

HERMISTON PLANNING COMMISSION

Regular Meeting

February 10, 2016

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

Minutes

Minutes of December 9, 2015 meeting were approved with change. Motion passed unanimously.

Hearing – Annexation of land at 260 E Theater Lane

Declaration of Potential Conflict of Interest

Chairman Saylor asked if any commissioner wished to do declare a potential conflict of interest. Hearing none, the hearing was opened at 7:00PM.

Hearing Guidelines

The Planning Commission is holding a hearing to consider a request for annexation to the City of Hermiston. The Planning Commission will consider the request and make a decision based on the criteria established in §150.05 of the Hermiston Code of Ordinances. The applicant wishes to annex approximately .45 acre of land so the residence can be connected to city sewer services. The applicant is Thomas Morris. Chairman Saylor read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to annex the property are contained in §150.05 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, adopt findings of fact, and make a recommendation to the city council on annexation.

Staff Report

The City of Hermiston has received an annexation application from Thomas Morris for property located at 260 E Theater Lane. The property lies within the urbanizable portion of the urban growth boundary and currently has a Medium Density/Mobile Home comprehensive plan map designation. The applicant proposes to annex the property with an R-4 zoning designation which corresponds to the Medium Density/Mobile Home comprehensive plan designation. The property is described as 4N 28 02CB Tax Lot 300.

The city published a notice of public hearing in the Hermiston Herald 20 days prior to the planning commission hearing. A public notice of proposed land use action was physically placed on the property on January 20, 2016. Additionally, notice was provided to all property owners within 100 feet of the property.

<u>Applicant/Owner:</u>	The property is owned by the applicant, Thomas Morris.
<u>Property Location:</u>	The property is located at 260 E Theater Lane. The property is described as 4N 28 02CB Tax Lot 300.
<u>Existing Use:</u>	The property contains a single-family dwelling.
<u>Surrounding Uses:</u>	The site is surrounded by single family homes and manufactured dwellings.
<u>Comp Plan Designation:</u>	The land proposed for conversion lies within the urbanizable portion of the urban growth boundary and has a Medium Density/Mobile Home residential comprehensive plan map designation.
<u>Surrounding Comp Plan Designations:</u>	The land is entirely surrounded by land which is designated Medium Density and Medium Density/Mobile Home residential.
<u>Existing Zoning:</u>	The land proposed for annexation has a zoning designation of Multi-Structure Residential (R-4).
<u>Surrounding Zoning:</u>	The property is entirely surrounded by R-4 and R-3 zoned land.
<u>Requested Zoning:</u>	The property is proposed for annexation as R-4 zoned land.

Requirements

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexations are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.

5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Draft Findings on Annexation

1. The City has received consent to annexation from the property owner for approximately 0.45 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 January 20 and 27, 2016. Notices were also posted in four public places in the city for a like period. No comments or remonstrances have been received at this date as a result of the publication or posting.
3. Affected agencies were notified.
4. A public hearing of the planning commission was held on February 10, 2016. Comments received at the hearing are incorporated into the planning commission record.
5. The proposal is consistent with all applicable state annexation requirements.
6. 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 insure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
7. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
8. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
9. Sewer is available to service this property in E Theater Lane. At the time of connection the applicant is responsible for all connection fees.
10. Water is available to service this property in E Theater Lane. At the time of development, the applicant is responsible for all connection fees.

Draft Findings on Zoning Designation

1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Medium Density/Mobile Home Residential.
2. The proposed Multi-Structure Residential zoning designation corresponds with the underlying comprehensive plan map designation.

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the planning commission approve the application to amend the comprehensive plan map as submitted and recommend that the city council approve the annexation request. Upon annexation, the applicant shall sign a street improvement agreement agreeing to participate in future improvements to E Theater Lane and NE 3rd Street. Such improvements will include infill paving, curbs, and sidewalks.

Testimony

Thomas Morris, 260 E Theater Lane. Mr. Morris stated that he needs to connect to City sewer. He does not plan to connect to water at this time. He is willing to sign a street improvement agreement.

Chairman Saylor closed the hearing at 7:06PM.

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

annexation request with the street improvement agreement as written. Motion passed unanimously.

Hearing – Amendment to City of Hermiston Transportation System Plan

Declaration of Potential Conflict of Interest

Chairman Saylor asked if any commissioner wished to declare a potential conflict of interest. Hearing none, Commissioner Saylor opened the hearing at 7:08PM.

Hearing Guidelines

Commissioner Saylor read the following guidelines:

The planning commission is holding a hearing to consider text and map amendments to the Transportation System Plan. These amendments will implement the US 395 Corridor Refinement Plan.

State that:

- a. The applicable substantive criteria relied upon by the City in rendering the decision on the amendments are contained in ' 157.226(E) 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 to 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) based on that issue.
- d. Failure to provide statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA 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).

Then state that:

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.

Staff Report

The City of Hermiston and George Dress et al have worked to prepare an amendment to the South Highway 395 Corridor Refinement Plan in the Transportation System Plan (TSP) to reconfigure the traffic signal and off-highway circulation plans contained within that document. The current corridor refinement plan was

prepared by the city and ODOT and adopted in 2003. The primary purpose of the corridor refinement plan is to create a plan for a system of off-highway streets to channel traffic to a set of five highway intersections which will eventually be signalized as traffic volumes warrant. The city is working on processing a development application for a large retail operation and several future lease pads immediately south of Hermiston Foods on Highway 395. Initial traffic analysis for this development indicates that at full buildout a traffic signal will be needed. The existing TSP does not reflect a traffic light at this access point. The Oregon Department of Transportation (ODOT) requires any signal installed on a state facility to be included in a city's TSP before it will consider any funding mechanism or allow the signal to be installed.

Requirements

The TSP is considered to be an implementing document of the city's comprehensive plan. When considering a request to amend the comprehensive plan, the approval criteria are contained in Chapter 156 of the Hermiston Code of Ordinances. The criteria are as follows:

156.08 AMENDMENTS.

After the Planning Commission and City Council determine that proposed amendments should be considered, amendment of the Comprehensive Plan shall be based on the following procedure and requirements:

- (A) A public hearing date and notice thereof through a newspaper of general circulation in the city at least ten days prior to the hearing;
- (B) Copies of proposed amendments shall be made available for review at least ten days prior to the Planning Commission hearing;
- (C) After the close of the public hearing, the Planning Commission shall make findings of fact and recommend to the City Council adoption, revision or denial of the proposed amendments;
- (D) Upon receipt of the Planning Commission recommendation, the City Council shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten days prior to the hearing;
- (E) Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten days prior to the City Council hearing;
- (F) After the close of the public hearing, the City Council shall make findings of fact and adopt, adopt with changes or deny the proposed amendments. Adoption is contingent upon:
 - (1) City adoption is final in the case of amendment to the plan map for the area within the city limits;
 - (2) County adoption in the case of amendment to plan policies or the plan map for the urban growth area; or
 - (3) County adoption and LCDC approval in the case of amendment to plan goals or urban growth boundary location.
- (G) Copies of the plan amendments adopted by the city shall be sent to Umatilla County and the LCDC.

All amendments to the city's land use rules must also demonstrate compliance with the statewide planning goals.

Recommended Findings

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 January 20, 2016 in accordance with §156.08(A) of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on February 10, 2016 in accordance with §157.226(F).
3. The City Council held a public hearing on February 22, 2016 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 Highway 395 Corridor Refinement Plan in the TSP and determined that an additional signal is justified to service proposed retail development.

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.

6. The notice of proposed amendment was sent to the Department of Land Conservation and Development on January 4, 2016, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

7. There are no tracts of actively farmed land in the area proposed for service by the proposed traffic signal.

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.

8. 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.

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

Goal 9 Housing

10. There are no tracts of housing land in the service area for the proposed signal. Goal 9 is not applicable to this amendment and no additional findings are required.

Goal 12 Transportation and OAR 660, Division 012

11. OAR 660-012-0015 requires all cities to develop and maintain a transportation system plan.
12. Preparation of local TSPs must be coordinated with ODOT. The city provided a copy of the amendment to ODOT on January 4, 2016. ODOT has reviewed the proposed amendment and submitted testimony which is incorporated into the record.
13. When there is a conflict between an existing TSP and either the functional classification of a road or other conflict with the requirements of maintaining the operation of the transportation system, the TSP must be amended to maintain functionality. The proposed retail development will require a new signal above and beyond those already planned in the TSP. Thus, the TSP must be amended to include the necessary signal planning.

Hermiston Comprehensive Planning Ordinance §156.08

14. Notice of the public hearing on the proposed amendment was published in the Hermiston Herald on January 20 and January 27, 2016 more than 10 days in advance of the public hearing in accordance with 156.08(A).
15. Copies of the proposed TSP amendment have been available in the planning department office since January 20, 2016 in accordance with 156.08(B).
16. The planning commission adopted findings of fact regarding the proposed amendment following the closure of the public hearing on February 10, 2016. The planning commission recommended adoption of the proposed amendment to the city council based upon the findings of fact in accordance with 156.08(C).
17. The city council will hold a public hearing on February 22, 2016 regarding the proposed amendment. Notice of the city council hearing was published in the Hermiston Herald on February 3 and February 10, 2016 more than 10 days prior to the hearing in accordance with 156.08(D).
18. The planning commission recommendation and proposed amendment were made available to the public on February 11, 2016, more than 10 days prior to the city council hearing in accordance with 156.08(E).
19. The proposed amendment relates to a portion of the city's transportation system which is entirely within city limits. Adoption of the amendment is final upon adoption by the city council in accordance with 156.08(F)(1).

20. Notice of adoption will be sent to the LCDC and Umatilla County no later than five days after adoption by the city council in accordance with 156.08(G).

Staff Recommendation

Staff recommends that the planning commission make a recommendation to the city council that the amendment to the city's transportation system plan be adopted and incorporated into the TSP based on the findings of fact as adopted.

Testimony

Dennis Doherty, 1045 SW 9th Place. Mr. Doherty spoke to the need of having to look far out. He thinks it would be a mistake to not change the TSP to amend for the lights.

City Planner Spencer added that the Planning Commission include a recommendation that the City Council request a speed study from ODOT if the commission adopts the 'or roundabout' option.

Chairman Saylor closed the hearing at 7:39PM.

Commissioner Hamm moved and Commissioner Caplinger seconded to adopt the findings as revised to include adding 'and submitted testimony which is incorporated into the record' to number 12. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Hamm seconded a motion to recommend that the traffic engineer revise his amendment consistent with ODOT's February 8, 2016 letter recommending roundabouts as an alternative to signalization at the five project locations on S Highway 395 and that that amendment as revised we recommend that it be adopted by the City Council. Motion passed unanimously.

New Business

Frank Gehring has submitted a final plat for the SW Olive Court Subdivision. The proposed subdivision is located on approximately 2 acres of land on the west side of SW 10th St at the intersection of SW 10th and W Olive Ave. The property is described as 4N 28 15CB Tax Lots 301 and 600. The applicant proposes to create 8 residential lots each sized between 8,417.46 and 8,905.27 square feet. The property is zoned Duplex Residential (R-2).

The criteria that are applicable to the decision to accept the final plat are contained in §154.46 of the Hermiston Code of Ordinances.

Chapter 154: Subdivisions

§154.46 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 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 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. **Shown as required**
- (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**

Conditions from Preliminary Plat Approval

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat. **The applicant shall meet this condition of approval.**
2. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements shall comply with city standards and specifications and shall receive final approval from the city engineer. **The applicant has met this condition of approval.**
3. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges. **The applicant has met this condition of approval.**

4. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction. **The applicant shall meet this condition of approval.**
5. The new cul-de-sac shall be labeled as SW Olive Ct on the final plat. **The applicant has met this condition of approval.**
6. Easements of 10 feet in width shall be provided along all street frontages. **The applicant has met this condition of approval.**
7. Public water and sewer lines shall be extended in SW 10th Street to the southern boundary of the development. **The applicant has met this condition of approval.**
8. Street improvements shall be installed along all street frontages. **The applicant has met this condition of approval.**
9. The annexation of the property must be approved by the City Council prior to development beginning. **The applicant has met this condition of approval.**

Staff Recommendation

Staff has reviewed the final plat and determined it is prepared in accordance with all final plat requirements. Staff recommends the planning commission approve the final plat subject to the following conditions:

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.

Commissioner Caplinger moved and Commissioner Flaiz seconded to accept the final plat with the one condition. Motion passed unanimously.

Planner Comments and Unscheduled Communications

Commissioners will receive new information for their binders to include TSP, zoning map, and comprehensive plan, and ordinance updates. They would also like to receive digital copies of the maps.

City Planner Spencer updated the commissioners on the conditional use permit violation at the dry silage site on the south end of town.

Meeting adjourned at 8:03PM.



Planning Department

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To: Planning Commission
From: Clinton Spencer, City Planner *CS*
Subject: Final Plat – Cimmaron Terrace
Date: March 1, 2016

Mark Zoller has submitted a final plat for Cimmaron Terrace Phase 1. The proposed PUD is located on approximately 64 acres of land on the south side of E Theater Lane, east of the Pheasant Run Subdivision and north of E Elm Ave. The property is described as 4N 28 02D Tax Lots 400, 500 and 600. The applicant proposes as part of Phase 1 to create 78 lots each sized between 1,934 and 4,212 square feet. The property is zoned Multi Family Residential (R-3).

The applicant proposes to develop this subdivision as a planned unit development due to the need for several variations from the city's development code. PUDs are governed by §157.110 through §157.120 of the Hermiston Code of Ordinances. The applicant obtained approval from the planning commission in 2010 for the development. The planning commission reviewed the preliminary plan in February 2010 and the final plan in May 2010 in accordance with the PUD provisions in 157.117 of the Hermiston Zoning Ordinance.

Chapter 154: Subdivisions

§154.46 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 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 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. **Shown as required**
- (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**

Conditions from Preliminary Plat Approval

- 1) Applicant shall dedicate to the city the 7.09 acre wetland area to the city for park purposes. As requested by the Parks and Recreation Department, the applicant shall install the following improvements on the park site prior to city acceptance of the park:
 - a. Utility stubs (water, sewer, and electricity) to the property.
 - b. A natural surface trail loop (department will work with developer to establish route).
 - c. Entrance paving and four paved parking spaces.
 - d. Simple kiosk (department will provide plans).

The park dedication is not part of the Phase 1 development.

- 2) Applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has been satisfied and signs the final plat. **The applicant shall meet this condition of approval. The necessary signature block for the irrigation district is included on the final plat.**
- 3) Applicant must sign a developer's agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for each phase of the Cimmaron Terrace development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer. **The developer has signed an agreement with the city. Installation and construction of public improvements continues on the site. The developer anticipates completion of the public improvements before the next planning commission meeting.**
- 4) Streetlights shall also be installed at the applicant's cost. Once installed, the City will assume the monthly service charges. **Streetlights have been installed.**
- 5) Per Section 157.164(E) of the Hermiston Code of Ordinances, where it has been determined that the extension of public facilities is required, all costs related to such extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development. **Public facilities, in the form of water, sewer, and storm drainage facilities have been installed at the developer's cost.**
- 6) Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. **No facilities which will require the outdoor storage of hazardous chemicals and/or underground storage of fuel is proposed for the development.**
- 7) The applicant will be required to completely pave E Theater Lane with two travel lanes of paving from the western boundary of the development to NE 10th Street when Phase IV as shown on the preliminary map is completed. Curbing, drainage and sidewalks will be required for the development frontage of Theater Lane only and will not be required off-site or on the north side of Theater Lane. **The majority of the E Theater Lane paving will be completed at Phase IV of the development. Infill paving of E Theater Lane adjacent to Phase I of the development has been completed.**
- 8) Each of the lots in the Alora Heights pressure zone shall be required to pay \$309.50 at the time of connection to water and sewer services. This money shall be used to fund future improvements to the Alora Heights booster station which operates near capacity. **All of the dwellings in Phase I will be within the Alora Heights pressure zone. The city will collect this fee for each dwelling constructed in this phase.**

- 9) A portion of the development site is too low to adequately gravity flow to the sewer service in E Oregon Avenue. Therefore, the developer will be required to either construct a second sewer line to service this portion of the development or construct a sewer pump station for service. **This condition is not applicable to Phase I of the development.**
- 10) Sidewalks shall be installed along all new and existing street frontages within the development and along the southern boundary of E Theater Lane adjacent to the development. **The applicant will install sidewalks concurrent with each dwelling constructed in this phase.**
- 11) The developer will install all necessary facilities to prevent the collection of surface water in any low spot and to adequately maintain all stormwater on-site. **The applicant has met this approval condition relative to the public improvements for Phase I.**
- 12) The developer shall be responsible for obtaining access for NE 9th Street onto E Elm Avenue from the Oregon Department of Transportation. This shall include all required access permits from the State of Oregon as well as all necessary right-of-way acquisition from affected property owners. **This condition is not applicable to Phase I.**
- 13) The off-site portion of NE 9th Street between the development and E Elm Avenue shall be improved with paving only. Curbs and sidewalks are not necessary for the off-site portion. **This condition is not applicable to Phase I.**
- 14) All utilities shall be extended to the eastern property boundary to be available for future extensions in accordance with §157.164(E) of the Hermiston Code of Ordinances. **This condition is not applicable to Phase I.**
- 15) The developer shall dedicate 5 feet of right-of-way to E Theater Lane, bringing the south half of the right-of-way to 25 feet from centerline. **The final plat correctly dedicates five feet of right of way to E Theater Lane.**
- 16) At such time that 80 dwellings are constructed outside the Alora pressure zone, the developer will be responsible for constructing a second water connection to provide redundancy to the development. **This condition is not applicable to Phase I.**

Staff Recommendation

Staff has reviewed the final plat and determined it is prepared in accordance with all final plat requirements. Staff recommends the planning commission approve the final plat subject to the following conditions:

- 1) Applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that the City of Hermiston will not sign the

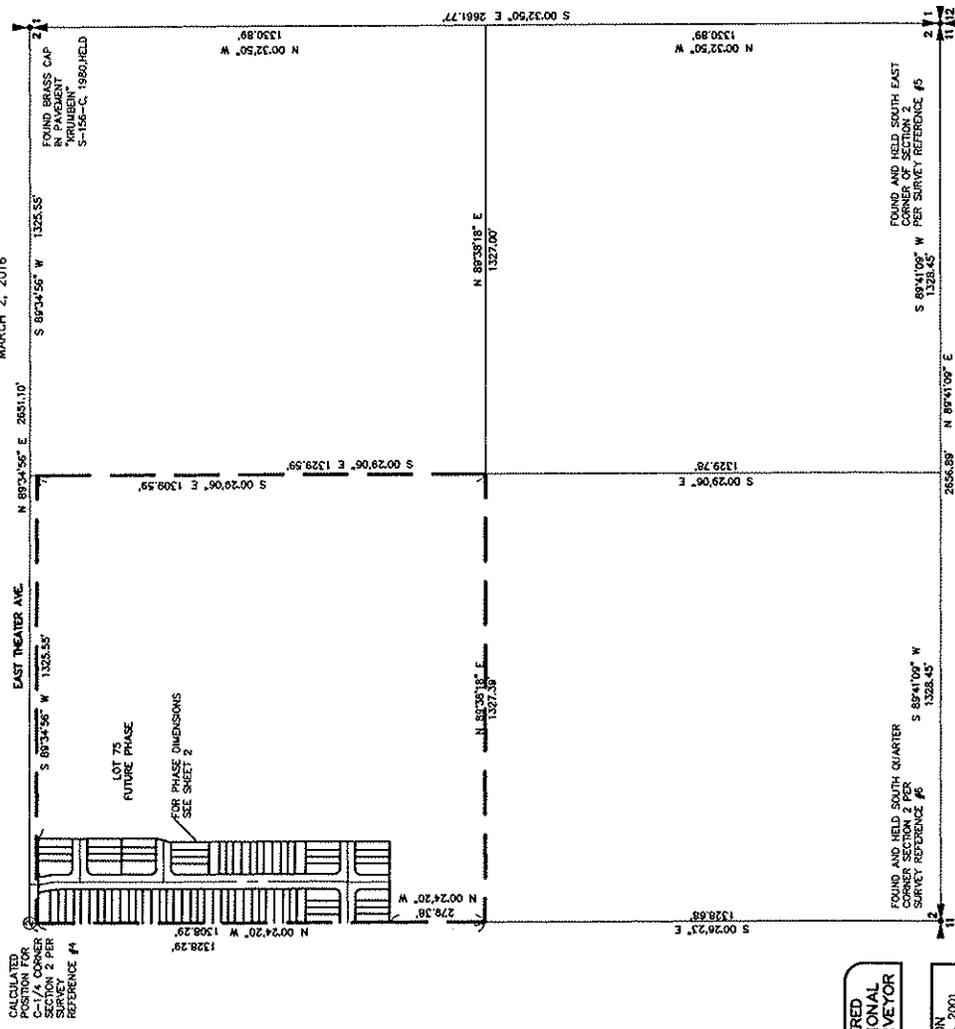
- final plat until the Hermiston Irrigation District has been satisfied and signs the final plat.
- 2) Applicant must sign a developer's agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for each phase of the Cimmaron Terrace development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.
 - 3) Streetlights shall also be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.
 - 4) Per Section 157.164(E) of the Hermiston Code of Ordinances, where it has been determined that the extension of public facilities is required, all costs related to such extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.
 - 5) Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
 - 6) The applicant will be required to completely pave E Theater Lane with two travel lanes of paving from the western boundary of the development to NE 10th Street when Phase IV as shown on the preliminary map is completed. Curbing, drainage and sidewalks will be required for the development frontage of Theater Lane only and will not be required off-site or on the north side of Theater Lane.
 - 7) Each of the lots in the Alora Heights pressure zone shall be required to pay \$309.50 at the time of connection to water and sewer services. This money shall be used to fund future improvements to the Alora Heights booster station which operates near capacity.
 - 8) Sidewalks shall be installed along all new and existing street frontages within the development and along the southern boundary of E Theater Lane adjacent to the development.
 - 9) The developer will install all necessary facilities to prevent the collection of surface water in any low spot and to adequately maintain all stormwater on-site.
 - 10) The developer shall dedicate 5 feet of right-of-way to E Theater Lane, bringing the south half of the right-of-way to 25 feet from centerline.
 - 11) At such time that 80 dwellings are constructed outside the Alora pressure zone, the developer will be responsible for constructing a second water connection to provide redundancy to the development.

PREPARED BY: MINSTER AND GLAESER SURVEYING, INC.
 6303 BURDEN BLVD., SUITE E, PASCO, WA 99301, (509) 544-7882

PLAT OF CIMMARON TERRACE PHASE 1

LOCATED IN A PORTION OF THE NW
 1/4 OF THE SE 1/4
 OF SECTION 2, T 4 N, R 28 E, W.M.
 CITY OF HERMISTON
 UMATILLA COUNTY, OREGON
 MARCH 2, 2016

LEGAL DESCRIPTION:
 TRACT 1: THE WEST 330 FEET OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH,
 SECTION 2, TOWNSHIP 4 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA
 COUNTY, OREGON.
 EXCEPTING THEREFROM ANY AND ALL WATER RIGHTS OF WAY AND ROADS.
 TRACT 2: NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH,
 RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON, EXCEPTING THEREFROM
 THE WEST 330 FEET THEREOF.



SURVEY REFERENCE
 1) PACTHON PLAT NO. 2004-02
 2) PHEASANT RUN-PHASE FIVE BOOK 14 PAGE 37
 3) PHEASANT RUN-PHASE SIX BOOK 14 PAGE 38
 4) PHEASANT RUN-PHASE SEVEN BOOK 14 PAGE 39
 5) LEWIS SURVEY BOOK 14 PAGE 01-8
 6) PHEASANT RUN PHASE 1 BOOK 13 PAGE 138

SURVEYOR'S CERTIFICATE
 I, KEVIN L. BETHJE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND
 SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH
 THIS PLAT THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE
 DESCRIBED HEREIN.

KEVIN L. BETHJE PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 35437.
 DATED _____

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JANUARY 9, 2001
 KEVIN L. BETHJE
 35437
 Expires 12-31-2017

MINSTER AND GLAESER SURVEYING, INC. MAKES NO WARRANTIES AS TO MATTERS OF
 UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUISITION, ESTOPPEL, ETC.

CERTIFICATE OF OWNERSHIP AND DEDICATION:
 WE, HANES-ZOLLER JOINT VENTURE, A PARTNERSHIP OF
 AND R.C. HANES LIMITED PARTNERSHIP OWNER OF THE TRACT OF LAND DESCRIBED ON THE
 ACCOMPANYING PLAT, DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE
 ESTABLISHED AND ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF CIMMARON
 TERRACE PHASE 1.

SIGNATURE _____ DATE _____

ACKNOWLEDGEMENT:

COUNTY OF _____
 STATE OF _____
 THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ 2016, HANES-ZOLLER JOINT VENTURE
 PERSONALLY APPEARED BEFORE ME, AND BEING DULY SWORN, ACKNOWLEDGED TO ME
 THAT HE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF, I HAVE
 SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE OF NOTARY PUBLIC _____ DATE _____

PRINTED NAME _____
 MY APPOINTMENT EXPIRES _____

UMATILLA COUNTY SURVEYOR:
 I, _____ UMATILLA CO. SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED
 THE RECORDS OF THE UMATILLA COUNTY SURVEYOR'S OFFICE AND THE RECORDS
 WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE
 APPROVE SAID PLAT FOR THE APPROVAL OF THE COUNTY COMMISSIONERS OF UMATILLA
 COUNTY, OREGON, DATED THIS _____ DAY OF _____, 2016.

UMATILLA COUNTY SURVEYOR _____

CITY OF HERMISTON APPROVALS
 WE CERTIFY THAT WE HAVE EXAMINED AND APPROVED THE PLAT OF
 CIMMARON ESTATES PHASE 1.

CITY OF HERMISTON PLANNING COMMISSION _____ DATE _____

CITY OF HERMISTON MAYOR _____ DATE _____

UMATILLA COUNTY COMMISSIONERS:
 THE UMATILLA COUNTY COMMISSIONERS HAVE EXAMINED THE RECORDS OF THE
 RECORDS IN THE "RECORD OF TOWN PLATS" OF UMATILLA COUNTY, OREGON, BY THE
 UNDERSIGNED BY ITS ORDER, DATED THIS _____ DAY OF _____, 2016.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____

ASSESSOR AND TAX COLLECTOR:
 WE, THE ASSESSOR AND TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY
 THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE
 ASSASSOR'S PLAT AND HAVE DETERMINED THAT THE LAND COVERED BY SAID PLAT
 ASSESSMENTS THAT COULD CONSTITUTE A LIEN ON SAID LAND HAVE BEEN PAID FOR AND WE
 HEREBY APPROVE SAID PLAT.
 DATED THIS _____ DAY OF _____, 2016

COUNTY ASSESSOR _____ COUNTY TAX COLLECTOR _____

HERMISTON IRRIGATION DISTRICT
 THIS PLAT HAS BEEN HEREBY EXAMINED AND APPROVED.
 DATED THIS _____ DAY OF _____, 2016

HERMISTON IRRIGATION DISTRICT _____ TITLE _____

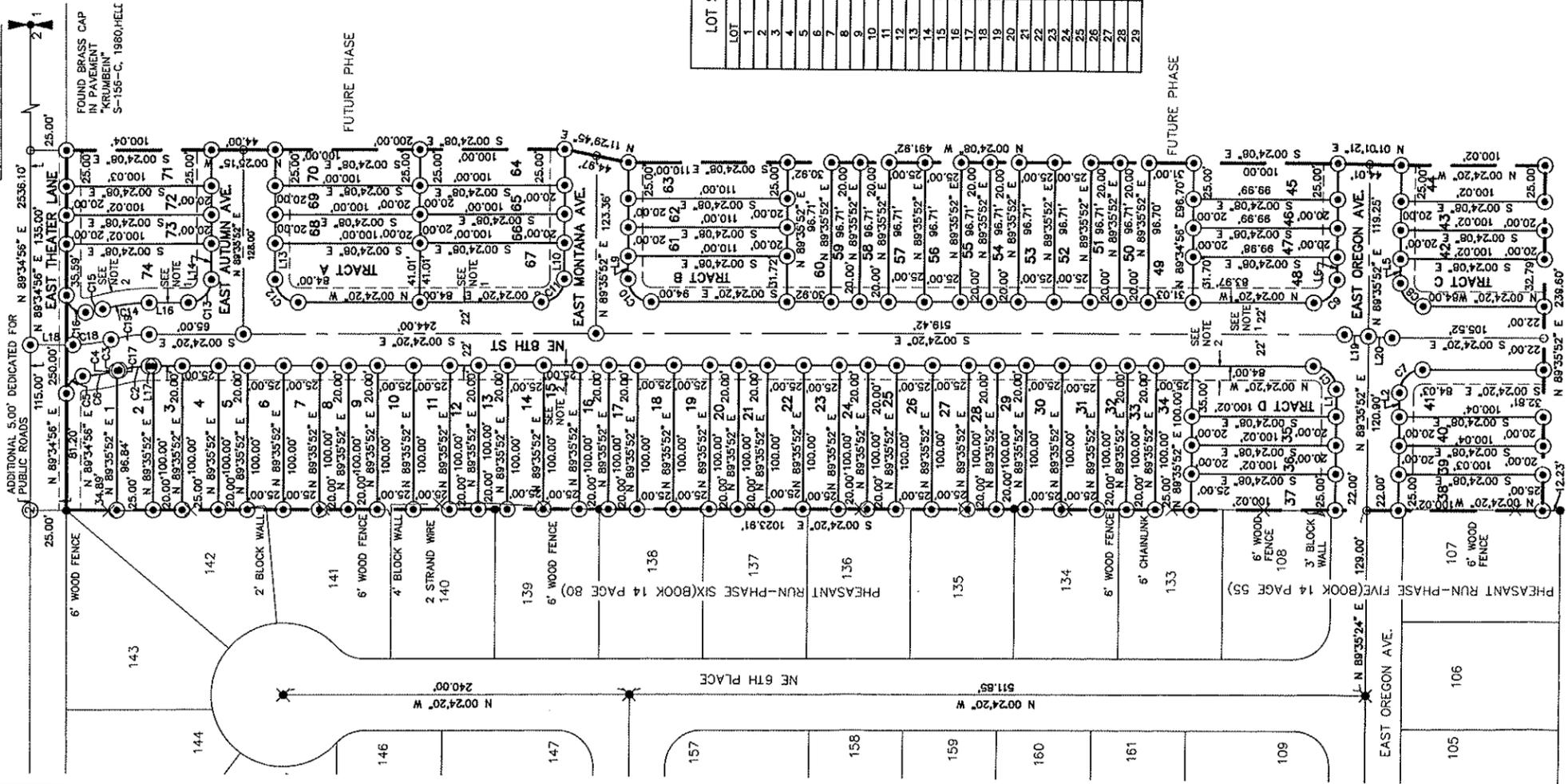
PREPARED BY: MINISTER AND GLAESER SURVEYING, INC.
 5303 BORDEN BLVD., SUITE E, PASCO, WA 99301, (509) 544-7802

CALCULATED POSITION FOR
 1/4 CORNER SECTION 2 PER
 PHEASANT RUN PHASE SIX
 BOOK 14 PAGE 80

20' RIGHT OF WAY CALCULATED
 PER SURVEY REFERENCE #1

PLAT OF CIMMARON TERRACE PHASE 1

LOCATED IN A PORTION OF THE NW
 1/4 OF THE SE 1/4
 OF SECTION 2, T 4 N, R 28 E, W.M.
 CITY OF HERMISTON
 UMATILLA COUNTY, OREGON
 MARCH 2, 2016



LINE	BEARING	DISTANCE
L1	N 89°35'52" E	19.00'
L2	N 89°35'52" E	16.80'
L3	N 89°35'52" E	16.80'
L6	N 89°35'52" E	15.69'
L9	N 89°35'52" E	15.72'
L10	N 89°35'52" E	25.00'
L13	N 89°35'52" W	25.00'
L14	S 89°35'52" W	25.00'
L16	N 00°24'20" W	27.00'
L17	N 00°24'20" W	2.92'
L18	S 02°24'31" W	29.54'
L19	S 03°24'31" W	16.54'
L20	S 03°24'31" W	16.54'

CURVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.
C1	16.00'	90°00'12"	25.13'	N 44°35'46" E	22.63'
C2	76.00'	15°12'01"	20.89'	N 08°00'21" W	20.63'
C3	122.00'	0°47'11"	1.67'	S 15°12'46" E	1.67'
C4	122.00'	11°13'26"	23.80'	S 08°12'27" E	23.86'
C5	12.00'	86°49'20"	18.18'	N 47°00'24" W	16.48'
C7	122.00'	11°13'26"	23.80'	S 09°12'27" E	23.86'
C8	16.00'	89°39'48"	25.13'	S 45°24'14" E	22.63'
C9	16.00'	90°00'12"	25.13'	S 44°35'46" W	22.63'
C10	16.00'	89°39'48"	25.13'	N 45°24'14" W	22.63'
C11	16.00'	90°00'12"	25.13'	N 44°35'46" E	22.63'
C12	16.00'	89°39'48"	25.13'	S 45°24'14" E	22.63'
C13	16.00'	90°00'12"	25.13'	N 44°35'46" E	22.63'
C14	122.00'	15°12'01"	32.37'	N 08°00'21" W	32.27'
C15	76.00'	8°43'33"	11.88'	S 11°14'35" E	11.87'
C16	12.00'	96°27'44"	20.20'	S 41°21'04" W	17.90'
C17	122.00'	0°47'11"	1.67'	S 15°12'46" E	1.67'
C18	100.00'	15°12'26"	26.54'	S 08°00'21" E	26.46'
C19	100.00'	15°12'14"	26.54'	N 08°00'27" W	26.46'

LOT	SQ. FT.
1	3295
2	2477
3	2000
4	2500
5	2000
6	2500
7	2000
8	2000
9	2500
10	2500
11	2000
12	2500
13	2000
14	2500
15	2500
16	2000
17	2000
18	2500
19	2500
20	2000
21	2000
22	2500
23	2500
24	2000
25	2000
26	2500
27	2500
28	2000
29	2000

LOT	SQ. FT.
30	2500
31	2477
32	2000
33	2000
34	2500
35	2000
36	2000
37	2500
38	2500
39	2000
40	2000
41	3227
42	2000
43	2000
44	2500
45	2500
46	2000
47	2000
48	3114
49	2999
50	1934
51	1934
52	2418
53	2418
54	2418
55	2418
56	2418
57	2418
58	2418
59	2418

LOT	SQ. FT.
60	2990
61	2200
62	2200
63	2760
64	2500
65	2000
66	2000
67	4046
68	2000
69	2000
70	2500
71	2500
72	2001
73	2000
74	4212
TRACT A	4046
TRACT B	3434
TRACT C	3726
TRACT D	3445

SURVEYOR'S CERTIFICATE
 KEVIN L. BETHJE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

KEVIN L. BETHJE PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437.
 DATED _____



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 9, 2001
 KEVIN L. BETHJE
 55437

Expires 12-31-2017



- SURVEY REFERENCE**
- PARTITION PLAT NO. 2004-02
 - PHEASANT RUN-PHASE FOUR BOOK 14 PAGE 37
 - PHEASANT RUN-PHASE FIVE BOOK 14 PAGE 55
 - PHEASANT RUN-PHASE SIX BOOK 14 PAGE 80
 - LEWIS SURVEY BOOK 14 PAGE 01-B
 - PHEASANT RUN PHASE 1 BOOK 13 PAGE 135

- NOTES**
- 44' RIGHT OF WAY DEDICATED TO THE CITY OF HERMISTON
 - 10' PUBLIC UTILITY EASEMENT
 - TRACTS A,B,C, AND D ARE FOR PARKING AND STORM WATER SWALES AND WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
- INDICATES SET 5/8" X 30" IRON REBAR WITH YPC STAMPED: "BETHJE 38490"
- INDICATES FOUND 5/8" IRON ROD YPC STAMPED "LS 02817" HELD PER SR #3 AND 4
- INDICATES FOUND PK IN ASPHALT PER SURVEY REFERENCE 3 AND 4 HELD
- INDICATES CALCULATED POSITION NOTHING FOUND OR SET

MINISTER AND GLAESER SURVEYING, INC. MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUESCENCE, ESTOPPEL, ETC.