

To: Planning Commission  
From: Clinton Spencer, City Planner  
Subject: Conditional Use Permit – 230 E Dogwood Ave  
Date: December 5, 2016



**Planning  
Department**

Michael Atkinson has submitted a request for a conditional use permit to enlarge an existing multi-family dwelling located at 230 E Dogwood Ave. Michael Atkinson owns the property and currently operates eight multi-family units on the site. If the conditional use permit is approved, the total number of dwellings will increase from eight to twelve. The property is zoned Duplex Residential (R-2). Per §157.026(B)(4) of the Hermiston Code of Ordinances, a multi-family dwelling is a conditional use in the R-2 zone.

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on November 30, 2016
- Notice of proposed land use action posted on property on November 30, 2016
- Notice of public hearing provided by direct mail to all property owners within 300 feet on November 30, 2016

### **Requirements**

§157.208 of the Hermiston Code of Ordinances provides the method and approval criteria necessary for approving or denying a conditional use. The specific findings required by this section are:

1. The proposal is in conformance with the comprehensive plan and zoning code.
2. 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.
3. Public facilities are of adequate size and quality to serve the proposed use.
4. The proposed use will prove reasonably compatible with surrounding properties.

The planning commission may impose, in addition to those standards and requirements expressly specified by the zoning code, any additional conditions they consider necessary to protect the best interests of the surrounding property or the

city as a whole. These conditions may include increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property and any other condition deemed necessary by the commission.

It is not necessary to restate other ordinances and statutory requirements of the conditional use as part of the proceedings. The granting or denial of a conditional use will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### **Draft Findings**

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

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

1. The property is zoned R-2, Duplex Residential. Multi-family dwellings are allowed conditionally in the R-2 zone.
2. The existing property is 0.52 acres (22,651 square feet).
3. The existing multifamily dwelling is approximately 3,784 square feet and covers 16% of the lot.
4. The proposed addition will add 1,935 square feet and cover another 8% of the lot.
5. After expansion, the total lot coverage will be 24% of the lot. The maximum lot coverage is 35%.
6. Multi-family dwellings require 1.5 parking spaces per unit for two bedroom units. All units are two bedroom and 18 spaces are required. The applicant proposes 19 parking spaces. The parking requirement is satisfied.
7. The proposed structure will be less than 35 feet in height in accordance with the R-2 height limitation.
8. All setbacks are met. The building is setback 25 feet from the rear lot line. Twenty-five feet is the maximum rear setback, regardless of building height.

**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**

9. As noted in findings 3, 4, 5, 6, 7, and 8 above, the property is adequate in size and shape to accommodate all setback, lot coverage, and parking requirements

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

10. The existing units are connected to water and sewer services in E Dogwood Ave. These services are adequate to accommodate additional dwellings.
11. A new water meter will be required by the water department for the new dwellings.
12. Sidewalk will be required along the NE McNary St frontage.

**The proposed use will prove reasonably compatible with surround properties.**

13. The neighborhood is a transitional neighborhood containing a mix of multi-family, duplex residential, and commercial uses. Most of the uses are of a similar age to the existing building.

**Staff Recommendation**

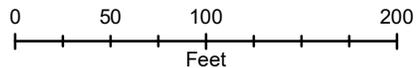
Staff has reviewed the proposed conditional use permit and finds that the proposal is consistent with the R-2 standards for multi-family dwellings. Staff recommends the conditional use permit be approved subject to the following conditions:

1. All areas for the standing and maneuvering of vehicles shall be paved prior to issuance of a certificate of occupancy.
2. Sidewalk shall be installed along the NE McNary St frontage prior to issuance of a certificate of occupancy.
3. All stormwater shall be retained on-site.
4. The applicant shall work with the water superintendent and city engineer to determine if a second water meter or upsizing the existing water meter is most appropriate.



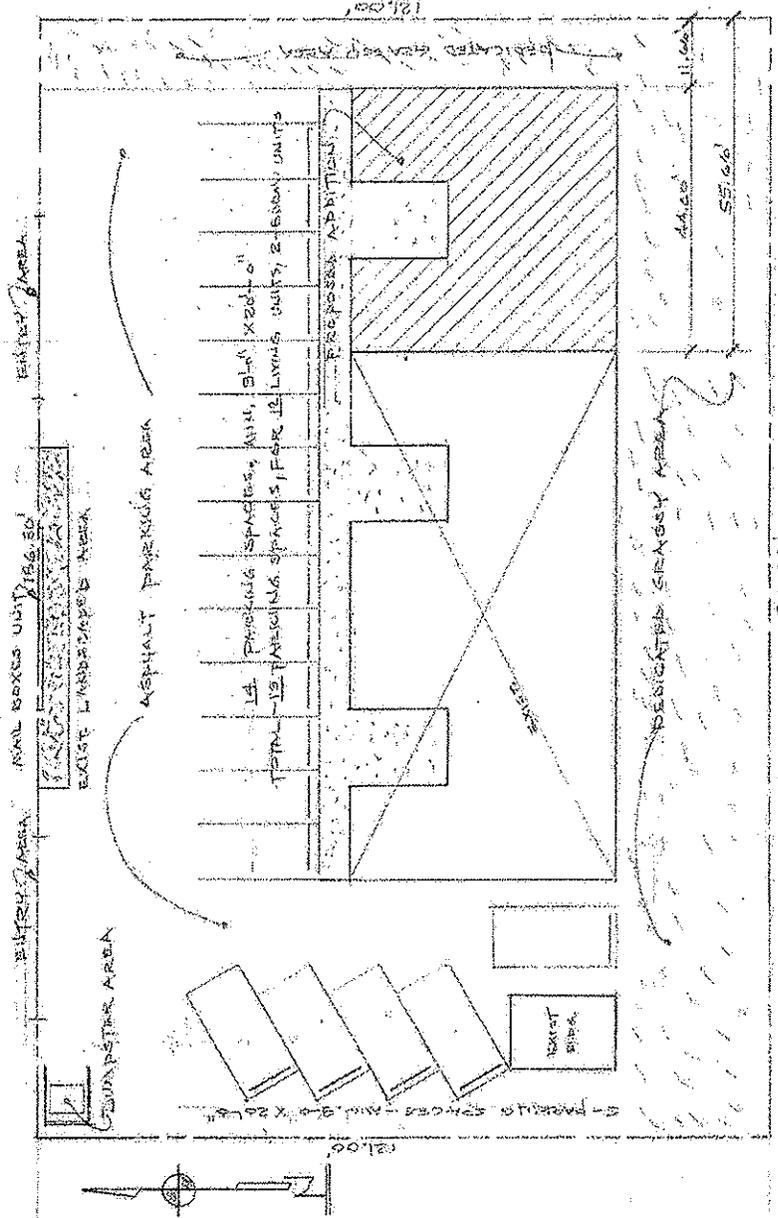
**Legend**

-  Area of Proposed Conditional Use
-  Property Line
-  City Limits



Michael Atkinson

230 EAST DOUGLASS STREET



Plot Notes  
TAX LOT #1868  
230 E. DOUGLASS STREET  
HERNIMAN, OR 97188  
SQ. FT. 22,542.20

Plot Plan 186800

# CITY OF HERMISTON

## CONDITIONAL USE PERMIT APPLICATION

Pursuant to the provisions of §157.205 of the Hermiston Code of Ordinances, application is hereby made for a conditional use permit for the following described property:

Applicant's Name: Michael Atkinson Date: 10/31/16  
Address: 230 E Dogwood Ave, Hermiston, OR 97838 Phone: 541-314-0404  
(Daytime)

Property Owner(s) Name (If Different): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
(Daytime)

Legal Description of Property: Assessor's Map No: 4N 28 11BB Tax Lot No: 1300  
Comprehensive Plan Designation: \_\_\_\_\_ Zoning Designation: R2  
Current Use of Property: Apartment Complex - 8 units

Request to Allow:

The addition of 4 units to the 8-plex to turn it into a 12-plex

**IMPORTANT!** Oregon's Land Use Planning Laws and §157.208 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to requests for conditional use permits. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. The proposal is in conformance with the comprehensive plan and zoning ordinance. Explain fully:

This proposal is basically the same as the existing neighborhood. The area is made up of mostly rentals. The other rentals are mainly 4 plexes. This is an 8-plex and will become a 12-plex.

2. 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. Explain fully:

The property is adequate in size and shape to accommodate the addition of 4 additional units in the same plan. It will appear to have been built as a 12-plex originally.

3. Public facilities are of adequate size and quality to serve the proposed use. Explain fully:

All of the public facilities that exist for the building and in the area are of adequate size to meet the additional water, sewer and power. It will either have an additional water meter connected for the new units or the existing connection will be enlarged.

4. The proposed use will prove reasonably compatible with surrounding properties. Explain fully:

The neighborhood and surrounding area is made up of rentals. There is a hotel, a church, a single family dwelling and many 4-plexes and duplexes. The type and age of the existing structures are very similar. After it is built it will appear to have already been there.

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

APPLICATION FOR CONDITIONAL USE PERMIT - PAGE 3

- 1) Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
- 2) Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my representative, at the meeting(s) where this request is scheduled for consideration, and may grant or deny this request based upon the testimony provided at the hearing.

I am the  owner/  owner(s) authorized representative.  
(If authorized representative, attach letter signed by owner.)

Applicant's Signature: Mattew Atherton Date: 11-9-2016

OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of the month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than four weeks prior to the public hearing date. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, OR 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

OFFICE USE ONLY

Date Filed: 11/10/16 Received By: Wxpl Meeting Date: 12/14/16  
 Fee: \$475.00 Date Paid: 11/9/16 Receipt No: 1-103298

