



# ADMINISTRATIVE REQUEST BEFORE THE CITY OF PENDLETON DECISION ORDER & FINDINGS OF FACT AND CONCLUSIONS

LAND USE APPLICATION(S): Subdivision Permit, File Number SUB18-01 (Palmer)

APPLICANT: Hal Palmer, Aaron Hoefft

PROPERTY OWNER: Hal Palmer

SITE LOCATION: 2N321600 Partition Plat 2007-20

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## ORDER OF SUBDIVISION APPROVAL

### I. NATURE OF APPLICATION

The applicant is requesting approval of a subdivision to create 100+ buildable lots and dedicate right-of-way.

### II. PUBLIC HEARINGS

In accordance with Unified Development Code Ordinance 3845, Series 2018, Article 13, Land Divisions that include dedication of public rights-of-way are subject to the Planning Commission's review and decision. In accordance with this Article, a public hearing was held on the above land use application before the City of Pendleton Planning Commission on March 22, 2018. The land use application, staff report and all public testimony submitted was made part of the record.

### III. FINDINGS OF FACT

#### A. GENERAL FACTS

- The Zone Map shows this area to be within the R-1 (Low Density Residential) zone. Residential development is allowed in the zone.
- The proposal is to subdivide an existing parcel into 100 buildable lots and construct rights-of-way.
- There is a drainage ditch on the subject property in the southwest portion of the land. It collects storm runoff from the parcel and the parcel north of the subject lot.
- Access onto the current parcel is from SW Hailey Avenue which is a Collector Street.
- The submitted Tentative Plat meets the Low Density standard criterion because it shows 116 buildable lots, which is within the R-1 density standards.
- The Tentative Plat does not indicate the average slope grade. The topography of the parent parcel is evident on the GIS mapping in that it is greater than 10%. The Tentative Plat shows all lots with a minimum lot size of 7,000 square feet and a maximum lot size of 13,850 square feet. The lot size criterion is met because no lots are below the minimum lot size with slope grades between 10% and 20%, nor are any lots greater than twice the minimum size.
- The proposed land division demonstrates a well-connected layout with cul-de-sacs because it will provide connection to SW Hailey Avenue and SW 30<sup>th</sup> Street through the construction of new rights-of-way. The layout accounts for topographical challenges and maximizes the buildable lots. Anticipated future connections to this development are reflected in the dead ends shown in the northwest section of Phase V. To account for possible future development on the land surrounding the Harris Jr Academy, staff has added a condition to extend one cul-de-sac in either Phase VI or VII. This will provide connectivity with lands north and west of this proposal.
- The Tentative Plat demonstrates maximum block lengths for residential zones. The block lengths will be a minimum of 200 feet by a maximum 802 feet (1805 foot perimeter); connectivity to SW Hailey Avenue maximizes the block length to 893 feet but provides for a maximum number of buildable lots as a response to the topography. The north most block length cannot be determined

- 40 until the lands north are platted. This block length exceeds maximum block length by 120 feet (block  
 41 length is 918 feet). Staff finds that the Tentative Plat meets the intent of the block length standards  
 42 because the topography of the parent parcel and the maximized development of the parent parcel,  
 43 given its size of 28 acres, deserve Master Plan consideration.
- 44 • The Tentative Plat provides connectivity with local streets to collectors because the Tentative Plat  
 45 demonstrates construction of local streets, public rights-of-way that will provide additional access  
 46 points for the proposed buildable lots.
  - 47 • The Tentative Plat demonstrates the construction of public rights-of-way. No development is  
 48 proposed with this application; however, because the land division includes the construction of a new  
 49 street, all access aprons serving the sites will be required to be paved as an apron to control gravel.
  - 50 • Development of the proposed buildable lots will require a minimum of two (2) street trees for each  
 51 frontage of each buildable lot.
  - 52 • The proposed development is not served by city utilities; individual utilities will be required, and those  
 53 utilities will need to be installed underground as a condition of development because Code requires  
 54 the extension of utilities for future development. The applicant/property owner shall be responsible  
 55 for contacting any and all private utilities to establish all necessary utility connections for the  
 56 individual parcels.
  - 57 • The Tentative Plat demonstrates 116 buildable lots within the Low Density Residential zone. The lot  
 58 size of each of the parcels meets the minimum lot size because the Tentative Plat demonstrates a  
 59 minimum lot size of 7,000 square feet and a maximum lot size of 13,850 square feet, and the slope  
 60 grade averages between 10% and 20%.
  - 61 • At the time of development, the City Engineer will review the grading of the site and the inclusion of  
 62 storm sewer within the development as a whole, which will provide adequate surface drainage  
 63 facilities because all new subdivisions development and street construction requires engineering  
 64 review prior to construction.
  - 65 • The parent parcel is suitable for division and suitable for development because the land within the  
 66 City Limits, neighbors developed properties, has connectivity with city streets, and has the capacity  
 67 to connect to existing utilities in the neighboring area.
  - 68 • The Tentative Plat name is not similar or the same as any other land division because the Tentative  
 69 Plat has been named "Sunset View Estates", which is not similar to any other Plat within City Limits.
  - 70 • The applicant has submitted an application for a land division with a Tentative Plat. The Tentative  
 71 Plat has been prepared by a licensed engineer, ACH Engineering. Utility extensions including storm  
 72 sewer, are not indicated on the Tentative Plat. New rights-of-way are indicated on the Tentative Plat.

74 **B. PUBLIC COMMENTS**

- 75 1. Public comments were received from B Bischke, J Wise, F Wicklander.

76 **C. CALENDAR OF EVENTS**

77 The above application was received and processed in accordance with City of Pendleton Unified  
 78 Development Code Ordinance (UDC) 3845, Series 2016, Article 13. Following is a summary of events  
 79 associated with this request:

- 80 March 1, 2018..... Application was deemed complete.
- 81 March 1, 2018..... Public Notice of the Land Division request was mailed to surrounding  
 82 property owners within two hundred fifty feet (250') of the subject property.
- 83 March 15, 2018..... Public Notice was advertised in *The East Oregonian*, advertising the March  
 84 22, 2018, Planning Commission Public Hearing.
- 85 March 22, 2018..... Planning Commission Public Hearing
- 86 April 16, 2018..... Expiration of opportunity to appeal Planning Commission decision to the  
 87 City Council.



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89 **D. ANALYSIS OF APPLICABLE STANDARDS**

90 Subdivision applications are required to satisfy the review criteria contained in the City of Pendleton  
91 Unified Development Code Ordinance 3845, Series 2016 (UDC), Article 10, as well as other applicable  
92 criteria and standards of the Unified Development Code, other City Ordinances and State law that the  
93 Planning Commission deems necessary.

94 **Criteria:**

- 95 • The land size consists of 28 acres. Tax Lot 00100 contains 28 acres. The lot has frontage along  
96 SW Hailey Avenue and SW 30<sup>th</sup> Street. The proposal is a seven phase subdivision to add over 100  
97 residential lots with new dedicated rights-of-way. A public sewer line extends off SW Hailey Avenue  
98 through the drainage area of this lot and the abutting west property. The drainage area lies in the  
99 southwest portion of the lot and collects runoff from this parcel and lands north of it. Public water  
100 and storm water lines can be accessed in SW Hailey Avenue. The layout of the subdivision was  
101 designed to take advantage of the gravity flow to the public utilities. The zone is R-1 (Low Density  
102 Residential). The neighborhood is comprised of single-family dwellings, multi-family, and a private  
103 school.
- 104 • The subject property is within a residential zone.
- 105 • R-1, Low Density Residential has a density ratio of 1 dwelling unit per acre minimum and up to nine  
106 (9) units per acre maximum. The 28 acre parcel could have a ratio between the minimum density  
107 rate of 28 buildable lots to 252 buildable lots. The Tentative Plat demonstrates 116 buildable lots.
- 108 • Minimum lot size in the R-1, Low Density Residential zone is 6,000 square feet if the slope grade is  
109 10% or less, 7,000 square feet if the slope grade is between 10% and 20%, and 9,000 square feet  
110 for any lot with a slope grade greater than 20%. The Tentative Plat demonstrates a minimum lot size  
111 of 7,000 square feet and a maximum lot size of 13,850 square feet.
- 112 • Yards are required and established through minimum setbacks. Setback requirements are: Front -  
113 15 feet for dwelling unit, 20 feet for garage; Side & Rear – 5 feet for dwelling and attached accessory  
114 structure; Side & Rear – 3 feet for unattached accessory structure; and Side – 10 feet for the side  
115 street on a corner lot. Vision Clearance standards apply in commercial zones.
- 116 • The Maximum Lot Coverage regulation for R-1, Low Density, residential zones is 35%.
- 117 • The height limit for structures within the R-1, Low Density zone is 30 feet or 2 stories. Exception is  
118 made for accessory features/spires/towers; the height limit does not apply.
- 119 • Fences are limited to six (6') feet except in the front yard and where Vision Clearance applies.
- 120 • Reconfiguring of lots need to follow a well-connected layout that provides street connections that are  
121 easily traveled by those within the neighborhood, the police and fire departments, and for utilities.  
122 Complex street patterns discourage pedestrian use, confuse drivers, increase utility costs, and  
123 create life-threatening routes with emergency response.
- 124 • Topography and surrounding development may create scenarios that require alteration of the typical  
125 grid-pattern block layout. To allow for such scenarios, the block length in Residential Districts has a  
126 block length of 100 to 800 feet, with the perimeter not to exceed 2,000 feet. Parcel arrangement  
127 must allow for frontage on all parcels with provisions for reasonable driveway access and buildable  
128 area.
- 129 • It is encouraged to create parcels that have potential access off local streets rather than collector or  
130 arterial streets. Permission for a driveway requires street improvement at the time or a condition of  
131 consent to a Local Improvement Development.
- 132 • Access onto a State Highway requires approval from the Oregon Department of Transportation.
- 133 • Street trees are required to be planted at a rate of two (2) street trees per 70 feet of linear frontage.
- 134 • Utility system extensions shall consider future development beyond the proposed land division.  
135 Utilities extended into new land division shall be installed underground.
- 6 • The R-1, Low Density Residential, zone minimum lot sizes are 6,000 square feet if the slope grade is  
7 10% or less, 7,000 square feet if the slope grade is between 10% and 20%, and 9,000 square feet



- 138 for any lot with a slope grade greater than 20%.
- 139 • Land divisions must be designed to minimize the risk of flood damage by providing building lots, at a
  - 140 minimum, outside of the floodway and if possible outside the flood fringe.
  - 141 • Creation of new lots requires extension of adequate utilities and those extensions should be
  - 142 designed to minimize contamination from same utilities during flooding.
  - 143 • All land divisions shall have adequate surface drainage facilities.
  - 144 • All land divisions require review of the existing natural vegetation, water courses, and structures to
  - 145 determine if any have a value to the community as a whole.
  - 146 • Lands determined by the Planning Commission as unsuitable may not be divided. Unsuitable is
  - 147 determined by the lands impact from easements, drainage ways, steep grades, or adverse earth
  - 148 formations.
  - 149 • Naming of a Land Division shall not be the same nor similar to any other Land Division name.
  - 150 • A Pre-Application Conference is encouraged for Land Divisions prior to application submission.
  - 151 • A tentative plat is necessary to review a land division application. The tentative plat is first approved,
  - 152 conditions placed, and all notes and conditions are reflected on the final plat.
  - 153 • Developers, those persons dividing land, are required to meet all reasonable conditions established
  - 154 by the City for such land division. Tentative plats must show enough details to afford the City the
  - 155 ability to determine if they do or do not meet the criteria for land divisions. Criteria include general
  - 156 information, vicinity map, detail map, existing conditions, explanatory information, and any
  - 157 supplementary proposals. Once the tentative plat is reviewed for compliance and conditions placed,
  - 158 and the applicant is permitted to submit the final plat, it is sub sequentially reviewed and approved.
  - 159 Once approved, the final plat may be recorded. The applicant has two years to record the plat
  - 160 without forfeiture of the plat as presented.

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162 **IV. CONCLUSIONS**

163 Based on the Findings of Fact above, the Planning Commission concluded that the application does meet

164 the requirements established in UDC Article(s) 10 and other applicable codes and Ordinances, and that the

165 evidence and testimony submitted does not prove that the proposed development will have *significant*

166 *adverse effects on the use or development of abutting properties or surrounding neighborhood*, provided

167 conditions of approval are imposed to address some compatibility concerns.

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169 **V. ORDER & CONDITIONS OF APPROVAL**

170 Approval: Based on the Findings of Fact and Conclusions above, Staff approves the Subdivision as

171 proposed for three lots and dedicated right-of-way, subject to the following conditions of approval.

- 172 1. Applicant shall construct at a minimum a ½-street city standard improvement along SW Hailey
- 173 Avenue and SW 30<sup>th</sup> Street. Improvement shall include sidewalk and catch basins.
- 174 2. All driveway access shall be via the lower classification road.
- 175 3. A second access point to either SW Hailey Avenue or SW 30<sup>th</sup> Street shall be constructed at such
- 176 time as the 35<sup>th</sup> single-family dwelling building permit is issued or Phase II is completed, whichever
- 177 occurs first.
- 178 4. At least one of the cul-de-sacs in either Phase VI or VII shall be designed so as to connect this
- 179 development with possible future development southwest of this parcel unless, at the time of either
- 180 Phase VI or VII construction (whichever phases cul-de-sac is to be extended), the Community
- 181 Development Director and the City Planner agree that extension for future development is deemed
- 182 unnecessary.
- 183 5. Infrastructure designs and drainage plan shall meet the approval of the City Engineer.
- 184 6. Density standard for this development shall not be less than 1 dwelling unit per acre nor more than 9
- 185 dwelling units per acre (minimum 28 units, maximum 252 units). 3.09.1
- 186 7. Lot sizes shall not exceed twice the minimum lot size for any one given lot as determined by



- 187 slope/grade, a minimum of 6,000 square feet and a maximum of 17,999 square feet. 3.09.2, 3.09.3
- 188 8. All lots shall abut either an existing dedicated right-of-way or a newly platted right-of-way. All access
- 189 into each lot shall be via an improved to city standard right-of-way. 3.09.7
- 190 9. Development on the subject lots shall respect the setback standards as established in Residential
- 191 zones. 3.09.8
- 192 10. Any proposed lot for a neighborhood commercial use shall be indicated on the Final Plat, and such
- 193 development shall be subject to Section 3.09.11. 3.09.11
- 194 11. Block lengths shall not exceed the 2,000 foot block perimeters and shall be a minimum of 100 foot
- 195 block lengths and maximum of 800 block lengths. 9.01
- 196 12. Lot or parcel arrangement shall consider topography in its layout such that each lot will retain a
- 197 buildable envelope. Street layout shall be at right angles to parcel lines except where topography
- 198 hampers the buildable envelope, provided that the overall density of the subdivision meets the
- 199 standards of its zone. 9.02
- 200 13. Access for the newly partitioned lots shall be from a city standard street and shall be from the lower
- 201 classification streets. Vehicular access shall be the maximum practical distance from the
- 202 intersection. 9.05.1, 9.05.4, 9.05.5
- 203 14. Site Circulation Plan showing expected traffic, its pattern/flow, and conflicts with traffic on adjacent
- 204 roads shall be reviewed and approved by the City Engineer. Plan shall also demonstrate bicycle and
- 205 pedestrian traffic connections. 9.05.6
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- 207 15. Residential driveway aprons shall not exceed 22 feet in width without approval of a variance. All
- 208 driveway aprons shall meet city standards for driveways. 9.05.10
- 209 16. Street trees shall be planted along the street frontage of all lots at a ratio of 1 street tree per 70 feet
- 210 of frontage. The trees shall have a diameter no less than 2 inches measured 12 inches above the
- 211 ground level. Applicant shall consult with the City Parks Director to determine best shade tree given
- 212 desired placement on the lot. 9.10
- 213 17. Design of all dedicated rights-of-way shall meet the approval of the City Engineer. This approval
- 214 includes but is not limited to drainage systems, utilities, connectivity, width, and pedestrian
- 215 amenities. 9.11, 9.12
- 216 18. Applicant/property owner shall provide information regarding the location of any and all existing
- 217 utilities with the final plat submittal. 9.16-9.20
- 218 19. Joint mail boxes shall be installed at a place approved by the City Engineer and US Postmaster to
- 219 serve this development. 9.13.1
- 220 20. Any detention ponds and storm water facilities serving or to serve this area for storm water control
- 221 shall be noted on the final plat. 9.14-15
- 222 21. Applicant/property owner shall provide information regarding the location of any and all existing
- 223 utilities with the final plat submittal. If city standard utilities have not been installed, the utilities shall
- 224 be installed per city standards and all utilities shall be underground. 9.16-9.20
- 225 22. An agreement between the City and developer shall be recorded with the final plat as per 9.21.5 for
- 226 improvements and repairs. 9.21.5
- 227 23. The pedestrian easement along SW Hailey Avenue shall be reflected on the plat. 10.04
- 228 24. Applicant shall observe all of the requirements outlined in UDC Section 10.06, Following Tentative
- 229 Plat Approval. 10.06
- 230 25. The Final Plat submittal shall include and meet all of the requirements outlined in UDC Section
- 231 10.07, Review of Final Plat. 10.07
- 232 26. Failure to file a complete application for a Final Plat within the two year approval period, including
- 233 submittal of all engineering Construction Documents, fees, required Consent forms and bonds or
- 234 other assurances, will cause the tentative approval to expire. 10.06

**VI. STANDARD CONDITIONS OF APPROVAL FOR LAND USE APPLICATIONS**

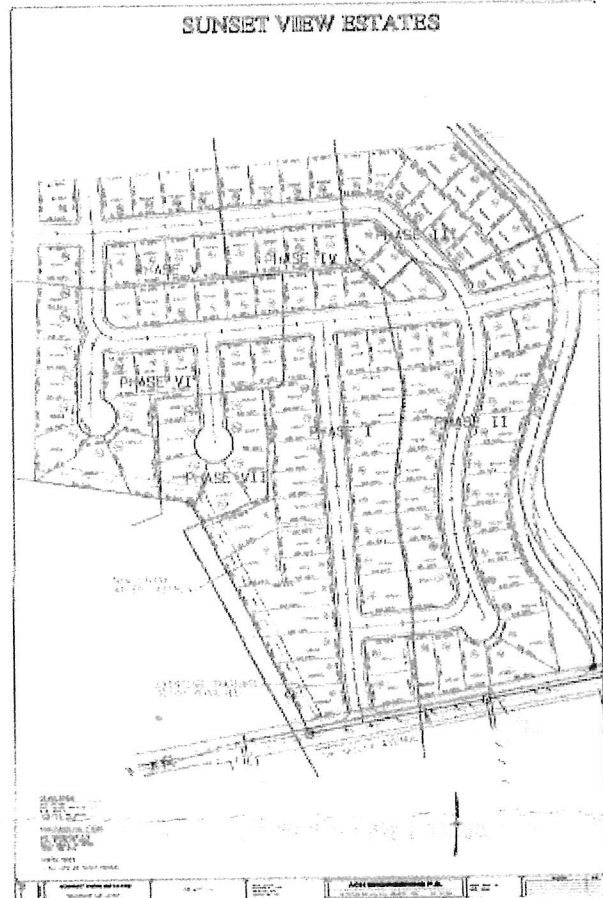
**VII. OTHER PERMITS AND RESTRICTIONS**

**Limitations:** The approval granted herein is limited to those items specifically addressed in this report. Approval of this request does not grant nor imply approval for any other land use action (variance, conditional use, etc.). Issues including, but not limited to (approval of) such non-discretionary matters as ROW improvements, floodplain development standards, impervious surface/storm water runoff, Development Permit(s), Building Permits and/or construction, are likewise not addressed.

**Burden of Proof:** The applicant bears the burden of proof for all approvals. Should an appeal arise, the applicant shall be responsible for all costs pursuant to the standards and limitations contained in §13.6 of the UDC.

**Validity Timeline:** Failure to file a complete application for a Final Plat within the two year approval period, including submittal of all engineering Construction Documents, fees, required Consent forms and bonds or other assurances, will cause the tentative approval to expire.

Approval of a land use action shall be void after two years pursuant to the standards contained in §15.4 of the UDC. Pursuant to §15.5 of the UDC, the Planning Director may extend a permit for one additional period of two (2) years upon written request.



**VIII. APPEALS**

The Planning Commission's decision may be appealed to the City of Pendleton City Council within twelve (12) days from the date the decision is mailed to the applicant and parties with standing. Any and all appeals shall be filed, pursuant to UDC Article 13.

**Note:** This decision was mailed to the applicant and parties with standing on April 4, 2018. The twelve (12) day appeal period expires at 5:00 p.m. on April 16, 2018. Testimony was received on this application; therefore, the appeal period is in effect and the decision is not final until after the appeal period.

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