

HERMISTON PLANNING COMMISSION

Regular Meeting

December 9, 2015

Chairman Saylor called the meeting to order at 7:00 PM. Commissioners Saylor, Hamm, Caplinger, Erz, and Fialka, Dohery, and Flaiz were present. Commissioners Rebman and Medelez were absent.

Minutes

Commissioner Fialka moved and Commissioner Hamm seconded to approve the minutes of the November 18, 2015 meeting. Motion passed unanimously.

Hearing – Text Amendment Hermiston Code of Ordinances (continued from November 18, 2015)

The planning commission is continuing a hearing to consider amending the Hermiston Code of Ordinances section 157.002 to read:

DWELLING, MULTI-FAMILY. Three or more dwelling units contained in a single building, or within several buildings in one complex.

The applicant is the City of Hermiston.

City Planner Spencer presented the staff report which addressed the issues raised at the November hearing. Commissioners may wish to consider the following amended definition: *“A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings, multiple single family dwellings and any combination thereof on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.”*

Findings of Fact

Subject to the comments and considerations of the public hearing, the following findings are presented:

Statewide Planning Goals and Comprehensive Plan Policies.

Goal 1 and Policy 1. Citizen Involvement. The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing on October 28, 2015 in accordance with §157.226 of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on November 18, and December 9, 2015 in accordance with §157.226(F).
3. The City Council held a public hearing on December 28, 2015 in accordance with §157.226(F)

Goal 1 and Policy 2. Planning Process. The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

4. Policy 2 requires the City to annually review development activity and its impacts.
5. The planning commission reviewed the multi-family dwelling definition and determined it was inadequate to address all desired multi-family housing types.

6. The city council directed staff to prepare a code amendment to amend the definition for multi-family dwelling.

Goal 2 and Policy 3. Intergovernmental Coordination. The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

7. The notice of proposed amendment was sent to the Department of Land Conservation and Development on October 13, 2015, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

8. Housing, especially multi-family housing, must be located within one of the city's five residential zones. Multi-family housing is not permitted on agricultural land. Farming practices and available arable land will not be impacted by amending the definition for multi-family dwelling.

Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.

9. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.

10. The City's acknowledged comprehensive plan has policies established to for compliance with Goals 5, 6, 7, 8, 9, 11, 13, and 14. No new uses are being permitted through the amendments. No additional findings must be made demonstrating compliance with these Goals.

Goal 9 Housing

11. Goal 9 requires the city to accommodate all forms of needed housing units. Broadening the definition of multi-family housing will allow additional forms of multi-family housing to be built.

Goal 12 Transportation and OAR 660, Division 012

12. The proposed amendment does not permit any new uses. Therefore no new trips will be created and no transportation facility will be significantly affected as a result of the amendment.

Hermiston Zoning Ordinance §157.226

13. The City Council initiated the proposed amendment to the zoning ordinance by motion on October 12, 2015 in compliance with §157.226(A).
14. The proposed amendment amends the text of the zoning ordinance, has a widespread impact on the city as a whole, and does not involve an amendment to the zoning map. Therefore, the proposed amendment is a legislative amendment as defined by §157.226(B)(1) and §157.226(C)(1) and (2).

15. Based upon Finding #14, the proposed amendment is not a quasi-judicial action and the approval criteria in §157.226(E)(1) are not applicable.
16. Notice of the proposed amendment was provided to the Oregon Department of Land Conservation and Development on October 13, 2015, more than 35 days in advance of the first evidentiary hearing as required by §157.226(F) and modified by ORS 197.610.
17. A notice of public hearing for the planning commission hearing was published on October 28, 2015 and the city council notice was published on November 4, 2015. Each notice was published in the Hermiston Herald at least 20 days in advance of the hearing as required by §157.229(D).
18. Based upon Finding #14, the proposed amendment is legislative and mailed notice to property owners is not required per §157.229(D).

Staff Recommendation

The planning commission has raised several issues which may impact the overall necessity of the text change. Looking at the long term impacts of the change, all possible consequences should be considered and weighed. Over a long enough horizon, virtually any development proposal could happen. To date there has been zero interest in constructing a tiny house colony in Hermiston. The tiny house movement appeals to a small demographic group which has not yet considered Hermiston. One reason why little traction has been evident for tiny houses is the relatively low cost of development and available land supply. Until there is more history with that development type and its longevity is proven, staff would not recommend developing comprehensive development standards. However, staff has still provided two potential amendments which the planning commission may wish to consider and recommend one or none to the city council.

New Definition:

“three or more dwelling units contained in a single building, or several buildings within one complex.”

Amended Definition:

“A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings, multiple single family dwellings and any combination thereof on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.”

Planning Commissioners discussed if amending the definition would make existing non-conforming lots with multiple dwellings conforming. City Planner Spencer responded that it would depend on the zoning of the lot. Commissioners discussed the striking out of the phrase multiple single family dwellings in the definition. Chairman Saylor closed the hearing at 7:10PM.

Commissioner Fialka moved to accept the Findings of Fact as written. Commissioner Doherty seconded the motion. Motion passed.

Commissioner Erz moved, and Commissioner Hamm seconded to recommend that the City Council adopt the new definition as rewritten to read: *“A building containing three or more dwelling units. For the purposes of this ordinance multiple two family dwellings, on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.”* Motion passed.

Hearing – Conditional Use Permit Desert View Elementary

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances. The applicant, Wade Smith of the Hermiston School District #8R, is requesting that the City allow one additional modular facility to be placed at Desert View Elementary School. The school district wishes to accommodate student growth. The property is located at 1225 SW 9th Street and is also described as 4N2815BD, Tax Lot 900. The property is zoned R-1.

Chairman Saylor asked if any commissioners had a conflict of interest. Hearing none, she read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(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 and may render a decision.

The hearing was opened at 7:12PM. City Planner Spencer presented the staff report.

Findings of Fact

The proposal is in conformance with the comprehensive plan and zoning code.

1. In the City of Hermiston, a school and its accessory uses may be permitted in the R-1 zone subject to the provisions of a conditional use permit.
2. The city held a public hearing on the proposed conditional use permit on December 9, 2015 at which time public testimony was solicited.
3. The property presently contains a school and associated athletic fields and playground space.

4. The property is zoned Single Family Residential (R-1).
5. Per §157.025(B)(10) of the Hermiston Code of Ordinances, a school and its accessory uses are a conditional use in the R-1 zone.
6. The new modular structure encompasses approximately 1,792 square feet.
7. The total lot area is 19.1 acres.
8. The new modular structure will cover less than one percent of the entire lot. The overall lot coverage of the school and proposed modular classroom is 54,492 square feet which is 7% and less than the 30% lot coverage allowed in the R-1 zone.
9. The proposed modular building exceeds the minimum setbacks for the R-1 zone.

The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.

10. The overall property size is 19.1 acres.
11. An additional 1,792 square feet of modular structure will cover less than 1% of the total lot area.
12. This small lot coverage will not impact the school's ability to provide required open space recreational facilities for students.
13. The proposed 1,792 square feet of classroom space will not require new parking spaces. Section 157.176 of the Hermiston Code of Ordinances requires 1.5 parking spaces per classroom. The existing school facilities have 20 classrooms and require 30 spaces. The modular building will have two additional classrooms requiring 3 additional spaces. Since the existing school contains over 80 parking spaces, no additional parking is required for this proposal.

Public facilities are of adequate size and quality to serve the proposed use.

14. The site is already serviced by municipal water and sewer lines. No additional capacity is required to service the modular buildings, although new connections to the lines are anticipated.

The proposed use will prove reasonably compatible with surrounding properties.

15. The property is utilized as a school and has been in operation for over ten years. In the intervening time, substantial residential and school related developments have occurred around the building.
16. The modular classrooms are located in a location designed to minimize impact to adjacent residential users while simultaneously creating the best flow of students from the modulars to the regular structure.
17. A 177 foot separation provides an adequate buffer between classrooms and nearby residences.
18. The modulars are designed to compliment the nearby residential houses through design features such as lap siding, higher roof pitches, architectural shingles, and other features.

Staff Recommendation

Based upon the site plan submitted by the school district and the findings of fact, the addition of modular structures is in compliance with the city's requirements and policies. Therefore, staff recommends that the placement of an additional modular classroom at Desert View Elementary School be approved by the planning commission.

The staff report was presented by City Planner Spencer. The hearing was closed at 7:17PM.

Commissioner Caplinger moved and Commissioner Fialka seconded to approve the Findings as written. Motion passed unanimously. Commissioner Erz moved and Commissioner Hamm seconded to approve the

conditional use application to allow the additional modular at Desert View Elementary School. Motion passed unanimously.

Hearing – Conditional Use Permit Sunset Elementary

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances. The applicant, Wade Smith of the Hermiston School District #8R, is requesting that the City allow the addition of up to two modular facilities to be placed at Sunset Elementary School. The property is located at 300 E Catherine Ave and is also described as 4N2811BC, Tax Lot 4500. The property is zoned R-2.

There were no conflicts of interest declared. Commissioners waived reading the hearing guidelines. The hearing was opened at 7:19PM. City Planner Spencer presented the staff report.

Findings of Fact

The proposal is in conformance with the comprehensive plan and zoning code.

1. In the City of Hermiston, a school and its accessory uses may be permitted in the R-2 zone subject to the provisions of a conditional use permit.
2. The city held a public hearing on the proposed conditional use permit on December 9, 2015 at which time public testimony was solicited.
3. The property presently contains a school and athletic fields and playground space for the school.
4. The property is zoned Duplex Residential (R-2).
5. Per §157.026(B)(1) of the Hermiston Code of Ordinances, a school and its accessory uses are a conditional use in the R-2 zone.
6. The new modular structures encompass approximately 3,584 square feet.
7. The total lot area is 14.82 acres or 645,559 square feet.
8. The new modular structures will cover less than one percent of the entire lot. The overall lot coverage of the school and proposed modular classrooms is 64,584 square feet which is 10% and less than the 35% lot coverage allowed in the R-2 zone.
9. Each of the proposed modular buildings exceeds the minimum setbacks for the R-2 zone.

The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.

10. The overall property size is 14.82 acres.
11. An additional 3,584 square feet of modular structures will cover less than 1% of the total lot area.
12. This small lot coverage will not impact the school's ability to provide required open space recreational facilities for students.
13. The proposed 3,584 square feet of classroom space will not require new parking spaces. Section 157.176 of the Hermiston Code of Ordinances requires 1.5 parking spaces per classroom. 122 parking spaces are required for the existing school. The two modular buildings will have 4 additional classrooms requiring 6 additional spaces. The existing school contains 132 parking spaces, no additional parking is required for this proposal.

Public facilities are of adequate size and quality to serve the proposed use.

14. The site is already serviced by municipal water and sewer lines. No additional capacity is required to service the modular buildings, although new connections to the lines are anticipated.

The proposed use will prove reasonably compatible with surrounding properties.

15. The modular classrooms are located in a location designed to minimize impact to adjacent residential users while simultaneously creating the best flow of students from the modulars to the regular structure.
16. The modulars are designed to compliment the nearby residential houses through design features such as lap siding, higher roof pitches, architectural shingles, and other features.

Staff Recommendation

Based upon the site plan submitted by the school district and the findings of fact, the addition of modular structures is in compliance with the city's requirements and policies. Therefore, staff recommends that the placement of additional modular classrooms at Sunset Elementary School be approved by the planning commission

Chairman Saylor closed the hearing. Commissioner Hamm moved and Commissioner Caplinger seconded to adopt the Findings as written. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Fialka seconded to approve the conditional use to allow the placement of up to two additional modular at Sunset Elementary School. Motion passed unanimously.

Hearing – Conditional Use Permit Hermiston High School

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances. The applicant, Wade Smith of the Hermiston School District #8R, is requesting that the City allow the addition of up to three modular facilities to be placed at Hermiston High School. The property is located at 600 S First St and is also described as 4N2810DD, Tax Lot 300. The property is zoned R-2.

There were no conflicts of interest declared. Commissioners waived reading the hearing guidelines. The hearing was opened at 7:23PM. City Planner Spencer presented the staff report.

Findings of Fact

The proposal is in conformance with the comprehensive plan and zoning code.

1. In the City of Hermiston, a school and its accessory uses may be permitted in the R-2 zone subject to the provisions of a conditional use permit.
2. The city held a public hearing on the proposed conditional use permit on December 9, 2015 at which time public testimony was solicited.
3. The property presently contains a school, athletic fields, and parking for the school.
4. The property is zoned Duplex Residential (R-2).
5. Per §157.026(B)(1) of the Hermiston Code of Ordinances, a school and its accessory uses are a conditional use in the R-2 zone.
6. The three new modular structures encompasses approximately 5,376 square feet.
7. The total lot area is 17.45 acres or 760,122 square feet.
8. The new modular structures will cover less than one percent of the entire lot. This portion of the school site and county fairgrounds has very little structural coverage, with the exception of the rodeo seating and Weber field seating. The total lot coverage is less than the 35% allowed in the R-2 zone.
9. It is not clear from the site plan if the modular structures will meet or exceed the minimum 7 foot sideyard setback for the R-2 zone. It is possible to locate the structures without impacting more than

one row of parking and meet the 7-foot setback. Therefore, the planning commission will require all three modular units to be placed at the 7 foot setback line from the south property line.

The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.

10. The overall property size is 17.41 acres.
11. An additional 5,376 square feet of modular structures will cover less than 1% of the total lot area.
12. Lot coverage is well below the 35% coverage requirement with the addition of the new modular units..
13. The proposed 5,376 square feet of classroom space will not require new parking spaces. Section 157.176 of the Hermiston Code of Ordinances requires 1.5 parking spaces per classroom and one space for each six students. The existing school facilities plus the three proposed modulares have 79 classrooms and require 118.5 spaces. School enrollment for the 2016-17 year is projected at 1,507 students and will require 251 parking spaces. Since the existing school contains 374 spaces after and requires 369.5 parking spaces, no additional parking is required for this proposal.

Public facilities are of adequate size and quality to serve the proposed use.

14. The site is already serviced by municipal water and sewer lines. No additional capacity is required to service the modular buildings.
15. The modular buildings are proposed as dry units and will not be connected to water and sewer facilities and will not have bathrooms inside.

The proposed use will prove reasonably compatible with surrounding properties.

16. The modular units are designed to be reasonably compatible with adjacent users such as Head Start and Campus Life as well as compatible with the overall design aesthetic of the high school.

Staff Recommendation

Based upon the site plan submitted by the school district and the findings of fact, the addition of modular structures is in compliance with the city's requirements and policies. Therefore, staff recommends that the placement of three modular classrooms at Hermiston High School be approved by the planning commission subject to the condition that the modulares be placed at least seven feet from the south property line.

Chairman Saylor closed the hearing. Commissioner Erz moved and Commissioner Fialka seconded to adopt the findings as written. Motion passed unanimously. Commissioner Doherty moved and Commissioner Erz seconded to approve the conditional use permit to place three modular classrooms at Hermiston High School subject to the condition that the modular be placed at least 7 feet from the south property line. Motion passed unanimously.

Planner Comments and Unscheduled Communications

City Planner Spencer updated the Commissioners on the Holiday Inn Express project. Building permits were being pulled this week. Cimmaron Terrace will be starting a phase. This phase will be 74 units of common wall housing consisting of three and four plexes. Desert Sky will begin Phase 5 next summer.

Chairman Saylor adjourned the meeting at 7:34PM.