

**ORDINANCE NO. 2251**

AN ORDINANCE AMENDING TITLE XV, CHAPTER 157 OF THE HERMISTON ZONING ORDINANCE TO AMEND THE LOT SIZE, SETBACK, AND LOT COVERAGE STANDARDS OF THE R-1, R-2, R-3, R-4, AND RR ZONES

WHEREAS, the Hermiston City Council voted on April 24, 2017 to initiate the process to amend the city's standards for residential zoning; and

WHEREAS, the Hermiston Planning Commission held a public hearing on September 13, 2017 to receive public testimony and consider amendments to the residential zoning standards of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, the Hermiston City Council held a public hearing on September 25, 2017 to receive public testimony and consider amendments to the residential zoning standards of Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances; and

WHEREAS, notice of the planning commission and city council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments; and

WHEREAS, a staff report on the proposed amendment was available seven days prior to the public hearings and included findings in support of the amendment to the code of ordinances; NOW THEREFORE

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

**SECTION 1.** Title XV, Chapter 157: Zoning of the Hermiston Code of Ordinances is hereby amended to read as follows:

**157.025 SINGLE-FAMILY RESIDENTIAL ZONE (R-1).**

(C) *Lot size.* In a R-1 zone, the lot size shall be as follows:

~~(1) — The minimum lot area shall be 9,000 square feet;~~

(1) The minimum lot area shall be 8,000 square feet;

(D) *Setback requirements.* Except as provided in § [157.140](#), in a R-1 zone the yards shall be as follows:

~~(1) — The front yard shall be a minimum of 20 feet, measured from the foundation. When the garage is placed behind the front building line of a single family dwelling, the front setback may be reduced to 15 feet when the garage setback is increased to 25 feet.~~

(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 10 foot setback.

~~(F) *Lot coverage.* In a R-1 zone, buildings shall not occupy more than 30% of the lot area.~~

(F) *Lot coverage.* In a R-1 zone, buildings shall not occupy more than 40% of the lot area.

Covered decks, porches, patios, and gazebos may occupy an additional 5% of the total lot area.

**157.026 DUPLEX RESIDENTIAL ZONE (R-2).**

(C) *Lot size.* In a R-2 zone, the minimum lot size shall be as follows:

~~(1) — The minimum lot area for single family dwellings shall be 7,500 square feet;~~

(1) The minimum lot area for single-family dwellings shall be 6,500 square feet;

~~(2) — The minimum lot area for two family dwellings shall be 9,000 square feet;~~

(2) The minimum lot area for two-family dwellings shall be 8,000 square feet;

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

~~(1) — The front yard shall be a minimum of 20 feet, measured from the foundation. When the garage is placed behind the front building line of a single family dwelling, the front setback may be reduced to 15 feet when the garage setback is increased to 25 feet.~~

(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 10 foot setback.

~~(2) — Each side yard shall be a minimum of seven 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.~~

(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.

~~(F) *Lot coverage.* In a R-2 zone, buildings shall not occupy more than 35% of the lot area.~~

(F) *Lot coverage.* In a R-2 zone, buildings shall not occupy more than 45% of the lot area.

Covered decks, porches, patios, and gazebos may occupy an additional 5% of the total lot area.

### **157.027 MULTI-FAMILY RESIDENTIAL ZONE (R-3).**

(C) *Lot size.* In a R-3 zone, the minimum lot size shall be as follows:

~~(1) — The minimum lot area for single family dwellings shall be 6,000 square feet for an interior lot and 7,000 square feet for a corner lot;~~

(1) The minimum lot area for single-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;

~~(2) — The minimum lot area for two family dwellings shall be 7,000 square feet for an interior lot and 8,200 square feet for a corner lot;~~

(2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;

(D) *Setback requirements.* Except as provided in § [157.140](#), in a R-3 zone the yards shall be as follows:

~~(1) — The front yard shall be a minimum of 20 feet, measured from the foundation. When the garage is placed behind the front building line of a single family dwelling, the front setback may be reduced to 15 feet when the garage setback is increased to 25 feet;~~

(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 10 foot setback;

~~(2) — Each side yard shall be a minimum of seven 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~~

(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

~~(F) *Lot coverage.* In a R-3 zone, buildings shall not occupy more than 35% of the lot area.~~

(F) *Lot coverage.* In a R-3 zone, buildings shall not occupy more than 45% of the lot area.

Covered decks, porches, patios, and gazebos may occupy an additional 5% of the total lot area.

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

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

~~(1) — The minimum lot area for single family dwellings shall be 6,000 square feet for an interior lot and 7,000 square feet for a corner lot;~~

(1) The minimum lot area for single-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;

~~(2) — The minimum lot area for two-family dwellings shall be 7,200 square feet for an interior lot and 8,200 square feet for a corner lot;~~

(2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;

(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 20 feet, measured from the foundation. When the garage is placed behind the front building line of a single family dwelling, the front setback may be reduced to 15 feet when the garage setback is increased to 25 feet;~~

(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 10 foot setback;

~~(2) — Each side yard shall be a minimum of seven 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~~

(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

~~(F) Lot coverage. In a R-4 zone, buildings shall not occupy more than 35% of the lot area.~~

(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 5% of the total lot area.

#### **157.029 RECREATIONAL RESIDENTIAL ZONE (RR).**

(B) *Lot size.* In an RR zone, the minimum lot size shall be as follows:

~~(1) — The minimum lot area for single-family detached dwellings shall be 6,000 square feet for an interior lot and 7,000 square feet for a corner lot;~~

(1) The minimum lot area for single-family detached dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;

~~(2) — The minimum lot area for two-family dwellings shall be 7,200 square feet for an interior lot and 8,200 square feet for a corner lot;~~

(2) The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;

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

~~(1) — For detached single-family and multifamily development, the front yard shall be a minimum of 20 feet measured from the foundation;~~

(1) For detached single family and multifamily development 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 10 foot setback;

~~(3) — For detached single-family and multifamily development, each side yard shall be a minimum of seven 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;~~

(3) For detached single-family and multifamily development, 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;

~~(E) *Lot coverage.* In a RR zone, buildings shall not occupy more than 35% of the lot area.~~

(E) *Lot coverage.* In an RR zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional 5% of the total lot area.

**SECTION 2.** The findings of fact as adopted by the city council on September 25, 2017 are attached to this ordinance as Exhibit A.

**SECTION 3.** The effective date of this ordinance shall be thirty days after enactment.

PASSED by the Common Council this 25<sup>th</sup> day of September, 2017.

SIGNED by the Mayor this 25<sup>th</sup> day of September, 2017.

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MAYOR

ATTEST:

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CITY RECORDER

## **EXHIBIT A**

### **Findings of Fact**

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

#### **Statewide Planning Goals and Comprehensive Plan Policies.**

**Goal 1 and Policy 1. Citizen Involvement.** The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing on August 23, 2017 in accordance with §157.226 of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on September 13, 2017 in accordance with §157.226(F).
3. The City Council held a public hearing on September 25, 2017 in accordance with §157.226(F)
4. The Planning Commission held a workshop on March 8, 2017 soliciting public input on potential improvements to the zoning code.
5. The Planning Commission held a workshop on June 14, 2017 to present potential amendments to the zoning code and solicit public input and potential refinements to the code.

**Goal 1 and Policy 2. Planning Process.** The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

6. The City Council directed planning staff and the Planning Commission to study housing promotion during 2017.
7. The Planning Commission held a workshop on March 8, 2017 to solicit input from parties interested in housing development as to issues facing housing construction and new ways to promote housing.
8. The high cost of land was identified as a factor discouraging housing growth. The proposed amendments are intended to increase the amount of land available for development and make residential construction more economically feasible.
9. The city council directed staff to prepare a code amendments to amend the zoning ordinance on April 24, 2017.

**Goal 2 and Policy 3. Intergovernmental Coordination.** The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

10. The notice of proposed amendments was sent to the Department of Land Conservation and Development on August 8, 2017, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

**Goal 3 Agricultural Lands.**

11. Housing, must be located within one of the city's five residential zones. There are no lands zoned for agricultural use within the city limits or UGB. Farming practices and available arable land will not be impacted by amending the residential code.

**Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.**

12. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

**Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.**

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

**Goal 9 Housing**

14. Policy 21 of the City's comprehensive plan establishes that the city may identify properties through a public process which may provide opportunities for redevelopment or infill. The proposed infill code to be added to the city's zoning code will implement that policy.
15. Policy 20 requires the city to monitor the housing inventory and update both the zoning map and code as necessary. The proposed amendments will allow for a slight increase in overall density within established residential zones, thereby increasing the aggregate supply of buildable land without requiring any map amendments.

**Goal 12 Transportation and OAR 660, Division 012**

16. The proposed amendments do not permit any new uses. Therefore, no new trips will be created and no transportation facility will be significantly affected as a result of the amendments.

#### **Hermiston Zoning Ordinance §157.226**

17. The City Council initiated the proposed amendments to the zoning ordinance by motion on April 24, 2017 in compliance with §157.226(A).
18. The proposed amendments amend the text of the zoning ordinance, has a widespread impact on the city as a whole, and does not involve an amendment to the zoning map. Therefore, the proposed amendments are legislative amendments as defined by §157.226(B)(1) and §157.226(C)(1) and (2).
19. Based upon Finding #14, the proposed amendments are not a quasi-judicial action and the approval criteria in §157.226(E)(1) are not applicable.
20. Notice of the proposed amendments was provided to the Oregon Department of Land Conservation and Development on August 8, 2017, more than 35 days in advance of the first evidentiary hearing as required by §157.226(F) and modified by ORS 197.610.
21. A notice of public hearing for the planning commission hearing was published on August 23, 2017 and the city council notice was published on September 6, 2017. Each notice was published in the Hermiston Herald at least 20 days in advance of the hearing as required by §157.229(D).
22. Based upon Finding #17, the proposed amendments are legislative and mailed notice to property owners is not required per §157.229(D).
23. Based upon Findings #17 and #22, the proposed amendments are legislative and do not change either the base zoning of any property nor restrict any uses previously allowed on the property. Therefore, mailed notice to property owners is not required per §157.229(D) or Measure 56 as adopted by the voters of the State of Oregon.