

HERMISTON PLANNING COMMISSION

Regular Meeting

May 11, 2016

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

Minutes

Minutes of the April 13, 2016 Planning Commission meeting were unanimously approved.

New Business

The planning commission is holding a hearing to consider a request for a major variance. The request must be approved by the planning commission subject to the criteria established in §155.50 of the Hermiston Code of Ordinances. The applicant wishes to obtain a variance from §155.35 (C) of the Hermiston Code of Ordinances which establishes location requirements and an 8 foot height limit of free standing signs in a R-1 Single Family Residential zone. The applicant is requesting that the City allow a sign 14 feet 8 inches in height be placed on the property. The property is described as 4N 28 15BA Tax Lot 901 and is located at 855 W Highland Ave. The applicant is Hermiston Seventh Day Adventist Church.

Chairman Saylor asked if any commissioners had a conflict of interest. Commissioner Flaiz stepped down. Chairman Saylor read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the variance are contained in §155.50 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.

City Planner Spencer presented the staff report, stating that Finding # 8 should be removed and #9 renumbered to #8.

Findings of Fact

1. The property is approximately 300 feet in width on a minor arterial. The higher sign height will grant greater visibility.
2. There are several similar signs on other properties in low density residential zones which exceed the height limitation.
3. The applicant has noted that West Park Elementary, First Christian Church, and the Hermiston High School are all within 1000 feet of the proposed sign, within a low density residential zone, and already have signs in excess of 8 feet in height.
4. In addition to the signs in relatively close proximity, noted in Finding #4, Rocky Heights Elementary, Sandstone Middle School, Armand Larive Middle School, and Desert View Elementary also have signs in excess of 8 feet in height.
5. The extra height will keep the LED messages out of the sightline of drivers approaching the sign at night, creating a safer driver environment.
6. Allowing extra height for the sign will better protect the investment in the sign by preventing it from being slapped or vandalized by passing pedestrians.
7. Placing the sign at a higher height will prevent children from hiding behind it during VBS activities during the summer.
8. The applicant received a permit to build a sign at 14 feet in height but later had to modify the design at the direction of the building department.

Staff Recommendation

The planning commission may choose to approve or deny the variance requested by the Seventh Day Adventist Church. The applicant notes that several other property owners have signs as high or higher than the proposed sign and they wish to exercise a similar property right. Should the planning commission choose to approve the variance request, staff recommends the following condition be placed upon the placement and operation of the sign:

1. The Planning Commission will review operation of the sign at the November 9, 2016 Planning Commission meeting to consider usage restrictions.

Testimony

Proponents: Louis Hanson 2110 S HWY 395 Hermiston- Mr. Hanson reviewed the timeline of applying for the permit and installing the sign. He feels the conditions are too subjective.

Opponents: None present.

Chairman Saylor closed the hearing at 7:25pm.

Commissioner Hamm moved and Commissioner Erz seconded to approve the findings as amended. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Hamm seconded to approve the Variance application subject to the revised condition of approval. Motion passed unanimously.

Commissioner Flaiz returned to her seat.

New Business

City staff requests that the planning commission interpret an ambiguous portion of the sign code in Chapter 155 of the municipal code. City Planner Spencer presented the staff report. A citizen complaint was received for sign posts placed on property at 699 W. Joseph Ave in November of 2015. In April of 2016, a sign was installed that was estimated 14 square feet in area. A second complaint was received regarding the size of the sign. The City wrote a letter to the property owner informing them of the sign code. In reading the sign code it was noted that Residential Identification Sign was exempt from the sign code. The property owner requested the definition of a Residential Identification Sign. There is no definition in the code. If the erected sign meets this definition than it is a legal sign. If it is determined the sign is not exempt, then the owner will need to apply for a variance.

Commissioners discussed the intent of the original language in the sign ordinance. Commissioner Doherty moved and Commissioner Caplinger seconded that the sign is not an exempt residential identification sign under 155.17 (J). Motion passed with Commissioner Rebman and Commissioner Flaiz opposing the motion.

Planner Comments and Unscheduled Communications

A five to seven member board for festival street design will be needed in July.

The EOTEC open house is Friday, May 13.

Meeting adjourned at 8:05PM.



Where Life is Sweet

Planning Department

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Hermiston, OR 97838
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planning@hermiston.or.us

To: Planning Commission
From: Clinton Spencer, City Planner
Subject: Conditional Use and Variance Request – 255 NE 2nd Street - City of Hermiston
Date: June 1, 2016

Background

The City of Hermiston has received a Community Development Block Grant (CDBG) to construct a new senior center on land located at 255 NE 2nd Street. The existing senior center is located at 435 W Orchard Ave. The existing senior center is part of the Umatilla County Fairgrounds and must be relocated concurrently with the relocation of the fairgrounds to facilities off E Airport Road. The existing senior center is not a city operated facility but does provide a broad public service which the city wishes to support and encourage. In order to further support and encourage the provision of this service, the city has pledged financial support to the relocation of the senior center and sponsored the application for the CDBG which will further fund the new construction.

The city contracted with Ascent Architecture to assist with the design of the facility, outreach, preparation of construction drawings, and preparation of bid documents.



Figure 1 Vicinity Map

The area proposed for the construction of the new senior center (hereinafter referred to as the “Harkenrider Center” as designated by the city council) sits upon land previously occupied by Armand Larive Middle School. The school district retains ownership of the building site. The city will lease the property from the school district for thirty years. The two lots providing parking for the center are in city ownership. The parking lots do not require conditional use permits or variances to be used for parking purposes but are included in the application for noticing purposes and to provide the required minimum parking for the Harkenrider Center.

The Harkenrider Center as proposed is an 11,000 square foot, two-story building. The building will have a footprint of 7,200 square feet. The main floor will be constructed at street grade for NE 2nd Street and encompass approximately 7,200 square feet. There will also be a 3,800 square foot daylight basement under a portion of the main floor. In order to best facilitate the safe movement of seniors from the parking lot to the building entrance, and the loading and unloading of seniors from the facility’s van, the city is proposing to partially close NE 2nd Street to traffic and build a covered loading/unloading area in the intersection of NE 2nd Street and E Ridgeway Ave. The loading/unloading area (referred to as a “*porte cochere*” on the site plan) will include a concrete refuge island in the street right-of-way. The distance from the island to the east curb line for NE 2nd Street will be 25 feet, which is adequate to provide two 12-foot travel lanes allowing for continued two-way traffic flow. The city engineer has reviewed the design and determined it will function safely with the following amendments:

- Narrow the concrete island by about 4 feet so that you have two 12 foot travel lanes and a 2-foot shoulder on each side.
- Striping on both the north and south ends of the island to delineate the traffic flow; yield markings on the south end and median/lane split markings on the north
- Delineate the on-street parking spaces so that it is clear where no parking is allowed
- Additional signage should be added

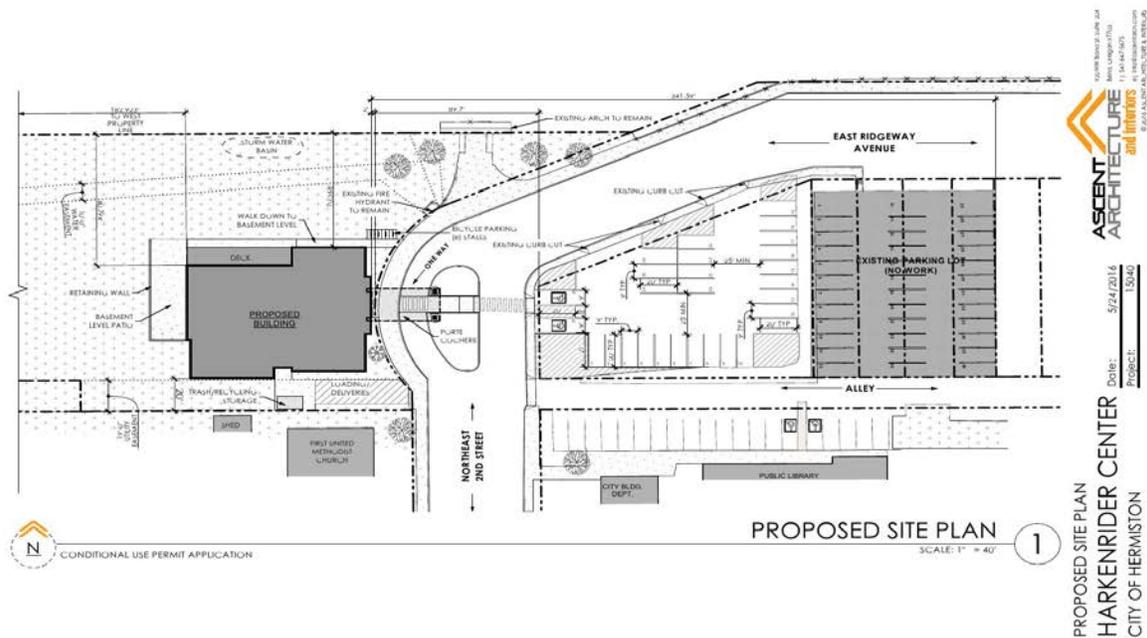


Figure 2 Site Plan

The site plan indicates a planned loading and delivery area adjacent to the south wall of the building. However, no driveway is shown for this entrance. Staff recommends the planning commission require a driveway to be shown and constructed for the delivery dock.

Parking will be located on the east side of NE 2nd Street and encompass existing parking previously used by the old Armand Larive Middle School and the public parking lot north of the public library. The public library and building department are both located within the Downtown Commercial Overlay zone and may use the public parking lots on the south side of E Gladys and on-street parking which leaves the existing parking south of E Ridgeway Ave to be reallocated to the Harkenrider Center.

Calculating the required parking for the Harkenrider Center involves interpreting the city's parking standards in §157.175. The building will have a mix of uses but is closest to a church (one space per four seats), auditorium (one space per four seats), or club/lodge (combined spaces to meet the requirements of each use). Based upon the rated occupancy of the building calculated by the building official, the Harkenrider Center can accommodate 250 people in the main hall. If 250 people can use the facility during a major event, then it is reasonable to calculate the parking requirement as one space per four rated occupants or $250/4$ or 62.5 as the minimum parking requirement. Sixty-four spaces are provided across NE 2nd Street in the existing city lots with some restriping required. Per §157.178(E) of the Hermiston Code of Ordinances, required off-street parking spaces may be located off the development site but must be within 500 feet of the use. All of the required parking is proposed to be located within 500 feet of the development site. The planning commission may wish to discuss the provisions of §157.179(B) which requires parking areas adjacent to residential uses to be screened with a sight obscuring fence. To meet the strict application of this provision, a six foot sight obscuring fence should be installed between the east line of the upper parking lot and the adjacent apartments. However, the location of the apartment building directly on the lot line would effectively block all west facing windows from any use. Staff recommends the planning commission waive this requirement.

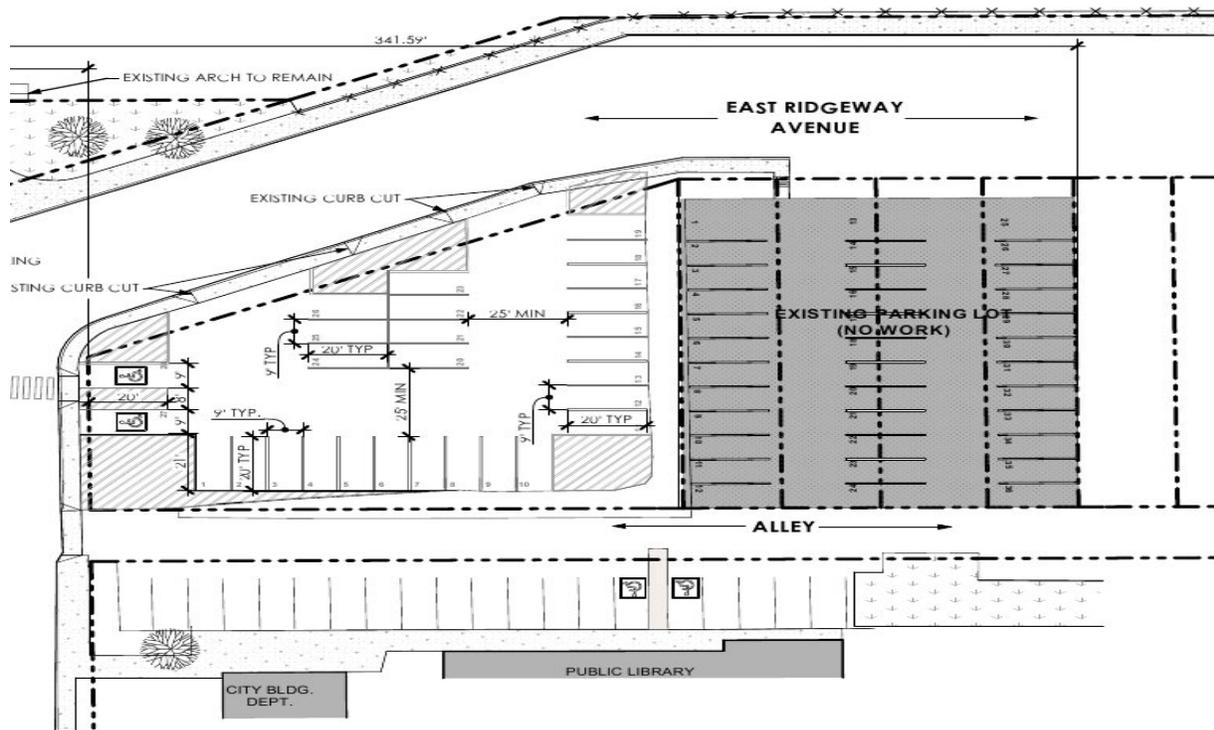


Figure 3 Parking Lot Layout

The property proposed for the Harkenrider Center building lies within the city’s Duplex Residential (R-2) zone. Per §157.026(B)(1) of the Hermiston Code of Ordinances, a community building is a conditional use in the R-2 zone. A senior center itself is not a defined use in the zoning code, but a senior center encompasses many of the uses served by a community building and is considered a similar use. As a conditional use, a community building must receive approval from the planning commission subject to the provisions of the city’s conditional use permit standards in §157.205 through §157.210.

The proposed Harkenrider Center will be built two feet from the property line shared with NE 2nd Street. Approval of the building in this location requires a variance from §157.026(D)(1) which establishes the minimum front yard setback of 20 feet. The proposed Harkenrider Center also has a proposed *porte cochere* referred to as a “loading/unloading area” in the staff report which extends into the right-of-way for NE 2nd Street. Construction of the loading/unloading area over the right-of-way requires a variance from §157.137 which establishes that buildings projections may extend no more than 2 feet into a required yard or open space. Variances to development standards must be approved by the planning commission subject to the variance provisions contained in §157.225 of the Hermiston Code of Ordinances.

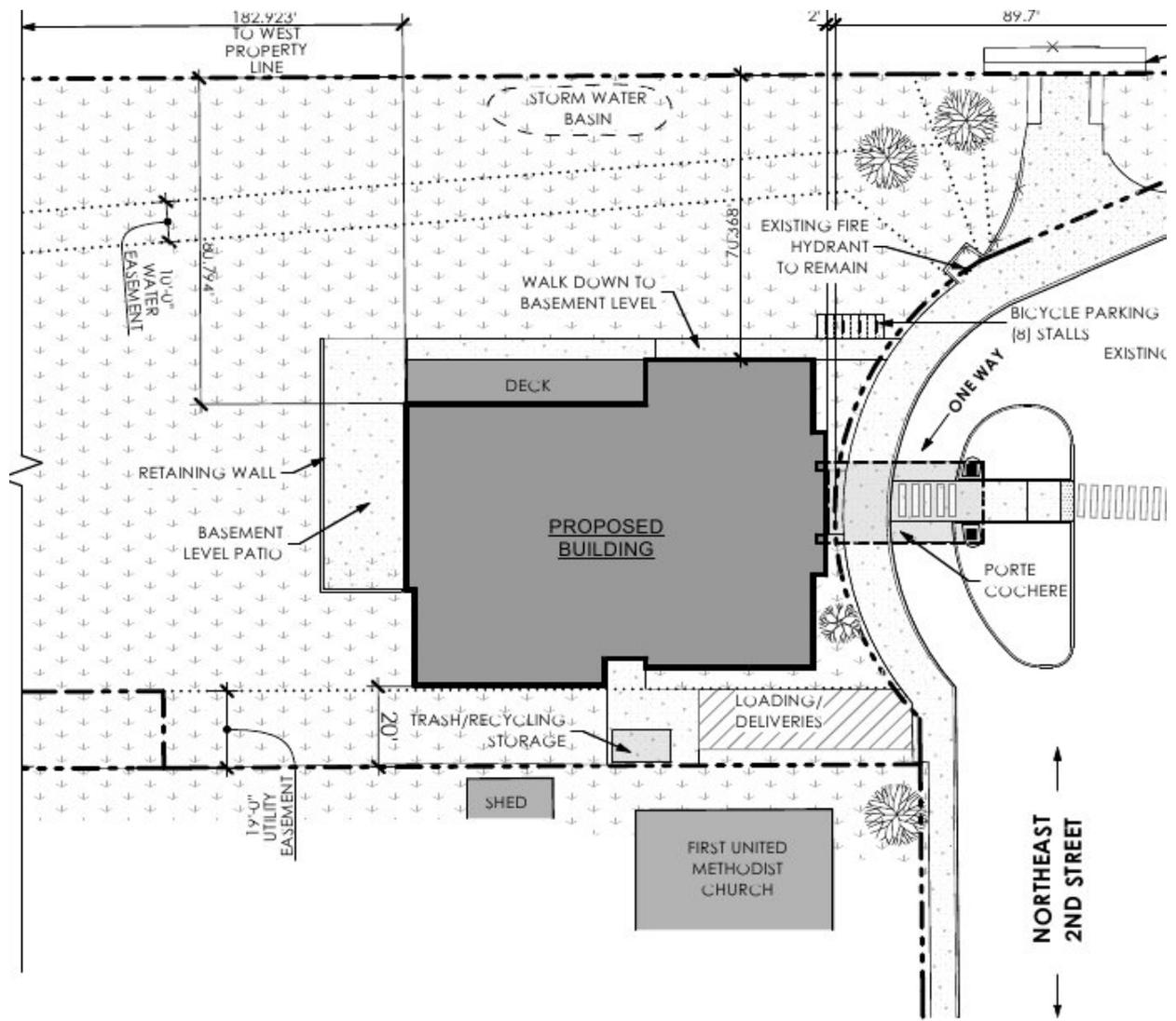


Figure 4 Building Layout

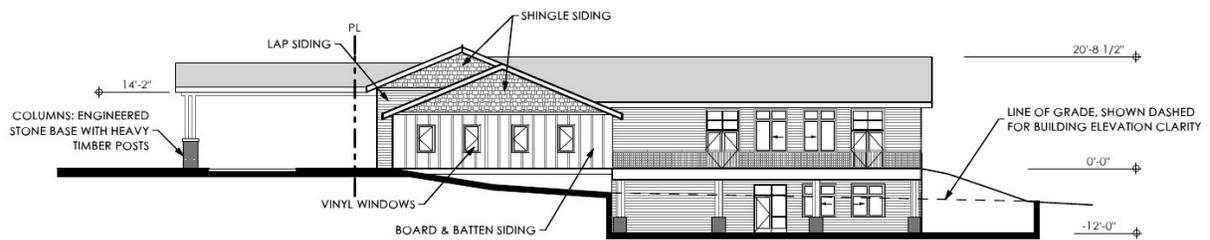


Figure 5 Elevation Showing Encroachment into Right-of-Way

There are additional parking lot and street improvements planned for the site which are not directly tied to the conditional use permit but are included in this report for the planning commission's reference. The parking lot improvements will be part of the planned municipal parking lot upgrades in the urban renewal plan. The planned festival street on NE 2nd Street between E Main and E Gladys will also extend north an extra half block to the senior center entrance. Money for planning and design work is budgeted for the 2016-17 fiscal year. Construction is planned for the 2017-18 fiscal year. The city has committed \$200,000 for parking lot upgrades and the remaining funds will be from urban renewal dollars through a bond issuance. The enhanced parking lot and street design will add several features to enhance safety. A cul-de-sac will be added for better circulation to the *porte cochere*. Removable bollards will close the street to daily through traffic but allow continued fire and life safety access. Additional parking will be added on the street. Street curbs will be reconstructed and relocated to narrow the street width, slowing traffic. Additional crosswalks will be installed. New landscaping will be added. These improvements are not necessary for the minimum code requirements for the Harkenrider Center, but will provide a better community facility as funds become available outside the CDBG funding window.

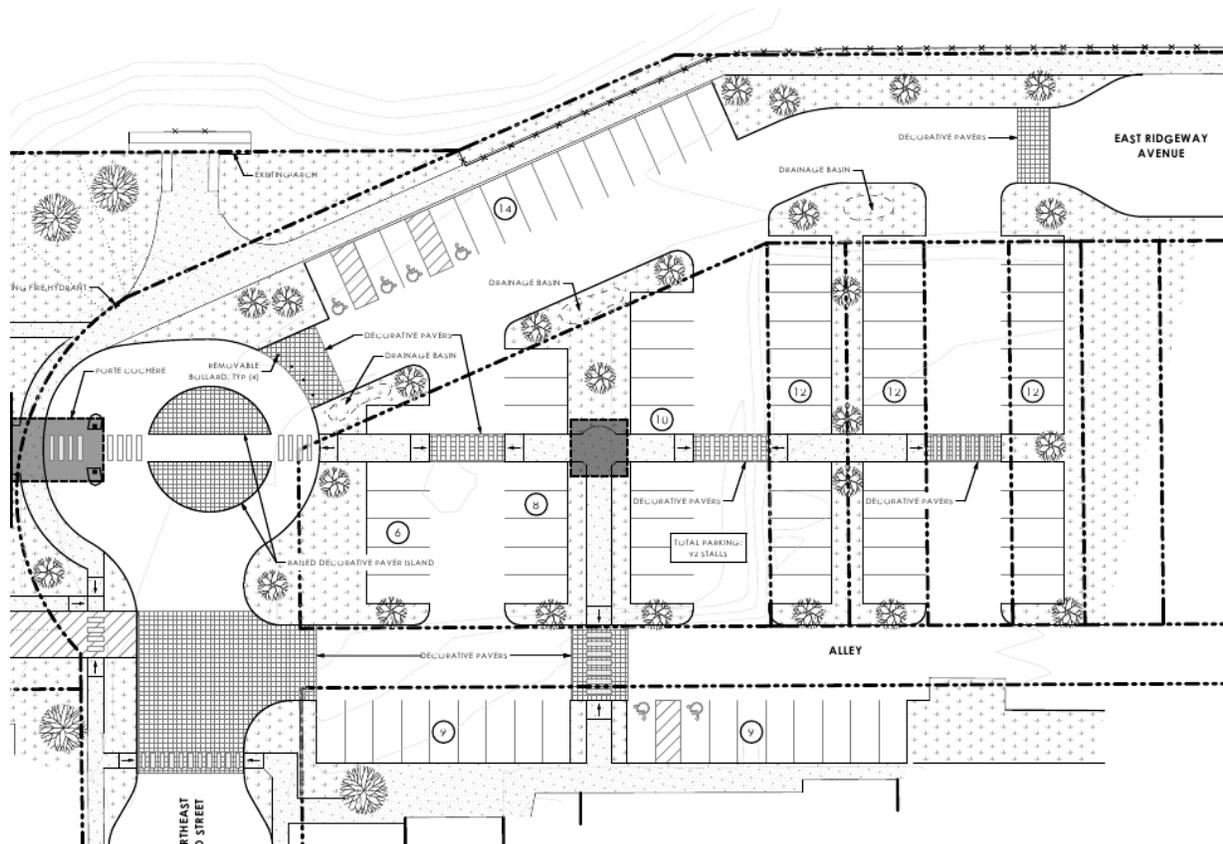


Figure 6 Parking Lot Enhancements

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

- Notice of public hearing published in Hermiston Herald on May 25, 2016
- Notice of proposed land use action posted on property on May 25, 2016
- Notice of public hearing provided by direct mail to all property owners within 300 feet on May 25, 2016

Requirements For Granting a Conditional Use Permit

§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.

In granting a conditional use permit, 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.

Requirements For Granting a Variance

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development patterns or policy.
4. It is impossible to maintain the zoning ordinance and at the same time, build, erect or use the structure.

5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

The granting or denial of a conditional use permit or variance 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.

Findings of Fact

Ascent Architecture has prepared findings of fact supporting the conditional use permit and variance requests. The full burden of proof is attached to this report. The burden of proof for the conditional use permit, containing six pages of evidence and findings prepared by Ascent Architecture is attached as Exhibit A. The burden of proof for the two variance requests, containing three pages of evidence and findings prepared by Ascent Architecture is attached as Exhibit B. Staff recommends the planning commission review the findings and consider any public testimony submitted as part of the hearing. The planning commission may wish to amend the findings as needed

Draft Conditions of Approval

1. The lower parking lot shall be striped as shown on the site plan prior to occupancy.
2. The site plan shall be revised to show the access and curb cut design for the loading/delivery area adjacent to the south wall of the building.
3. The design for the concrete island and NE 2nd Street around the *porte cochere* shall be amended as follows:
 - Narrow the concrete island by 4 feet so that there are two 12 foot travel lanes and a 2-foot shoulder on each side.
 - Striping on both the north and south ends of the island to delineate the traffic flow; yield markings on the south end and median/lane split markings on the north
 - Delineate the on-street parking spaces so that it is clear where no parking is allowed
 - Additional signage shall be added
4. The city shall comply with §92.12 of the Hermiston Code of Ordinances which relates to the control of blowing dust, during all phases of construction.
5. All stormwater shall be retained on-site in drainage areas as shown on the site plan.
6. Bicycle parking shall be installed in accordance with §157.150(L) of the Hermiston Code of Ordinances.
7. All signage shall comply with Chapter 155 of the Hermiston Code of Ordinances.
8. The applicant shall work with the Fire Marshall prior to issuance of a building permit. No building permit shall be issued until the Fire Marshall has approved the site plan.
9. Landscaping shall be installed in all areas as shown on the site plan. Final determination of specific plantings shall be submitted to the city prior to occupancy.
10. A security plan shall be submitted to the city police department for review and comment prior to issuance of a building permit.
11. Exterior site and parking lot lighting shall be designed to avoid interference with adjacent properties.

Staff Recommendation

Staff recommends that the planning commission consider the design of the Harkenrider Center, the public testimony presented at the hearing, and the evidence presented by Ascent Architecture and Parks and Recreation staff. After the consideration of the evidence, staff recommends that the planning commission make the following motions:

1. Approve the findings of fact as prepared by Ascent Architecture for the conditional use permit and variance requests.
2. Approve a variance from the 20 foot front yard setback requirement in the R-2 zone and approving a two foot front yard setback.
3. Approve a variance from the two foot yard encroachment allowance and allow the construction of a *porte cochere* or covered loading/unloading area within the right-of-way for NE 2nd Street.
4. Approve a conditional use permit for the construction of a new senior center at 255 NE 2nd Street subject to the conditions of approval.

EXHIBIT A
CONDITIONAL USE FINDINGS OF FACT



920 NW Bond Street, Suite 204
Bend, OR 97701
Office 541-647-5675
Fax 888-883-8549

collaborate >> create >> elevate

BURDEN OF PROOF STATEMENT

Owner/Applicant:

Larry Fetter
City of Hermiston Parks & Recreation
180 NE 2nd Street
Hermiston, OR 97838

Agent for Owner/Applicant:

Krista Appleby
Ascent Architecture & Interiors
920 NW Bond Street, #204
Bend, Oregon 97703

Property Owner(s) Name:

Hermiston School District 8R
305 SW 11th Street.
Hermiston, OR 97838

City of Hermiston
180 NE 2nd Street
Hermiston, OR 97838

Assessor's Map No.

4N2811BC: Tax Lots 13900 & 13901
4N2811CB: Tax Lot 1700

Summary of Request to Allow:

Conditional Use Permit for construction of a new community building in the Low Density Residential Zone R-2 (157.026.B). A Major Variance is also submitted to the requirements for the front yard setback requirement of 20-feet (157.026.D) and to the building projection requirement of no architectural feature projecting more than 2-feet into a required yard (157.137).

Applicable Criteria for Decision:

Hermiston Title XV Land Usage; Chapter 157 – Zoning

Hermiston Title XV Land Usage; Chapter 157.026 – Duplex Residential Zone (R-2)

Hermiston Title XV Land Usage; Chapter 157.137 – Building Projections

Hermiston Title XV Land Usage; Chapter 157.160 – Development Standards

Hermiston Title XV Land Usage; Chapter 157.175 – Off-Street Parking Requirements

Hermiston Title XV Land Usage; Chapter 157.208– CUP Approval Criteria

Hermiston Title XV Land Usage; Chapter 157.210– Standards for Conditional Uses

Hermiston Title XV Land Usage; Chapter 157.225 – Variances

Narrative and Proposed Findings:

Location: xxx NE 2nd Street, Hermiston, Oregon 97838

Zoning: The property for the proposed building is zoned Duplex Residential (R-2). The associated parking is located in the adjacent property, which is zoned Central Commercial Zone (C-1).

Description of site: The site of the proposed improvements is the southern, grassy area of the Hermiston School District’s Sunset Elementary School site. The R-2 site is approximately 51,727 sf in area. The site is located between Hwy 395 to the West, the Sunset Elementary School play field to the North, the intersection of NE 2nd Street and E Ridgeway Avenue to the East and the First United Methodist Church property to the South.

157.026.B Conditional Uses Permitted.

The applicant is requesting approval for an activity center, which is permitted as a conditional use in the R-2 zone subject to the requirements of 157.205 through 157.210. The applicant is further requesting a major variance to the front yard setback to reduce the requirement to 2’-0” and to the building projections requirements to allow a porte-cochere to project from the East face of the proposed building into the public right-of-way.

157.208 – Conditional Use Permit Approval Criteria

(1) The proposal is in conformance with the Comprehensive Plan and Zoning Code.

Response: The building site is currently zoned R-2 and is designated Low Density Residential (R-1 & R-2) on the 2013 Comprehensive Plan Map. The parking site is currently zoned C-1 and is designated Commercial (C-1 & C-2) on the 2013 Comprehensive Plan Map. The proposed project is permitted as a conditional use in both the Comprehensive Plan and the current Zoning Code.

Summary of Conformance | R-2 Zoning Standards (157.026)

<i>R-2 Zoning Code Standard</i>	<i>Minimum Requirement</i>	<i>Provided</i>
<i>157.026 (C) - Lot Size</i>		
<i>Minimum Lot Area</i>	<i>7,500 sf for single family</i>	<i>~ 51,727 sf</i>
<i>Minimum Lot Depth</i>	<i>80 feet</i>	<i>~ 300 feet</i>
<i>Minimum Lot Width</i>	<i>60 feet</i>	<i>~ 170 feet</i>
<i>157.026 (D) - Setbacks</i>		
<i>Front Yard</i>	<i>Base Requirement: 20 feet minimum 157.210 (A) Setback Standards for Condition Use: 2/3 the height of the structure – see Section 157.210 below</i>	<i>4 feet</i>
<i>Side Yard</i>	<i>Base Requirement: 7 feet minimum 157.210 (A) Setback Standards for Condition Use: 2/3 the height of the structure – see Section 157.210 below</i>	<i>North: 70 feet South: 20 feet</i>
<i>Rear Yard</i>	<i>Base Requirement: 10 feet minimum + 1 foot for every foot, or fraction thereof above 15 feet in building height up to a maximum setback of 25 feet 157.210 (A) Setback Standards for Condition Use: 2/3 the height of the structure – see Section 157.210 below</i>	<i>183 feet</i>
<i>157.026 (E) Height</i>	<i>35 feet maximum</i>	<i>22'-7"</i>
<i>157.026 (F) Lot Coverage</i>	<i>35% maximum</i>	<i>~ 7,745 sf / 15%</i>

Summary of Conformance | Transportation Improvements, Standards & Procedures

157.150 (C) Notice and Coordinated Review. *If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provide to the Oregon Department of Transportation (ODOT) and Umatilla County.*

- **Response:** Project is bordered by Highway 395 to the West. Applicant does not propose any vehicular access from Highway 395. Applicant will notify AHJs upon completion of Conditional Use Permitting process.

157.150 (E) Traffic Impact Study. *The applicant for a zone change, or a development or subdivision to the Development Standards of 157.160 et.seq, shall submit a traffic study when the proposal affects a transportation facility if it:*

- (1) *Changes the functional classification of an existing or planned transportation facility;*
- (2) *Changes standards implementing a functional classification system;*

(3) Allows types of levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or
(4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation Plan.

- **Response:** A TIS is not required because the specific conditions listed above do not apply to this project. The existing street infrastructure is classified as a local residential street. The proposed development will not change this classification. Two-way emergency vehicle access is maintained in the proposed development.

157.150 (L) Internal Connections and Bicycle Parking: *Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. Bicycle parking shall be provided for new commercial, office, institutional and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of 6 feet in length, two feet in width and have an overhead clearance of 6 feet. Bicycle parking spaces should be located as near as possible to the building entrances used by automobile occupants.*

- **Response:** On-site pedestrian walkways connect to the existing off-site sidewalks. On-site walkways will be paved and five feet in width. Bicycle parking for eight bikes is provided near the main entrance to the proposed activity center.

Summary of Zoning Code Conformance | Off-street Parking & Loading

157.175 Off-Street Parking Requirements:

Community buildings / activity centers are not listed in the City's parking requirements. Per discussions the City Planner, applicant will use a ratio of 1 vehicle space per every 4 occupants. Occupants are based on discussion with the Building Official: 250 occupants based on the Great Hall size within the proposed building.

Calculation: $250 \text{ occupants} / 4 \text{ occs per space} = 62.5 = 63 \text{ required spaces.}$

- **Response:** Proposed Parking Spaces Provided = 64 spaces

157.177 (B) Off-Street Loading:

Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

- **Response:** The proposed activity center receives occasional food deliveries for its senior meal program. The activity center also prepares meals for deliveries to those who cannot attend the meal program in person. A loading area to handle these activities has been designed on the South side of the proposed building with access off NE 2nd Street. It is a single stall, measuring 15' x 45'.

157.178 (E) Off-Street Parking Additional Requirements – Location of Spaces:

Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

- **Response:** Proposed Parking Location = 341.5' feet from building to East edge of existing, upper parking lot.

157.179 Off-Street Design Requirements:

(A) Hard surfaces required; (B) Minimal resident disturbance; (C) Extension beyond property line prohibited; (D) Glare from lighting prohibited; (E) Access Aisles; (F) Driveways required; (G) Safety for traffic and pedestrians required.

- **Response:** Proposed off-street parking is in existing, hard-surfaced parking lots. Proposed project will re-stripe lower lot, upgrade accessible parking stalls to current code requirements and upgrade accessible route from accessible parking stalls to the activity center. All other existing conditions will remain as is.

Summary of Conformance | Standards for Conditional Use (157.210)

157.210 (A) Setbacks:

In a residential zone, front, side and rear yards shall be at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed. Height is the vertical distance of a structure measured from the average elevation of the finished grade within 20-feet of the structure to the highest point.

Calculations: Required Setbacks per Building Height:

North Elevation: 23'-2" (34'-7" * 2/3) measurement take from basement patio level

East Elevation: 15'-2" (22'-7" * 2/3)

South Elevation: 15'-2" (22'-7" * 2/3)

West Elevation: 23'-2" (34'-7" * 2/3) measurement take from basement patio level

- **Response:** Proposed Setbacks
 - North: 70'-0"
 - East: 2'-0" Variance required
 - South: 20'-0"
 - West: 183'-0"

(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.

- **Response:** The building site is ~ 51,727 sf with dimensions of approximately 170' x 300'. This is an adequate size and shape to accommodate the proposed activity center and other applicable zoning requirements.

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

- **Response:** Applicant met with Roy Bicknell, Water Superintendent, and Bill Schmittle, Recycled Water Superintendent in late May to review project and public utilities. Water and sanitary sewer services are adequate to serve the proposed activity center. If plumbing fixtures are installed in the basement level, a sewage lift station will be required to move the sanitary sewer products up to the public sanitary sewer main located along the South property line. Storm water for the building site will be handled with onsite facilities sized appropriately by the project's Civil Engineer. No changes will be made to the existing parking lot storm water system.

(4) *The proposed use will prove reasonably compatible with surrounding properties.*

- **Response:** The proposed activity center is reasonably compatible with the surrounding properties. The subject property is immediately adjacent to the downtown commercial district. Adjacent properties include the Hermiston Public Library, Sunset Elementary School, the City of Hermiston Building Department and the First United Methodist Church. The proposed activity center does not provide any services or activities that would be a nuisance to the surrounding properties.

EXHIBIT B
VARIANCE FINDINGS OF FACT



920 NW Bond Street, Suite 204
Bend, OR 97701
Office 541-647-5675
Fax 888-883-8549

collaborate >> create >> elevate

MAJOR VARIANCE NARRATIVE

Owner/Applicant:

Larry Fetter
City of Hermiston Parks & Recreation
180 NE 2nd Street
Hermiston, OR 97838

Agent for Owner/Applicant:

Krista Appleby
Ascent Architecture & Interiors
920 NW Bond Street, #204
Bend, Oregon 97703

Property Owner(s) Name:

Hermiston School District 8R
305 SW 11th Street.
Hermiston, OR 97838

City of Hermiston
180 NE 2nd Street
Hermiston, OR 97838

Assessor's Map No.

4N2811BC: Tax Lots 13900 & 13901
4N2811CB: Tax Lot 1700

Variance Requested:

1. Reduce front setback requirement to allow the building to be located within 2'-0" of the East property line. (157.026 & 157)
2. Reduce the building projection requirements to allow the porte-cochere structure extend to and beyond the East property line. (157.137)

Major Variance Criteria:

1. *Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has not control. (Note: These exceptional circumstance should relate to the land rather than persons.)*

Response: The existing topography of the building site slopes away from the NE 2nd Street property line with an elevation change of ~6-feet below street level. The elevation change occurs within the first ~40-feet of the site, measured perpendicular to the street property line. This places the majority of the site below the street. In order to minimize the amount of fill and associated costs needed to place the main floor and covered drop-

off area at street level, the building needs to be located as close to the property line as possible and the porte-cochere needs to be located within the setback and extend over a portion of the right-of-way.

2. *Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?*

Response: Property owners generally desire their developments to be visible and have easy access to the street front. This is easily accomplished on sites that are relatively level or have a gradual slope across the entire property. The requested variance is necessary for this conditional use because of the nature of the site and project. As mentioned above, the site has a significant change in topography close the street front. The project is an activity center for seniors, which is a vital service to the community. As such, the center, and most importantly, the entry needs to be visible to the users to assist in their way finding. Seniors need easy access to the facility: minimal elevation changes to enter the building so access is easy for all users. The activity center also requires a covered drop off at the entry. Given the topography, the variance would make the development substantially similar to other property owners in the vicinity, where buildings have small setbacks.

3. *Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise detrimental to the objectives of any development pattern or policy.*

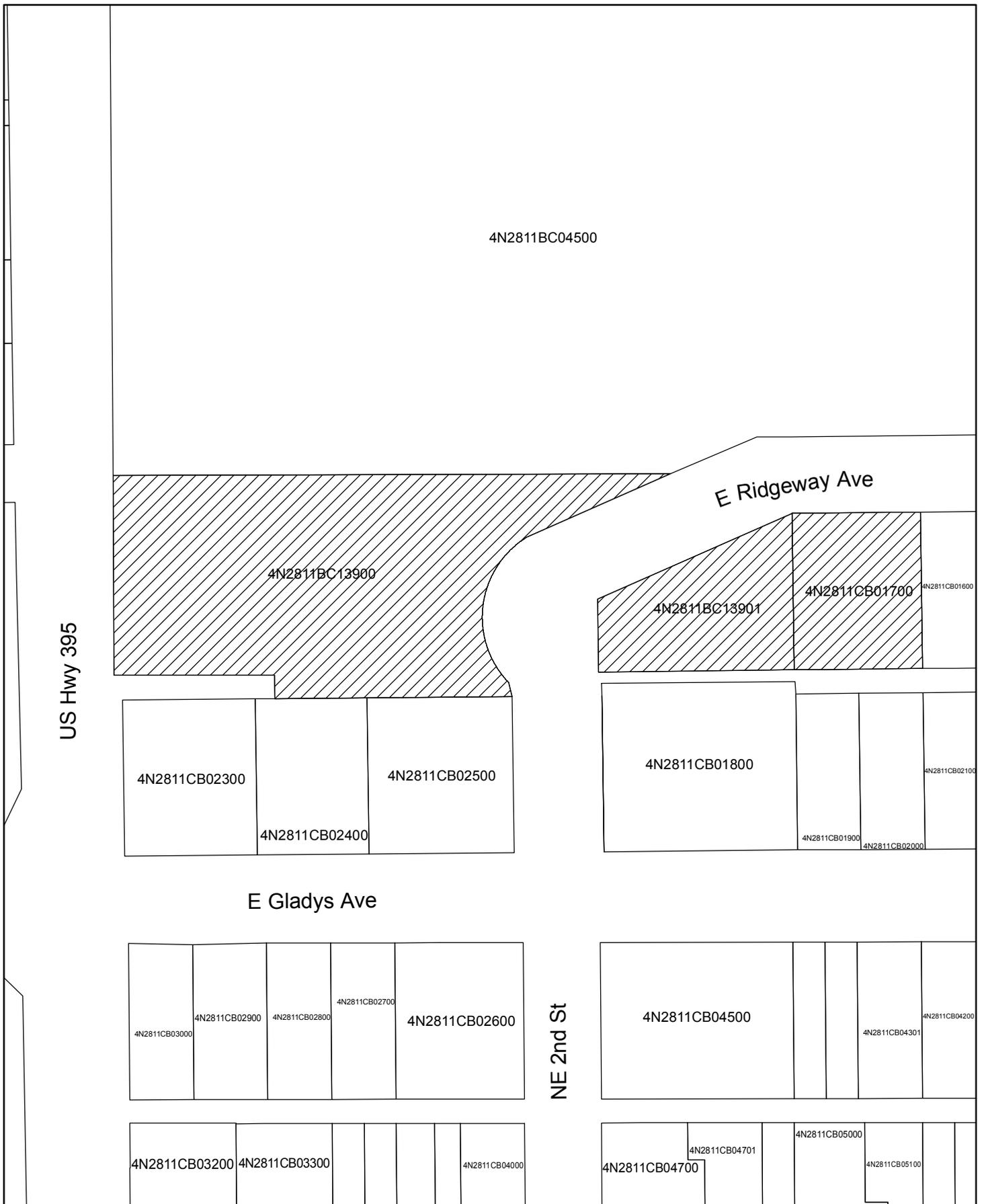
Response: The authorization of the variance would not be detrimental because it is project & site specific. The immediate vicinity does not have the typical low-density residential development pattern of single-family houses on modest lots setback from the street. The site is a large area of land in the R-2 zone that is surrounded on 3 sides (West, East & South) by commercial zones and bordered at the North by Sunset Elementary School, another conditional use within the R-2 zone. The variance request applies only to the East property line, which borders a public street and is adjacent to the C-1 zone and downtown. The C-1 zone and downtown typically do not have setback requirements, so authorization of the setback and projection variance along the East property line would not be detrimental to the objectives of the development in this area.

4. *Explain why it is impossible to maintain zoning ordinance requirements and, at the same time, build, erect or use the structure.*

Response: To maintain the zoning requirements for setbacks and building projections, the building and porte-cochere structure would need to be located 20'-0" feet from the East property line. This would place the building and covered drop-off area at an elevation roughly 4.5-feet to 5-feet below street level without a significant amount of fill to maintain the building floor elevation at street level. Without the fill, the site would require significant ramping and stair systems to get pedestrians from the sidewalk level to the building in addition to additional paving and grading to meet the requirements for vehicle access to the covered drop off area at the building entry.

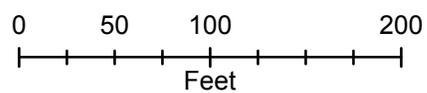
5. *Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate hardship.*

Response: At the R-2 zone required setback of 20', the elevation of the site is 4.5-feet to 5 feet below the sidewalk elevation. The topography slopes down from the street at a fairly consistent slope starting almost immediately from the back side of the sidewalk. In order to place the building within a standard development pattern of entry at street level and minimize the amount of fill required to achieve this desired result, the requested variance is the minimum needed to alleviate this hardship.



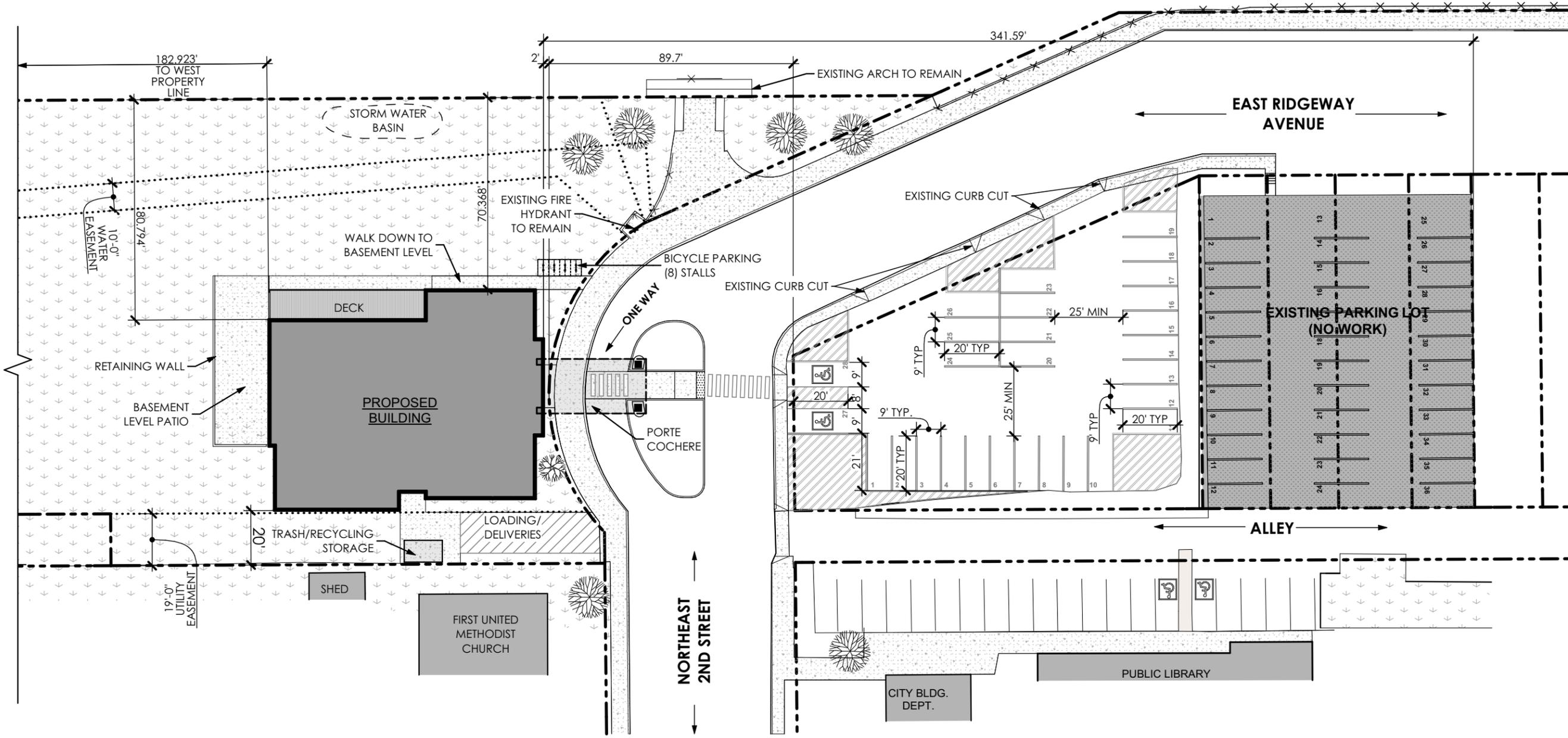
Legend

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





CONDITIONAL USE PERMIT APPLICATION



PROPOSED SITE PLAN

SCALE: 1" = 40'

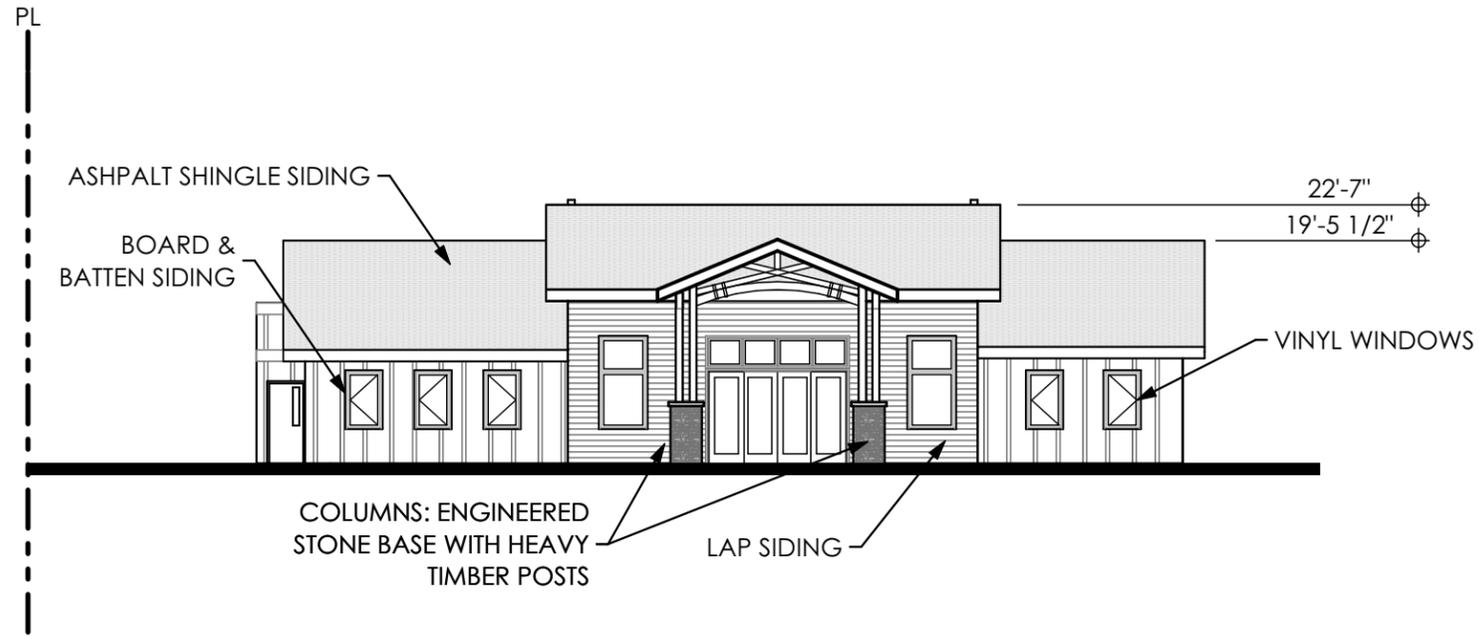
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Date: 5/24/2016
Project: 15040

PROPOSED SITE PLAN
HARKENRIDER CENTER
CITY OF HERMISTON



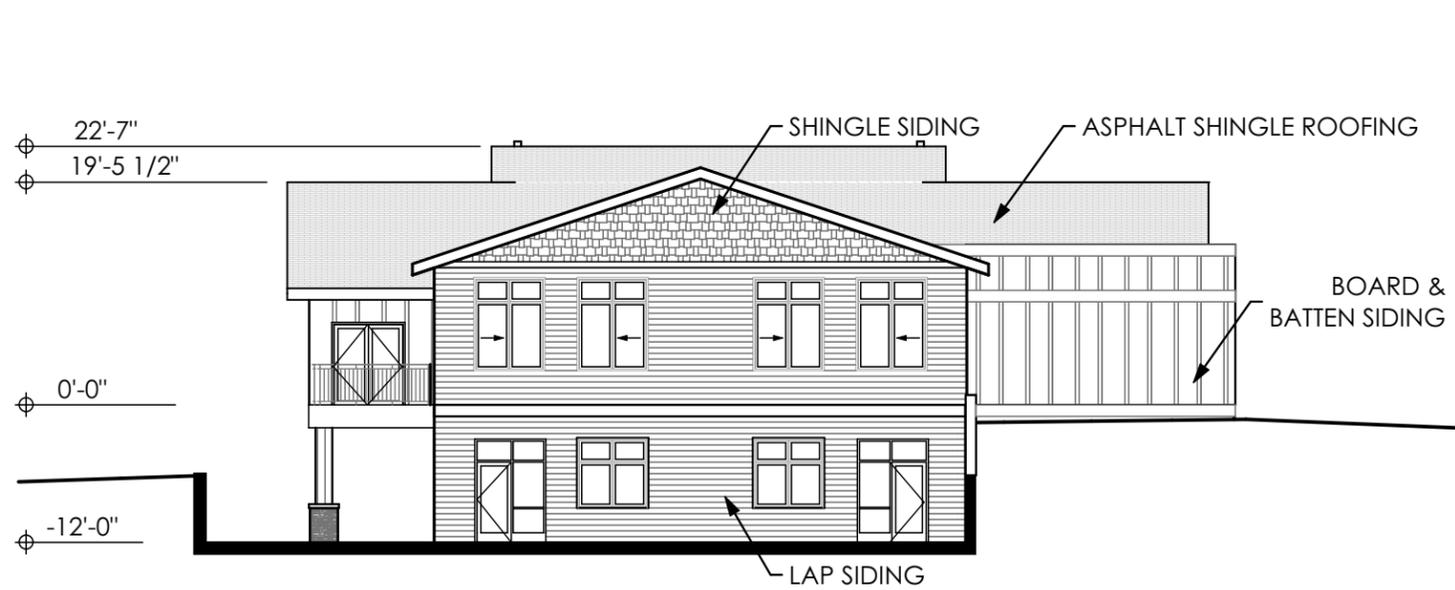


SCHEMATIC EAST ELEVATION

CONDITIONAL USE PERMIT APPLICATION

SCALE: 1/16" = 1'-0"

1

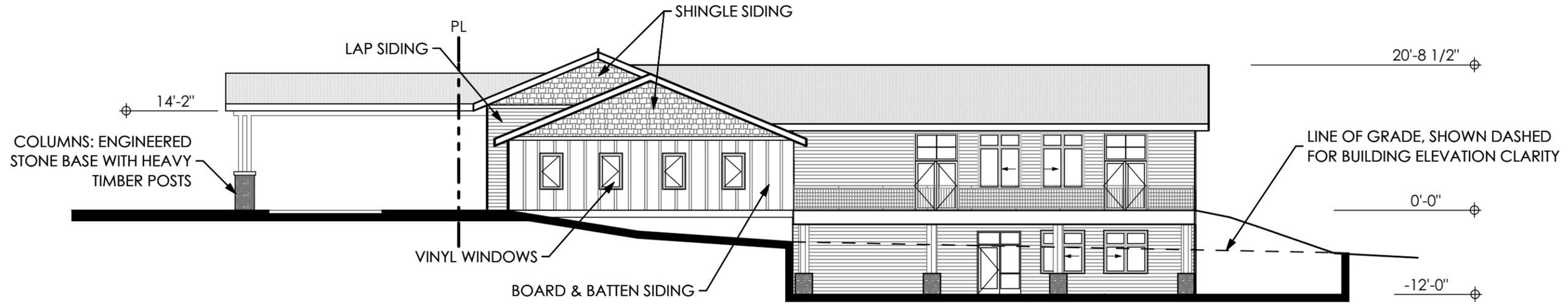


SCHEMATIC WEST ELEVATION

CONDITIONAL USE PERMIT APPLICATION

SCALE: 1/16" = 1'-0"

2

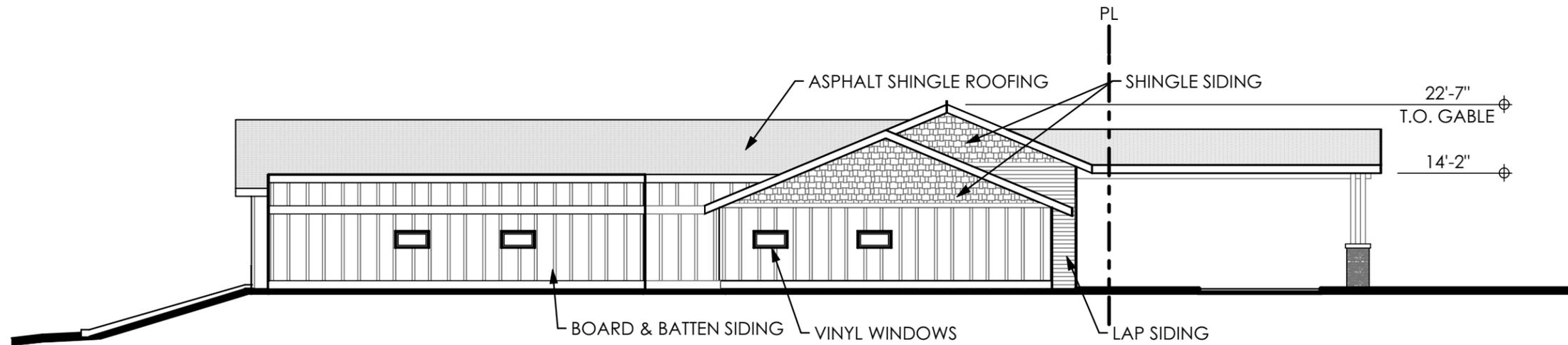


SCHEMATIC NORTH ELEVATION

CONDITIONAL USE PERMIT APPLICATION

SCALE: 1/16" = 1'-0"

3



SCHEMATIC SOUTH ELEVATION

CONDITIONAL USE PERMIT APPLICATION

SCALE: 1/16" = 1'-0"

4

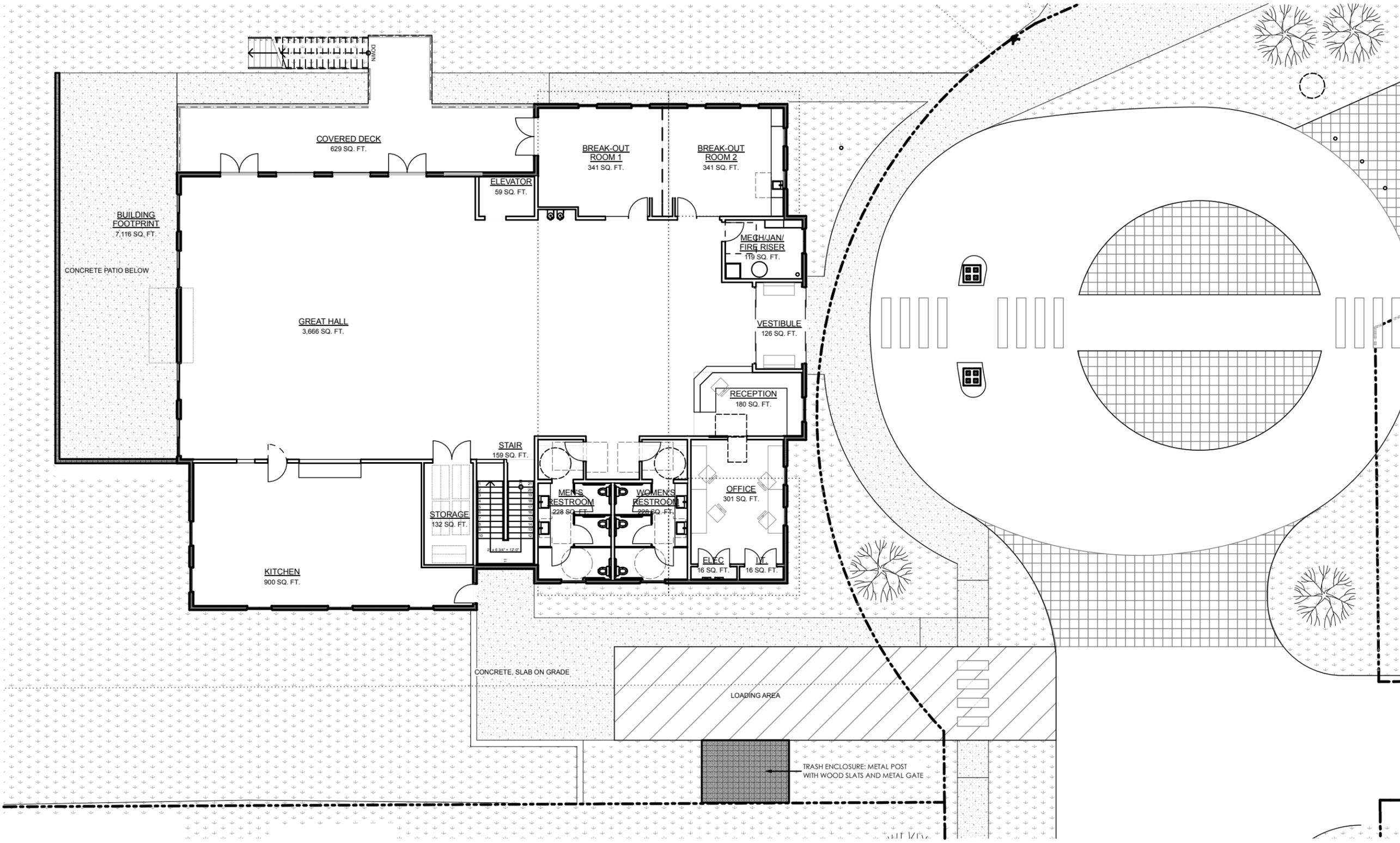
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ASCENT ARCHITECTURE
and interiors

SCHEMATIC ELEVATIONS
HARKENRIDER CENTER
 CITY OF HERMISTON

Date: 5/23/2016
 Project: 15040





REVISED SCHEMATIC FLOOR PLAN WITH SITE

SCALE: 1/16" = 1'-0"

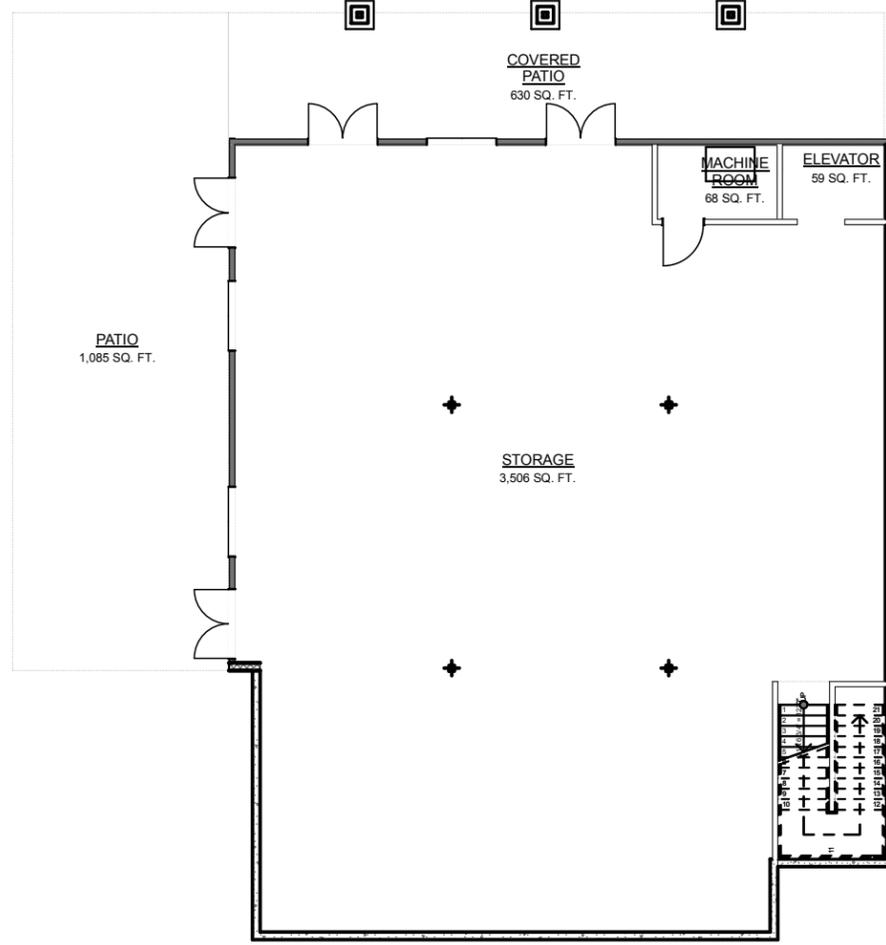
1



REVISED SCHEMATIC BASEMENT PLAN

SCALE: 1/16" = 1'-0"

1



SCHEMATIC BASEMENT PLAN
HARKENRIDER CENTER
CITY OF HERMISTON

Date: 4/7/2016
Project: 15040



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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: City of Hermiston Parks & Recreation: Larry Fetter Date: 24 May 2016
Address: 180 NE 2nd Street, Hermiston, OR 97838 Phone: 541-667-5009
(Daytime)

Property Owner(s) Name (If Different): Hermiston School District & City of Hermiston
Address: 305 SW 11th Street, Hermiston, OR 97838 Phone: 541-667-6000
(Daytime)

Legal Description of Property: Assessor's Map No: 4N2811BC/4N2811G1 Tax Lot No: 13900 & 13901
Comprehensive Plan Designation: Low Density Residential Zoning Designation: R-2 / C-1
Current Use of Property: vacant lot / parking lot

Request to Allow:

See attached document

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:

See attached document.

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:

See attached document.

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

See attached document.

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

See attached document.

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:  Date: 5-24-2016

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: 5/24/16 Received By: _____ Meeting Date: 6-8-16

Fee: \$475.00 Date Paid: _____ Receipt No: _____

CITY OF HERMISTON

APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: City of Hermiston Parks & Recreation: Larry Fetter Phone: 541-667-5009

Mailing Address: 180 NE 2nd Street, Hermiston, OR 97838

Name of Owner (If Different): Hermiston School District & City of Hermiston Phone: 541-667-6000

Mailing Address: 305 SW 11th Street, Hermiston, OR 97838

Legal Description: Assessor's Map No: 4N2811BC / 4N2811C Tax Lot No: 13900 & 13901 / 1700

Subdivision (If Applicable): _____

Please Attach a Metes and Bounds Legal Description

Street Address: xxx NE 2nd Street

Current Zoning Designation: R-2 / C-1

Variance Requested: See attached document.

IMPORTANT! Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. 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. Explain what exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

See attached document.

2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?

See attached document.

3. Explain why the authorization of the variance would not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

See attached document.

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

See attached document.

5. Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

See attached document.

ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all 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 authorized representative.

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

Signature of Application: _____

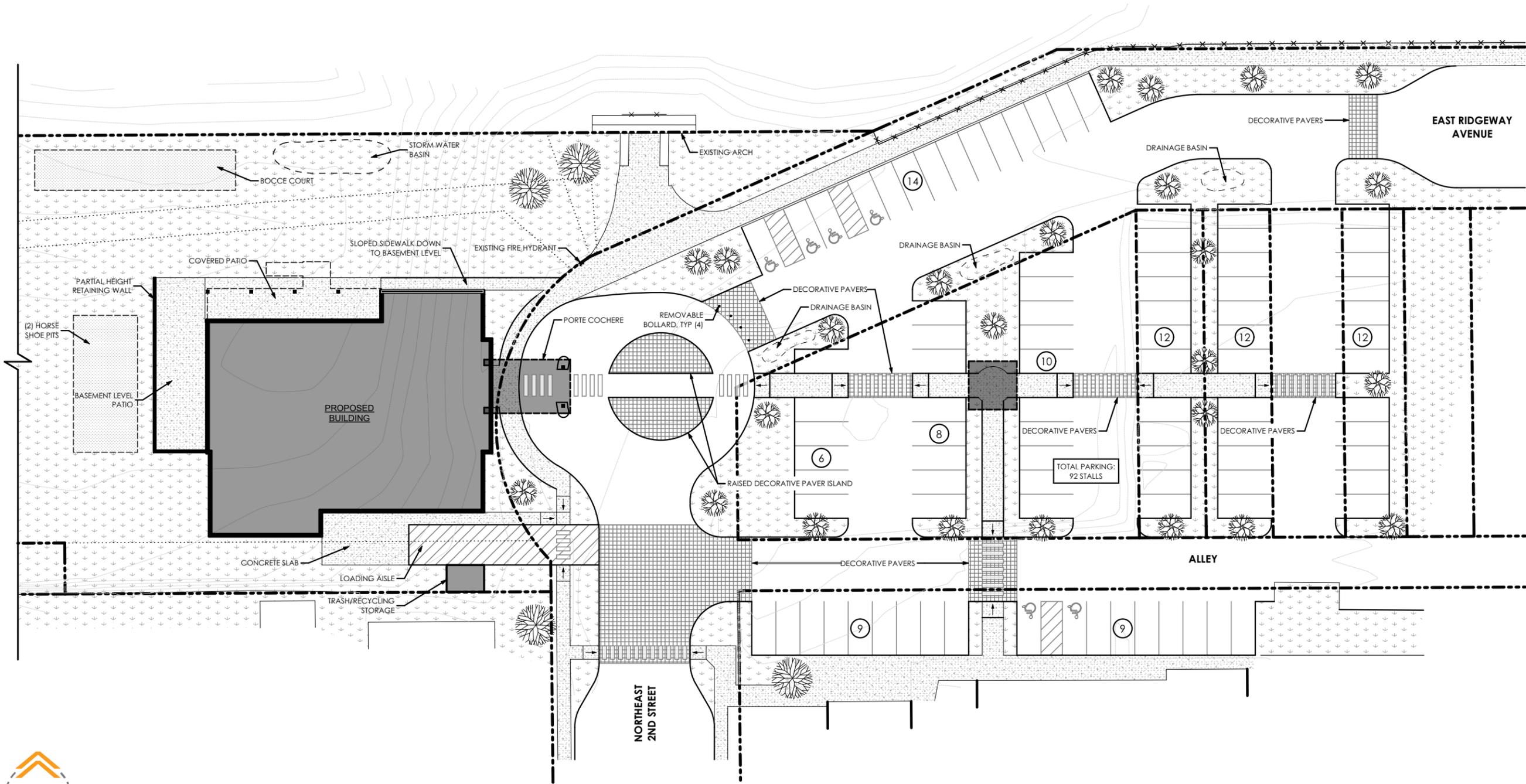
Date: 5-24-2016

OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER

NOTE: The Hermiston Planning Commission meets the second Wednesday of each 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 hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

Office Use Only

Date Filed: 5/25/16 Received By: _____ Meeting Date: 6-8-16
Fee: \$420.00 Date Paid: _____ Receipt No: _____



SCHEMATIC SITE PLAN

SCALE: 1" = 40'

1



Date: 3/15/2016
 Project: 15040

SCHEMATIC SITE PLAN HARKENRIDER CENTER CITY OF HERMISTON



**LEASE OPTION - MEMORANDUM OF UNDERSTANDING
CITY OF HERMISTON, OREGON, AND HERMISTON SCHOOL DISTRICT 8R
HARKENRIDER CENTER PROPERTY LEASE
January 25, 2016**

The purpose of this Memorandum of Understanding (MOU) is to outline general terms and conditions between Hermiston School District 8R (District) and the City of Hermiston (City) of the process for establishing a Final Agreement (Agreement) leading to a 50 year nominal lease on the District's 1+/- acre parcel [Lot 1 of Tax Lot 13900 on Map 4N 28 11 CB] known as the Ridgeway Site (Site). This MOU outlines the general responsibilities of each party leading up to the execution of the Agreement between both parties.

As a requirement of the Community Development and Block Grant (CDBG), both parties acknowledge the following:

“The recipient (City) cannot enter into any legal binding commitment to a particular site before the environmental review is complete. Refer to Chapter 3 (CDBG Management Handbook) for more information on the Environmental Review Process. However, an option agreement on a particular proposed site or property is allowable prior to completion of the environmental review IF the option agreement is subject to the determination by the recipient (City) of the desirability of the property for the project as a result of the completion of the environmental review, issuance of the Release Of Funds by the state and the cost of the option is a nominal portion of the purchase price.”

The City intends to utilize Site for the development of a new Senior Center. To establish an initial understanding of good will for negotiations, this MOU presents broad terms of the future Lease; however, the breadth and detail of final terms and conditions are to be defined and determined between the signing parties. Signature of this MOU provides assurance that it is the parties' intent that continued expenditures of City funds on this project will result in a final, usable project. Both parties acknowledge that ultimate execution of the Lease is subject to the successful completion of an environmental review and final determination of the desirability of the property for the project in addition to lease terms mutually agreed upon by both parties. The City and District are under no obligation if the property fails to meet environmental, regulatory agency, or design requirements.

District agrees to the following:

- Pursue in good faith the issuance to the City of options to lease real property for a period of 50 years at an annual cost of \$1.
- Permit the City, their agents, and certifying agencies access to the property as needed to complete necessary environmental investigations, testing, survey work, soil sampling, test pits, and other work required for preparation of the Agreement and for determination of desirability of the property.
- Negotiate in good faith a Lease including items such as the following:
 - Establish roles and responsibilities for the operation, maintenance, expenses, succession plans, and insurance terms associated with the property.
 - Consider the removal of easements relating to the alleys, roads, and water that may interfere with the development of the Site.

- Identify any potential uses of the property by the District for the duration of the Lease.
- Direct the preparation of lease documents for review and consideration.

The City agrees to the following:

- Diligently pursue completion of the environmental review and other requirements necessary for project funding.
- Coordinate with the District for access, minimize disturbance, and complete surface restoration to the same condition as reasonably possible after the completion of environmental investigations, testing, survey work, soil sampling, test pits, and other work required for preparation of an Agreement and determination of desirability of the property.
- Cover the costs of recording deeds and other documents pertaining to lessor’s needs as required.
- Negotiate in good faith a Lease including items such as the following:
 - Establish roles and responsibilities for the operation, maintenance, expenses, succession plans, and insurance terms associated with the property.
 - Potential uses of the Site by the District for the duration of the Lease.

The terms as outlined herein are agreed to by both parties. This MOU provides each party with assurance that both parties intend to follow through with their responsibilities as outlined herein.

**Byron D. Smith, City Manager
City of Hermiston, Oregon**

**Wade Smith, Deputy Superintendent
Hermiston School District 8R**

By _____

By _____

Date _____

Date 1-30-16