

North Hermiston Urban Renewal Plan



Where Life is Sweet

Adopted by the City of Hermiston

July 24, 2023

Ordinance No. 2347

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

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I. DEFINITIONS

“Agency” is the Hermiston Urban Renewal Agency created under ORS 457.035 and 457.045.

“Blight” is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the North Hermiston Urban Renewal Plan.

“City” means the City of Hermiston, Oregon.

“City Council” or “Council” means the Hermiston City Council.

“Comprehensive Plan” means the City of Hermiston Comprehensive Plan and its implementing ordinances, policies, and standards.

“County” means Umatilla County, Oregon.

“District” means the properties and rights-of-way located within the North Hermiston Urban Renewal District.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within the North Hermiston Urban Renewal Plan at the time of adoption. The county assessor certifies the assessed value after the adoption of the North Hermiston Urban Renewal Plan.

“HURA” is the Hermiston Urban Renewal Agency.

“North Hermiston Urban Renewal Plan” means a plan, as it exists or is changed or modified from time to time, as provided in ORS 457.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in the North Hermiston Urban Renewal Plan, or portion thereof, over the assessed value specified in the certified statement.

“Maximum Indebtedness” means the maximum principal amount of indebtedness that may be incurred by a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

“ORS” means the Oregon Revised Statutes and specifically Chapter 457, which relates to urban renewal and tax increment financing.

“Plan” means the official plan for the North Hermiston Urban Renewal Plan pursuant to ORS 457.

“Plan Area” means a blighted area included in the North Hermiston Urban Renewal Plan under ORS 457.010.

“Planning Commission” means the Hermiston Planning Commission.

“Project(s)” means any work or undertaking carried out under the North Hermiston Urban Renewal Plan.

“Report Accompanying North Hermiston Urban Renewal Plan” or “Report” means the official report that accompanies the North Hermiston Urban Renewal Plan pursuant to ORS 457.087.

“Revenue sharing” means sharing tax increment proceeds as defined in ORS 457.470 and refers to the funds that are associated with the division of taxes accomplished through the adoption of the North Hermiston Urban Renewal Plan.

“Tax increment revenues” means the funds allocated by the assessor to the Hermiston Urban Renewal Agency due to increases in assessed value over the frozen base within the area.

“Urban Renewal” means the statutory authority provided in ORS 457.

“Urban renewal area” means a blighted area included in an urban renewal plan or an area included in an urban renewal plan under ORS 457.010.

“Urban renewal plan” or “Plan” means a plan, as it exists or is changed or modified from time to time, for one or more urban renewal areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Urban renewal project” or “Project” means any work or undertaking carried out under ORS 457.170 in an urban renewal area.

“Urban renewal report” or “Report” means the official report that accompanies the urban renewal plan pursuant to ORS 457.087.

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II. INTRODUCTION

The North Hermiston Urban Renewal Plan District (District), shown in Figure 1, consists of approximately 102 total acres, 93.49 acres of land in tax lots and 8.51 acres of public rights-of-way. The primary purpose of the North Hermiston Urban Renewal Plan (Plan) is to address infrastructure deficiencies and parcel patterns that are limiting the development potential in the proposed District. The primary investment is expected to be construction of a new east/west street through the District that would ease pressure on Highway 395, as well as a north/south connection to the south.

It is anticipated that the Plan will take sixteen years of tax increment collections to implement. The maximum amount of indebtedness (amount of tax increment financing (TIF) for projects and programs) that may be issued for the Plan is five million dollars (\$5,000,000).

Goals and objectives are intended to guide tax increment financing (TIF) investment in the District over the life of the Plan. The project category descriptions and list of projects are intended to aid future decision makers when considering how best to expend funds generated by TIF.

The Plan is to be administered by the Hermiston Urban Renewal Agency (HURA or Agency). Substantial amendments to the Plan must be approved by City Council as outlined in Section VI. All amendments to the Plan are to be listed numerically on the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the ORS 457.085 requirements is shown in Table 1 - Statutory References. The specific reference in the table below is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 1 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(2)(a)	V
ORS 457.085(2)(b)	V
ORS 457.085(2)(c)	XII
ORS 457.085(2)(d)	XI
ORS 457.085(2)(e)	XI
ORS 457.085(2)(f)	VIII
ORS 457.085(2)(g)	VII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VI
ORS 457.085(2)(j)	Not applicable

A. Urban Renewal Overview

Urban renewal allows for the use of tax increment financing, a financing source that is unique to urban renewal, to fund its projects. Tax increment revenue, the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established, are used to repay borrowed funds. The borrowed funds are used to pay for urban renewal projects and cannot exceed the maximum indebtedness amount set by the urban renewal plan.

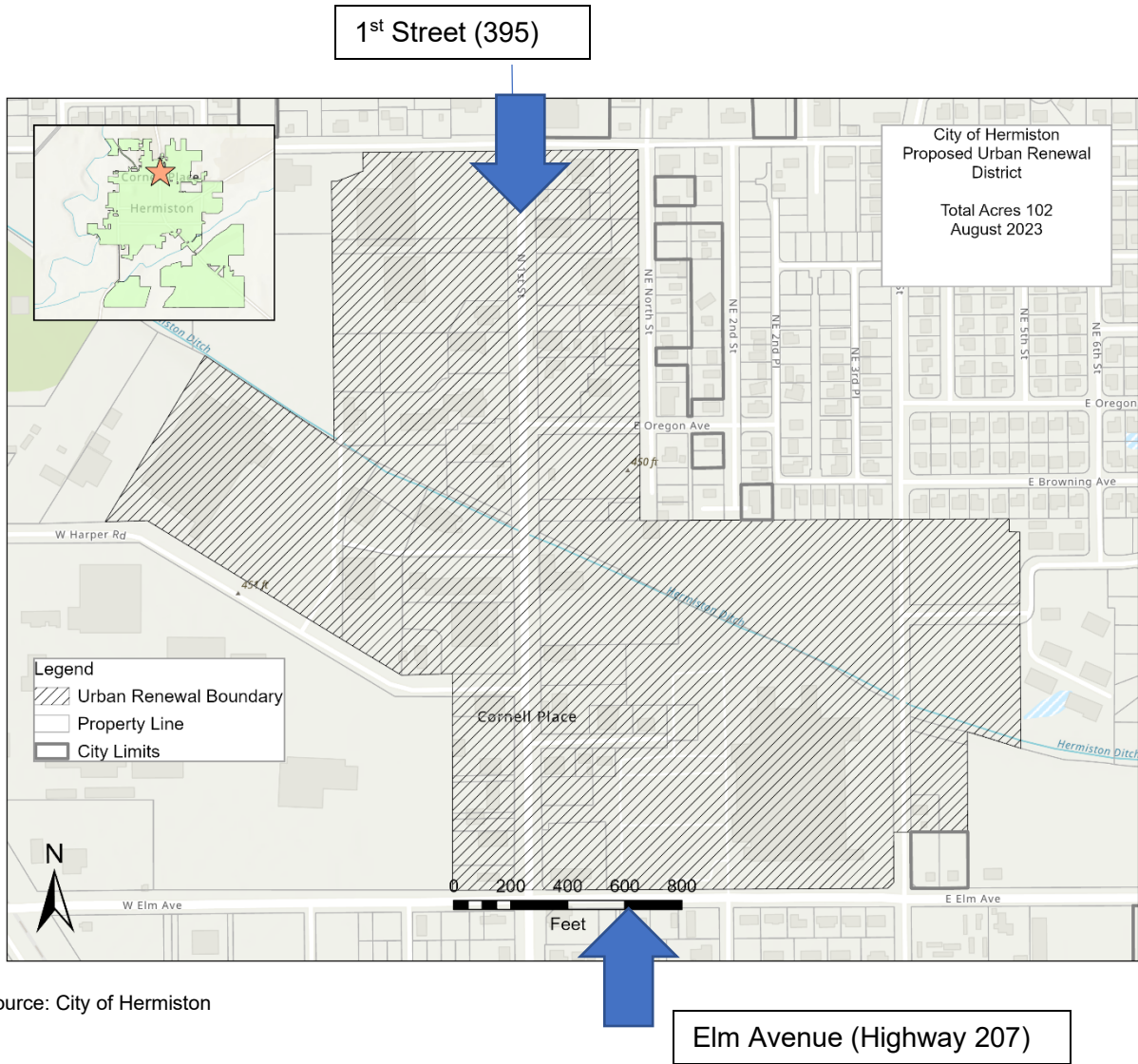
The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in ORS 457. These areas can have old or deteriorated buildings, public spaces that need improvements, streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development. In general, urban renewal projects can include construction or improvement of streets, utilities, and other public facilities; assistance for rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces. The North Hermiston Urban Renewal District meets the definition of blight due to the existence of inadequate streets and other rights of way, open spaces and utilities, the division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development and an economic dislocation, deterioration or disuse of property resulting from faulty planning. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the accompanying North Hermiston Urban Renewal Report (Report).

B. Report Accompanying the Plan

The Report provides the analysis and contains the information required to meet the standards of ORS 457.087, including financial feasibility. These requirements include:

- A description of the physical, social, and economic conditions in the Area;
- Expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan Area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the urban renewal area; and
- A relocation report.

Figure 1 Boundary



Source: City of Hermiston

III. MAXIMUM INDEBTEDNESS

Maximum Indebtedness ("MI") is the total amount of money that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is five million dollars (\$5,000,000). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness or interest earned on debt proceeds.

IV. PLAN GOALS

Goal 1: Eliminate blight in the District by upgrading inadequate infrastructure including but not limited to streets, water and sewer lines serving the needs of businesses and residents

Objective 1: Provide funding for the construction of infrastructure improvements supporting development and redevelopment within the District.

Goal 2: Promote sustainability and sustainable development practices through Urban Renewal activities.

Objective 1: Encourage the efficient use of land within the District by increasing the likely development/redevelopment of properties in the District.

Goal 3: Facilitate economic development and job creation through the provision of adequate infrastructure in the District.

Objective 1: Provide funding for the construction of infrastructure improvements supporting development and redevelopment within the District.

Provide resources to adequately administer the North Hermiston Urban Renewal Plan.

Objective 1: Administer the Plan including the projects, financial accounting and reporting as required by State Statute.

V. PROJECTS

The projects to be undertaken in the District are infrastructure upgrades.

A. *Infrastructure Upgrades*

A new east/west street (NE Aspen Drive) is proposed connecting N 1st Street to NE 4th Street. This street is proposed for construction in the easement for the Hermiston Drain. Constructing the street in the easement allows otherwise unbuildable land to be productively utilized for the public good as well as providing new points of access for the irregularly shaped parcels along the easement. This new street will provide nearly 1,300 feet of new street frontage for an area which currently has less than 100 feet of highway frontage. The street will provide pedestrian and bicycle improvements.

Aspen Drive will also provide additional opportunities for alternate circulation as traffic generated by the existing commercial users may leave N 1st Street and connect with existing residential development to the west and south without needing to travel through the congested Elm Street/1st Street intersection.

A new signal is proposed for the N 1st Street/Aspen Drive intersection. This signal is intended to aid in traffic calming on N 1st Street and to provide better traffic spacing, allowing more left turns onto the highway.

An extension of NE North Street south from the current terminus to NE Aspen Drive is proposed. This street extension is approximately 100 feet and will provide opportunities for commercial and residential traffic to the north an opportunity to use the newly constructed signal at NE Aspen Drive and avoid the unsignalized intersection of E Oregon Avenue and N 1st Street.

A new municipal water line is proposed following the NE Aspen Drive route, looping water between N 1st Street and NE 4th Street and providing service to new businesses along the route.

Right of way acquisition is required for all new streets. No existing rights of way exist, and property purchase is planned in the District. Properties identified for acquisition will be added through a Minor Amendment and listed in Section VII of the Plan.

B. Administration

1. Financing fees
2. General administration including annual reporting, financial statements and administration of the Plan.

VI. AMENDMENTS TO PLAN

The Plan may be amended as described in this section.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan, under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission and adoption by the City Council by non-emergency ordinance after a hearing. Notice of such hearing shall be provided to individuals or households within the City of Hermiston, as required by ORS 457.120. Notice of adoption of a Substantial Amendment shall be provided in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:

- (1) Add land to the North Hermiston Urban Renewal Plan boundary except for an addition of land that totals not more than a cumulative 1% of the area of the North Hermiston Urban Renewal Plan boundary; or
- (2) Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

C. Amendments to the Hermiston Comprehensive Plan and/or Hermiston Development Code

Amendments to the Hermiston Comprehensive Plan (“Comprehensive Plan”) and/or Code of Hermiston that affect the Plan and/or the Plan District shall be incorporated automatically within the Plan without any separate action required by the Agency or City Council. When a substantial amendment is completed, the Relationship to Local Objectives section will be updated.

VII. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired, it will be identified in the Plan through a Minor Amendment, as described in Section VI. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(g).

A. Property acquisition for public improvements

The Agency may acquire any property within the District for the public improvement projects undertaken pursuant to the Plan by all legal means, including use of eminent domain. Good faith negotiations for such acquisitions must occur prior to institution of eminent domain procedures.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the District that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the District.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VI by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the urban renewal agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of its improvements within a period of time that the Agency determines is reasonable.

VIII. RELOCATION METHODS

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. No specific acquisitions that would result in relocation benefits have been identified; however, there are plans to acquire land for infrastructure which may trigger relocation benefits in the future in the District.

IX. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt. In this Plan, the debt is anticipated to be a contractual obligation to provide developer incentives and agreement to reimburse the Agency for preparation of and administration of the Plan.

Tax increment revenues equal the annual permanent rate property taxes imposed on the cumulative increase in assessed value within the North Hermiston Urban Renewal Plan over the total assessed value at the time the North Hermiston Urban Renewal Plan is adopted. Under current law, the property taxes for general obligation (GO) bonds and local option levies are not part of the tax increment revenues.

A. General Description of the Proposed Financing Methods

The Plan will be financed using tax increment revenues. Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the planning and implementation of this Plan, including preparation of the Plan.

B. Tax Increment Financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Plan District is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

X. ANNUAL REPORT

The Agency shall file Annual Reports in compliance with ORS 457.460.

XI. RELATIONSHIP TO LOCAL OBJECTIVES

The numbering of the policies within this section reflects the numbering that occurs in the original document. There is no set standard for the findings in an urban renewal plan. In analyzing the findings, the projects and the resulting development have been compared to the Hermiston Comprehensive Plan.

A. Hermiston Comprehensive Plan

POLICY 1: CITIZEN INVOLVEMENT

THE CITY OF HERMISTON WILL INSURE THAT CITIZENS HAVE AN ADEQUATE OPPORTUNITY TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

Finding: The HURA met to review the draft Plan, the Planning Commission reviewed the Plan for conformance to the Comprehensive Plan, Umatilla County was briefed on the Plan and the city held a public hearing that was noticed to all residents of Hermiston. All referenced meetings were open, public meetings. The transportation concept was derived from a study prepared by Portland State University in conjunction with the City of Hermiston. There was also opportunity for public input with this study.

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.

Finding: The City has consulted and conferred with the overlapping taxing districts through a letter after the HURA meeting that described the proposed urban renewal district. The letter provided a copy of the Plan and Report. A briefing was provided for the Umatilla County Board of Commissioners.

POLICY 4: ORDERLY URBAN GROWTH

THE CITY OF HERMISTON WILL PROMOTE COMPACT URBAN DEVELOPMENT WITHIN AND ADJACENT TO EXISTING URBAN AREAS TO INSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND FACILITATE ECONOMIC PROVISION OF URBAN FACILITIES AND SERVICES.

Finding: Improvement to the existing transportation network will help facilitate increased growth within the city, provide more access to the parcels within the District and facilitate access to the commercial area from the residential areas to the west and south.

POLICY 11: AIR QUALITY .

THE CITY OF HERMISTON WILL COMPLY WITH STATE AND FEDERAL STANDARDS TO PROMOTE CONTINUED AIR QUALITY.

Finding: An improved transportation network within the Area will provide for ease of travel and travel methods for all modes of transportation, including pedestrians and bicyclists.

POLICY 20: GENERAL ECONOMIC DEVELOPMENT

THE CITY OF HERMISTON SUPPORTS ECONOMIC DEVELOPMENT AND JOB GROWTH WHICH WILL DIVERSIFY AND STRENGTHEN THE MIX OF ECONOMIC ACTIVITY IN THE LOCAL MARKETPLACE AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR LOCAL RESIDENTS:

Finding: The improved transportation network will serve the commercial development in the District and will facilitate increased development within the District by providing access to parcels that have been underdeveloped and undeveloped.

POLICY 29: LOCAL GOVERNMENT SERVICES AND FACILITIES

THE CITY OF HERMISTON WILL PROMOTE ADEQUATE AND EFFICIENT PROVISIONS OF LOCAL GOVERNMENT SERVICES AND FACILITIES.

Finding: The District will have access to all of the city services. The projects within the Plan will provide a more efficient transportation system and improved water system. A new municipal water line is proposed following the NE Aspen Drive route, looping water between N 1st Street and NE 4th Street and providing service to new businesses along the route. Without the looped water line, there are no reasonable connections along the Hermiston Drain.

J. TRANSPORTATION (GOAL 12)

POLICY 31: INTEGRATED TRANSPORTATION SYSTEM

THE CITY OF HERMISTON WILL PROMOTE A BALANCED, WELL-INTEGRATED LOCAL TRANSPORTATION SYSTEM WHICH PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS, AND FACILITATES THE MOVEMENT OF COMMODITIES.

Finding: The projects within the Plan provide an improved transportation network that includes alternative transportation systems. This transportation network will be reviewed by the city in the master planning process.

POLICY 33: ALTERNATIVE TRANSPORTATION

THE CITY OF HERMISTON WILL ENCOURAGE AND FACILITATE THE PROVISION OF ALTERNATIVE TRANSPORTATION MODES AND FACILITIES TO REDUCE CONGESTION AND AIR POLLUTION AND IMPROVE RECREATIONAL OPPORTUNITIES. PROVISION OF TRANSPORTATION TO THE HANDICAPPED AND ELDERLY IS A HIGH PRIORITY.

Finding: The District has a transportation network that includes alternative transportation systems. This transportation network will be reviewed by the city in the master planning process.

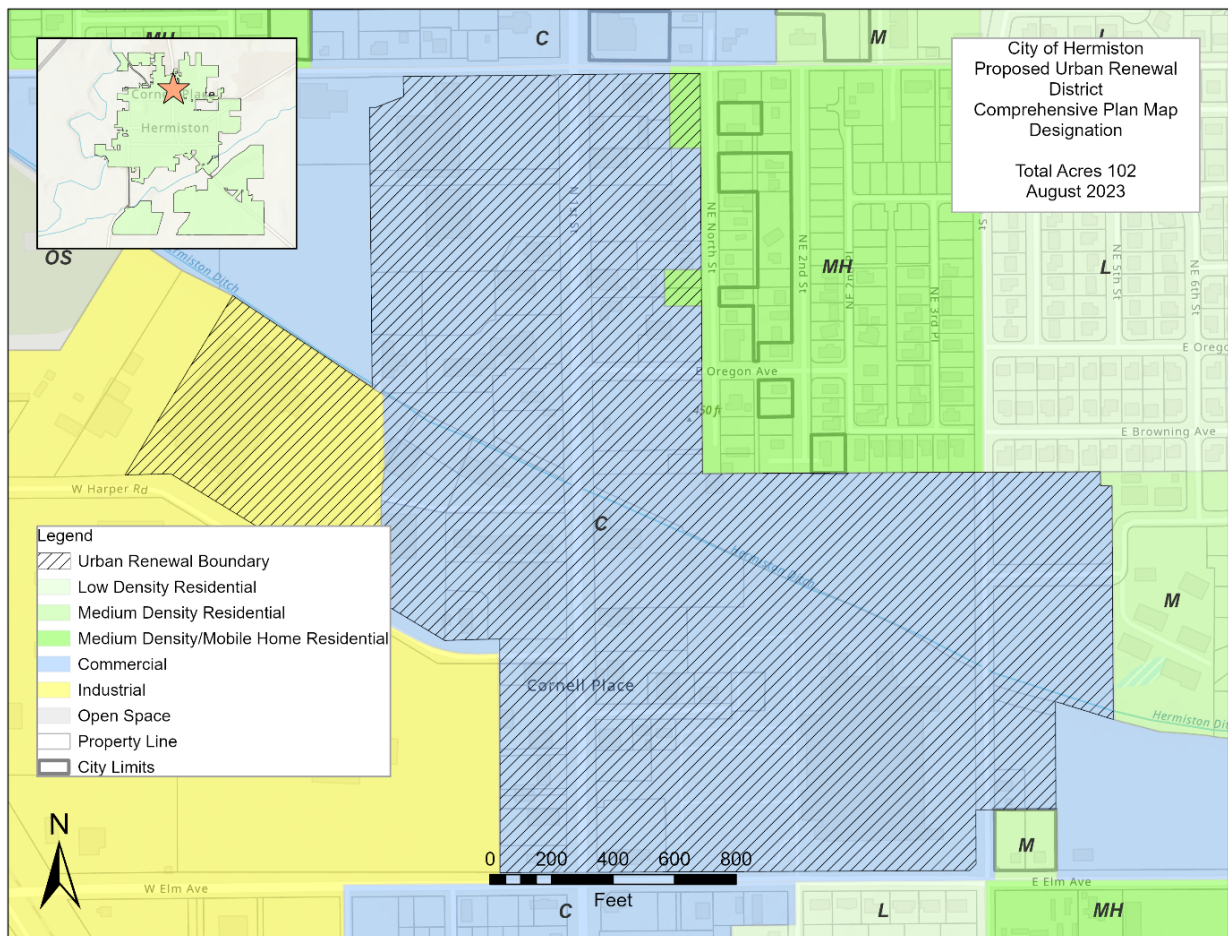
POLICY 34: TRANSPORTATION SYSTEM PLAN

THE CITY OF HERMISTON WILL COMPLY WITH THE REQUIREMENTS OF THE TRANSPORTATION PLANNING RULE WITH THE ADOPTION OF THE TRANSPORTATION SYSTEM PLAN AND RELATED AMENDMENTS TO IMPLEMENTING ORDINANCES.

CONNECTED STREET NETWORK. THE CITY WILL SUPPORT AND DEVELOP A CONNECTED NETWORK OF STREETS, ACCESSWAYS AND OTHER IMPROVEMENTS, INCLUDING BIKEWAYS, SIDEWALKS, AND SAFE STREET CROSSINGS, TO PROMOTE SAFE AND CONVENIENT BICYCLE AND PEDESTRIAN CIRCULATION WITHIN THE COMMUNITY.

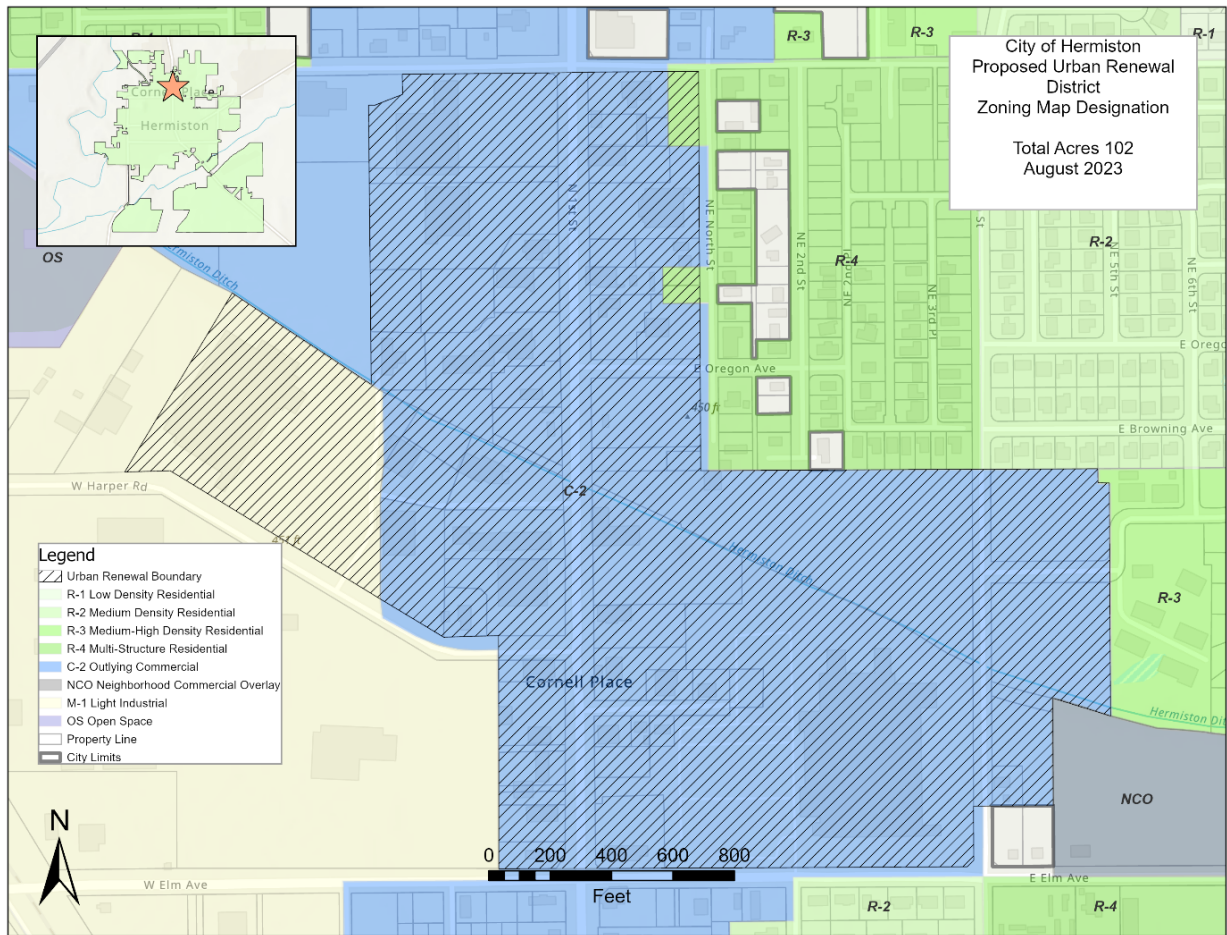
Finding: The proposed development will conform to the provisions of the Hermiston Transportation Systems Plan. The proposed development will be approved through the city’s planning and permit process to ensure conformance.

Figure 2 - Comprehensive Plan Designations



Source: City of Hermiston

Figure 3 - Zoning Designations



Source: City of Hermiston

B. Code of Hermiston

Title XV of the Code of Hermiston covers Land Use including the zoning in the District. The majority of the property to be included in the Area is in the Outlying Commercial Zone (C-2) The remaining property is zoned Multi-Structure Residential Zone.

157.041 OUTLYING COMMERCIAL ZONE C-2

(A) *Uses permitted outright.* In a C-2 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in a C-1 zone;
- (2) Amusement enterprise, including pool hall, bowling, dancing hall, skating rink, when enclosed in a building;
- (3) Auditorium, exhibition hall or other public assembly room;
- (4) Automobile, boat or trailer sales, rental, service and repair;
- (5) Automobile service station;
- (6) Automobile laundry;
- (7) Day care home or nursery;
- (8) Mortuary, undertaking or funeral parlor;
- (9) Motel;
- (10) Recreational vehicle park subject to requirements of 157.147;
- (11) Taxidermy shop; and
- (12) Tire shop, including tire recapping.

(B) *Conditional uses permitted.* In a C-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#):

- (1) Amusement enterprise not enclosed in a building including, but not limited to, "pitch and putt" golf course, driving range, archery range, automobile race track and drive-in theater;
- (2) Caretaker's residence subject to the following conditions:
 - (a) Residence shall be a manufactured dwelling complying with the 1976 HUD codes and shall be skirted;
 - (b) The residence shall be furnished with all utilities including telephone;
 - (c) The facility shall be set back from all streets as far as practical and still be in conformance with the setback requirements as established in the Uniform Building Code;
 - (d) The caretaker's residence shall be allowed only in conjunction with a business which requires the outside storage or display of wares and shall be removed within 30 days following the discontinuance of the business enterprise; and

- (e) All uses shall be subject to annual review by the commission and may be removed upon direction of the Commission for violation of these conditions;
- (3) Community building;
- (4) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater;
- (5) Government structure or land use including but not limited to a public park, playgrounds, recreational building, fire station, library or museum;
- (6) Hospital or nursing home;
- (7) Planned unit development;
- (8) Preschool, primary, elementary, junior or senior high, college;
- (9) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;
- (10) Public utilities including wells, water storage tanks and sanitary sewer pump stations; and
- (11) Other uses similar to the uses permitted outright or the conditional uses normally located in the Outlying Commercial Zone (C-2), providing that the use has approval from the planning commission.

(C) *Restrictions on use.* In a C-2 zone, the following conditions and restrictions shall apply:

- (1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone.
- (2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property.

(D) *Setback requirements.* Except as provided in § [157.140](#), in a C-2 zone the yards shall be as follows:

- (1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained, the setback from a street may be reduced to ten feet;
- (2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone; and
- (3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone.

(E) *Height of buildings.* In a C-2 zone, no building shall exceed a height of 50 feet.

157.055 LIGHT INDUSTRIAL ZONE (M-1).

(A) *Uses permitted outright.* In a M-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Cabinet, carpenter or woodworking shop;
- (2) Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, but not including processes involving refining or rendering of fats and oils;
- (3) Dwelling for caretaker or night watchman on the property;
- (4) Freight depot;
- (5) Ice or cold storage plant;
- (6) Kennel;
- (7) Laboratory for research or testing, but not including the testing of combustion engines;
- (8) Laundry, dry cleaning or dyeing establishment;
- (9) Lumber yard, building supply outlet;
- (10) Machinery or equipment sales, services or storage;
- (11) Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felts, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious stone or metal, shell, textiles, wax, wire or yarn;
- (12) Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, engineering, scientific or precision instrument, medical or dental supplies or equipment, electronic supplies or equipment, industrial or business machines, aircraft parts and equipment, luggage, photographic equipment or small pleasure boats;
- (13) Mini-storage;
- (14) Motor vehicle body shop, tire shop or similar repair service;
- (15) Plumbing, heating, electrical or paint contractor's sales, repairs or storage;
- (16) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;
- (17) Processing, packaging or storage of food or beverages, but not including processes involving distillation, fermentation, slaughtering or rendering of fats and oils;
- (18) Public utilities including wells, water storage tanks and sanitary sewer pump stations;
- (19) Railroad tracks and related facilities;
- (20) Utility lines, station or substation;
- (21) Veterinary care facility;
- (22) Welding, sheet metal or machine shop;
- (23) Wholesale distribution or outlet, including trucking, warehousing and storage.

157.028 MULTI-STRUCTURE RESIDENTIAL ZONE (R-4).

(A) *Uses permitted outright.* In a R-4 zone, the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in the R-3 zone; and
- (2) Manufactured dwelling park subject to requirements of § [157.146](#).

(B) *Conditional uses permitted.* In a R-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#):

- (1) A conditional use permitted in a R-3 zone except manufactured dwelling park which is an outright permitted use in this zone; and
- (2) Recreational vehicle park subject to requirements of § [157.146](#).

(C) *Lot size.* In a R-4 zone, the lot size shall be as follows:

- (1) The minimum lot area for single-family dwellings and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
- (2) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
- (3) The minimum lot area for manufactured dwelling parks shall be five acres;
- (4) The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
- (5) The minimum lot depth shall be 80 feet.

(D) *Setback requirements.* Except as provided in § [157.140](#), in a R-4 zone the yards shall be as follows:

- (1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;
- (2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and
- (3) The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot or fraction thereof above 15 feet.

(E) *Height of buildings.* In a R-4 zone, no buildings shall exceed a height of 35 feet.

(F) *Lot coverage.* In a R-4 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.

Overall Finding: The development in the Plan including the land uses, maximum densities and building requirements conform to the Hermiston Development Code.

XII. Legal Description

FILE: 736-135 Aspen Urban Renewal
AP (RES) 20 June 2023

A tract of land in the Northwest corner of Section 2 and the Northeast corner of Section 3, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon being more particularly described as follows:

Beginning at the Section corner common to Sections 2, 3, 10, and 11;

thence S 89°40'25" W, along the South line of Section 3, a distance of 259.91 feet to the Southwest corner of Parcel 2 on Partition Plat 2001-40;

thence N 00°19'25" W, 33.00 feet to the North right-of-way of Elm Street;

thence N 00°19'25" W, 680.45 feet to a point on the South right-of-way line of Harper Road;

thence along said South right-of-way line the following three (3) courses:

1. N 89°35'32" W, 203.07 feet;
2. N 58°31'49" W, 1,047.07 feet;
3. S 89°37'04" W, 94.88 feet;

thence N 00°22'56" W, 80.00 feet to the Southwest corner of Lot 1 as shown on Partition Plat 2005-11;

thence N 31°29'11" E, along said Westerly line of Lot 1, a distance of 660.52 feet to the North line of said Lot 1;

thence S 56°44'17" E, along said North line 530.73 feet;

thence N 00°26'41" W, 913.48 feet to the Northwest corner of Hermiston Real Estate Investments parcel on County Survey No. 09-109-B;

thence along said West line of said parcel, the following three (3) courses:

1. N 89°27'14" E, 20.00 feet;
2. N 68°45'46" E, 96.80 feet;
3. N 00°33'51" W, 65.80 feet to a point on the South right-of-way line of West Theater Lane;

thence N 00°33'51" W, 28.00 feet to the centerline of Theater Lane;

thence N 89°27'14" E, along said centerline, 549.74 feet to the one-quarter common to said Sections 2 and 3;

thence N 89°36'56" E, along said centerline, 473.32 feet to the intersection of said centerline with the East right-of-way of North Street;

thence S 00°33'29" E, 31.97 feet to an intersection on the South right-of-way line of Theater Lane and the East right-of-way of North Street;

thence S 00°33'29" E, along said East right-of-way line of 1,302.35 feet to a point on the South one-sixteenth of said Section 2;

thence N 89°39'08" E, along said South one-sixteenth line, 1,213.66 feet to the Northeast corner of Lot 1 of The Aspens Phase 1;

thence along the East line of said Lot 1 the following three (3) courses:

1. S 00°16'31" E, 44.04 feet;

2. N 89°35'14" E, 45.08 feet;
3. S 00°16'31" E, 231.02 feet;
thence S 00°16'41" E, 94.94 feet to the Northeast corner of Lot 5 of the Aspens Phase 1;
thence S 00°24'50" E, along said East line of Lot 5 a distance of 435.24 feet to the South line of said Lot 5;
thence along the South line of Lot 5 the following three (3) courses:
1. N 71°57'29" W, 98.01 feet;
2. N 72°40'33" W, 73.48 feet;
3. N 77°39'44" W, 25.33 feet to the Northeast corner of Parcel 2 as shown on Partition Plat No. 2007-44;
thence S 00°16'31" E, along the East line of said Parcel 2 and Parcel 1 of said Partition Plat, 350.14 feet to the Southeast corner of said Parcel 1;
thence S 89°41'25" W, along the South line of said Parcel 1 and Parcel 1 of Partition Plat No. 2005-20, a distance of 200.00 feet to the East right-of-way line of 4th Street;
thence S 00°16'32" E, along said East right-of-way, 197.01 feet to the North right-of-way line of Elm Street;
thence S 00°16'32" E, 33.00 feet to the centerline of said Elm Street;
thence S 89°41'51" W, along said centerline 1,349.90 feet to the **Point of Beginning**.

Tract 1 contains an area of 4,722,357 Square Feet, 108.410 acres, more or less.

Bearings are grid bearings based on the Oregon State Plane Coordinate System, South zone, NAD83(2011). Distances are ground distances.

For purposes of this description, the Southeast Section corner of said Section 3, bears S0°19'07"E, 2659.34 feet from the East one-quarter corner of said Section 3.



EXPIRES: 6/30/2024