

December 31, 2025

Lloyd Piercy  
Home Run Land LLC  
33927 Riverview Drive  
Hermiston, OR 97838



Re: **Notice of Decision** – Middle Housing Land Division – Diamond Run Phase 2 and 3

Dear Mr. Piercy:

The City of Hermiston has reviewed and granted tentative approval for Phases 2 and 3 of the Diamond Run subdivision pursuant to ORS 92.031(2). The tentative approval constitutes an administrative approval under ORS 197.365 and serves the same function as a preliminary plat approval under §154.35 of the Hermiston Code of Ordinances. The tentative plat is intended to provide individual lots for duplex dwellings where each dwelling unit is contained on an individual lot with a common wall joining the dwellings. Said dwellings constitute middle housing as defined in ORS 197A.420.

In reviewing the tentative plat, the City of Hermiston has applied the standards contained in ORS 92.031. Per the governing statute, the only applicable criteria are contained in 92.031. Findings of fact demonstrating compliance with ORS 92.031 are attached. Additionally, conditions of approval compliant with the governing statute are attached as well.

This letter constitutes a tentative approval as required by the State of Oregon under ORS 92.031(2). This approval is an administrative approval of the tentative plat. The final plat is subject to final approval by the Hermiston Planning Commission and Hermiston City Council subject to the provisions of §154.46 of the Hermiston Code of Ordinances. Pursuant to ORS 197.365(4)(b)(A), the planning commission and city council will not hold hearings on the proposal. The required notices was provided by the City of Hermiston for the administrative review of the tentative plan on December 15, 2025. The planning commission will meet on February 11, 2026 and the city council will meet on February 23, 2026 to review the final plat for compliance with §154.46. Each meeting will be held at 7:00 p.m. at 180 NE 2<sup>nd</sup> Street, Hermiston, OR.

Under the provisions of ORS 197.375, a middle housing land division may be appealed within 14 days of the mailing of a notice of decision. An appeal shall be accompanied by a \$300 deposit for costs. The decision may be appealed by the applicant or any person or organization who files written comments during the comment period. An appeal shall be based on allegations:

City of Hermiston  
**PLANNING DEPARTMENT**

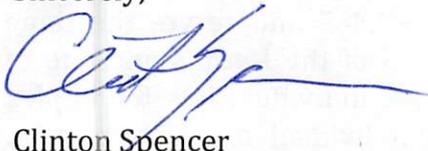
- Of violation of the substantive provisions of the applicable land use regulations;
- Of unconstitutionality of the decision;
- That the applicant is not eligible for review under ORS 92.031 or 197.360 to 197.380 and should be reviewed as a land use decision or limited land use decision;
- That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government

An appeal of the decision shall be made to a referee appointed by the local government under this section.

If no appeal is filed by January 13, 2026, the city's decision will become final.

If you have any questions, please feel free to contact me at (541)667-5025.

Sincerely,



Clinton Spencer  
Planning Director

C: Byron Smith  
Rich Tovey  
Building Department  
Development Staff

## **Findings of Fact for Diamond Run Phases 2 and 3 Middle Housing Land Division**

**December 31, 2025**

**E Diagonal Blvd – 4N 28 12BB Tax Lots 300 and 502**

### **ORS 92.031**

- (1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420(2) or (3).**
- (2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:
  - a. A proposal for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420(5);****

### *Findings:*

- (1) The City of Hermiston has received an application to replat Lots 124 and 125 of the Replat of Lots 1 Thru 72, 74 and 75 of Diamond Run Subdivision Phase 1. Lots 124 and 125 received preliminary plat approval from the City of Hermiston as part of the Diamond Run subdivision on August 20, 2020. Preliminary approval granted by the city approved 77 lots on Lots 124 and 125. Under the provisions of §157.027(A)(1) of the Hermiston Code of Ordinances, each lot may accommodate a single- or two-family dwelling. Construction of two-family dwellings constitutes development of middle housing under the provisions of ORS 197A.420(3).**
- (2) Amendment of the underlying preliminary plat to place each dwelling unit in a two-family dwelling on an individual lot constitutes a middle housing land division as defined in ORS 92.031(1) and (2)(d).**
- (3) The applicant has provided the city as part of this application a lot development plan consistent with the requirements of ORS 92.031(2) which identifies the development of exactly one dwelling unit on each parcel resulting from the middle housing land division. Said development plan is included in the project file and incorporated into the findings by reference.**
- (4) The development plan indicates that each set of two-family dwellings will be constructed with a common wall as required by ORS 197A.420(1)(d).**
- (5) The City of Hermiston finds that the proposed land division with common wall two-family dwellings is a qualifying middle housing development proposal and therefore eligible for a middle housing land division subject to the requirements of ORS 92.031.**

**b. Separate utilities for each unit;**

***Findings:***

- (6) Separate utility connections are provided for each dwelling unit. The developer has submitted civil plans for the development of infrastructure within this development. Each lot and dwelling is planned for a separate water and sewer connection. Plans are on file with the City of Hermiston Community Development Department.
- (7) The City of Hermiston finds that the utility plans and installed utilities demonstrate that separate utilities are installed for each unit. ORS 92.031(2)(b) is satisfied.

**c. Proposed easements necessary for each dwelling unit on the plan for:**

- A) Locating, accessing, replacing, and servicing all utilities;**
- B) Pedestrian access from each dwelling unit to a private or public road;**
- C) Any common use areas or shared building easements;**
- D) Any dedicated driveways or parking; and**
- E) Any dedicated common area;**

***Findings:***

- (8) Utility easements, ten feet in width are located on all front lot lines consistent with ORS 92.044(7).
- (9) Pedestrian access easements are not necessary for any lot in this development, with the exception of Lots 166 and 167. A 20-foot access and utilities easement is dedicated on these lots to insure adequate access to Lot 167.
- (10) Common areas, driveways, parking, and building area easements are not required for these lots, with the exception of Lots 166 and 167 which do require an access easement for Lot 167.
- (11) The City of Hermiston finds that the easement requirements of ORS 92.031(c) are satisfied.

**d. Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels, or tracts used as common areas; and**

***Findings:***

- (12) The application includes a lot by lot development plan. The development contains an evidentiary record that each lot is intended to accommodate exactly one dwelling unit on each parcel.

(13) Pursuant to ORS 92.031(3), the city will prohibit further division of all lots in this middle housing development.

(14) Pursuant to ORS 92.031(6), the city will prohibit the construction of accessory dwellings on all lots in this middle housing development.

**e. Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with the applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.**

(15) The applicant has submitted building footprints and plans demonstrating compliance with the specialty residential code and meeting the requirements that all newly constructed units share a common wall as required by ORS 197A.420(1)(d).

(16) All newly constructed units shall share a common wall and be considered as one half of a duplex located upon one lot meeting the minimum lot size for single-and two-family lots in the R-3 zone. The aggregate of all pairs of lots meets the minimum size of 5,000 square feet as required by §157.027(C)(1) and §157.152(B).

**Conditions of Approval for Diamond Run Phases 2 and 3 Middle Housing Land Division**

**December 31, 2025**

**E Diagonal Blvd – 4N 28 12BB Tax Lots 300 and 502**

Pursuant to ORS 92.031(3) through 92.031(8), the City of Hermiston imposes conditions permitted within the governing statute for middle housing land divisions. In imposing these conditions, the City of Hermiston is not subjecting the proposal to additional approval criteria except those specified in ORS 92.031.

1. Further division of Lots 124 through 261 of Diamond Run Subdivision Phase 2-3 is prohibited. The surveyor shall place a notation on the final plat stating that further subdivision of all lots is prohibited prior to City approval of the final plat. *92.031(3)(a)*
2. The surveyor shall place a notation on the final plat stating that approval of this plat is given under ORS 92.031 prior to City approval of the final plat. *92.031(3)(b)*
3. Public improvements consistent with the conditions of approval for the Diamond Run preliminary plat dated August 20, 2020, as shown on the approved public improvement civil drawings, and consistent with the Hermiston Public Works Standards, Technical Specifications, and Standard Drawings shall be installed and accepted by the City of Hermiston prior to occupancy of any structure in Diamond Run Subdivision Phase 2-3. *92.031(4)(b)*
4. Accessory dwellings are not permitted on any lot within Diamond Run Subdivision Phase 2-3.
5. All attached single-family dwellings constructed in Diamond Run Subdivision Phase 2-3 shall be constructed in accordance with applicable building codes provisions relating to new property lines and the Oregon residential specialty code. *92.031(2)(e)*