owens 665 W Division Ave-Mr. Owens is the owner of the properties. Due to the restrictions of the irrigation canal and Hurlburt, his development plans have changed. He is adding a portion of the parcel to the existing house lot to allow for additional parking and area to build a shop. He currently has no plans for the vacant lot other than to keep it clean.

Steve Barrows 130 SE 9<sup>th</sup> St- Mr. Barrows owns property adjacent to the alley and inquired if Mr. Owens would continue using the alley to access the property. He states Mr. Owens currently uses the alley everyday as access, including semi-trucks and other large equipment that have broken his concrete. Mr. Barrows further stated the alley was never used prior to Mr. Owens purchasing the property.

Planning Director Spencer responded the public alley is owned by the public and it is permissible for the public to transverse. Property owners adjacent to the alley are responsible to maintain that portion. Grading would be coordinated with the city. Both lots in the replat have access from Main St. The required future street improvements cannot be determined without a development plan.

In rebuttal, Mr. Owens stated Tax Lot 2500 only has access from the alley. Since 1964 when the roller rink was built, the alley has been used for fire access and other deliveries. The 16' flag lot access is only used as a driveway for the lot. His only plan is to possibly build one house on this lot. He responded that none of his trucks have broken Mr. Barrows concrete. In the future he may redevelop the roller rink property to residential use.

#### **Findings of Fact**

##### **Design Standards**

##### **§154.15 Relation to Adjoining Street System.**

The property is bordered by E Main St. The portion of E Main St adjacent to the property is a paved city street with a bike lane and no additional improvements. The site has 103 feet of frontage on E Main St. The south portion of Lot 2 is bisected by a 20 foot alley that aligns with E Hurlburt Ave. The alley is completely unimproved.

##### **§154.16 Street and Alley Width.**

No new streets or alleys are proposed as part of the partition. The property is serviced by E Main St which has a right-of-way width of 70 feet. An alley 20 feet in width bisects Lot 2.

##### **§154.17 Easements.**

No easements are shown on the plat.





## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

#### §154.18 Blocks.

No additional block access is required.

#### §154.19 Lots.

Lot 1 is 18,320 square feet and Lot 2 is 49,420 square feet. The minimum lot size in an R-1 zone is 8,000 square feet. The access portion of Lot 2 is 16.40 feet in width. The minimum required width for the access portion of a flag lot is 25 feet. Lot 2 is a pre-existing lot with 16 feet of frontage on E Main Street. As a pre-existing lot of record, the 25-foot access requirement is not applicable. However, in order to further subdivide Lot 2 into two or more lots in the future, 25 feet of frontage on E Main Street is required unless access is provided from E Hurlburt Ave.

#### §154.20 Character of Development.

Lot 1 contains a single-family dwelling and several accessory structures. Lot 1 has access to E Main St. Lot 2 is vacant, bisected by an alley, and bordered on the south by an open ditch. Lot 2 is accessed by E Main St. The lot sizes exceed the minimum requirement permitted in the R-1 zone for single-family dwellings. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

#### §154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition. There is an existing elementary school in the neighborhood.

#### Minimum Improvements Required

##### §154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

##### §154.61 General Improvements

Main St is a paved city street with no additional improvements. The alley is completely unimproved right-of-way that aligns with E Hurlburt Ave. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontages.

##### §154.62 Water Lines

Lots 1 and 2 are serviceable by a municipal water line in E Main St.

##### §154.63 Sanitary Sewer System.

Lots 1 and 2 are serviceable by municipal sewer. There is a municipal sewer line in E Main St.

#### Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public



## PLANNING COMMISSION

### Regular Meeting Minutes

June 12, 2024

use. **Shown as required**

- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed and none are referenced on the plat**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required.**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required.**

*Finding:* All items required for the final plat are shown on the final plat.

#### Chapter 157: Zoning

##### §157.025 Low Density Residential (R-1)

The proposed lots exceed the minimum lot size of 8,000 square feet. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

##### §157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to a high water table. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel



# PLANNING COMMISSION

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## Regular Meeting Minutes

June 12, 2024

fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

### Conditions of Approval

1. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on E Main St.
2. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has signed the final plat.
3. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to a high water table. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
4. A fire apparatus turn around easement compliant with Appendix D of the 2019 Oregon Fire Code shall be added to the final plat prior to signature.

After some discussion, Commissioner Saylor moved, and Commissioner Kirkpatrick seconded to make the project file a part of the record. Motion passed. Commissioner Collins moved and Commissioner Saylor seconded to approve the Findings of Fact as written. Motion passed. After a clarification of the language of Condition 1, and development triggers for street improvements, Commissioner Caplinger moved, and Commissioner Doherty seconded to approve the final plat with the conditions of approval. Motion passed.

### Planner Comments and Unscheduled Communication

Commissioners discussed:

- SE 2<sup>nd</sup> Street & S Hwy 395 improvements complete
- Upcoming agenda topics
- Draft code updates due to legislative changes
- Newspaper circulation decline and its effect on noticing requirements
- Good Shepherd Hospital to expand urgent care at existing facility, not develop on Hwy 395
- Need for walkable/driveable connectivity of future development

### Adjournment

Chairman Fialka adjourned the meeting at 8:20PM.