



## **SOUTH HILL COMMONS**

**1300-1400 BLOCK OF SE FRANKLIN GRADE ROAD  
(FORMER JUVENILE DETENTION CENTER ROAD)  
PENDLETON, OR 97801**

**MARCH 14, 2022**



**NARRATIVE & SUPPORTING DOCUMENTS**

**LAND USE TYPE III – APPLICATION FOR CONDITIONAL USE**

**CARLETON HART ARCHITECTURE PC**

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# LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

## I. SUMMARY OF PROPOSAL

<b>Project Name:</b>	South Hill Commons	<b>Project no:</b>	20008
<b>Representative:</b>	Jennifer Hoffman, Project Manager Carleton Hart Architecture 830 SW 10 <sup>th</sup> Ave #200 Portland, Oregon 97205 (503) 206-3043 <a href="mailto:jennifer.hoffman@carletonhart.com">jennifer.hoffman@carletonhart.com</a>		
<b>Applicant:</b>	Terry Silvis, PhD, Executive Director Horizon Project, Inc 608 N. Russell Milton-Freewater, Oregon 97862 (541) 938-5658 <a href="mailto:terri.silvis@horizonprojectinc.org">terri.silvis@horizonprojectinc.org</a>		
<b>Request</b>	<p>Type III Conditional Use (CU) to approve a 65,846 sf, 70-unit affordable multifamily residential development and 1,800 sf residential care home on the currently vacant city-owned property within the Urban Growth Boundary, located on SE Franklin Grade Road within the southeastern area of Pendleton to:</p> <ul style="list-style-type: none"><li>• Construct 70 units of affordable housing in four buildings centrally located within the site.</li><li>• Construct a single residential care home for residents utilizing HPI's supportive services.</li><li>• Construct a resident community building serving South Hill Commons (SHC) residents with a multi-purpose room, resident services office, property management office, conference room and restrooms.</li><li>• Provide on-site shared improvements including a community plaza, play structure, community garden area, pedestrian amenities, and surface parking.</li></ul> <p>This request is interdependent with the approval of two concurrent Land Use processes, currently underway:</p> <ul style="list-style-type: none"><li>• Type II Street Vacation of SE 13th St and SE 14th St initiated and in process by the City of Pendleton, with the City acting as applicant.</li><li>• Type III Land Division-Replat of the subject site, which will:<ul style="list-style-type: none"><li>○ Consolidate Block 251, Block 252, the full 60 ft width of SE 14th St. right-of-way, and the half (30 ft width) portion of SE 13th St right-of-way into one contiguous parcel.</li><li>○ Minor partition a parcel for a residential care home from the consolidated multifamily "parent" parcel.</li><li>○ Create a legal easement for a Master Reciprocal Use / Public Access (Regress) agreement between all parties – Umatilla County, South Hill Commons</li></ul></li></ul>		

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Multifamily partnership, and HPI (residential care home).

- Create a Public Utility Easement for residential care home.
- Create a Signage Easement for Umatilla County sign at north drive of multifamily parcel.
- Note: Approval and recording of the Type II Land Division – Approval of Replat is required and must be recorded with the County prior to submission of South Hill Commons for building permitting (pending CU approval).

**Location:** 1300-1400 Block of SE Franklin Grade Road  
(Formerly Juvenile Detention Center Road)  
Pendleton, OR 97801

**Legal Description:** 2N3211AD00300 & 2N3211AD00400

**Site Size** Current site size: 3.33 acres  
Total proposed site size: 180,787 sf (4.15 acres), which includes the addition of vacated right-of-way (30 ft width of SE 13<sup>th</sup> St and full 60 ft width of SE 14<sup>th</sup> St) currently under Type II Street Vacation process by the City of Pendleton.

Per concurrent Type III Land Division – Replat Application:

- Proposed Multifamily Dwelling Parcel 1= **172,202 sf** (3.95 acres)
- Proposed Residential Care Home Parcel 2 = **8,585 sf** (0.20 acres)

**Zoning Designation:** R2 – Medium Density Residential (both proposed parcels)

**Uses:** Dwelling, Multifamily  
Residential Care Facility  
Residential Accessory Uses

**Reference:** The following documents have been referenced for this application:

1. *Ordinance No. 3845 - City of Pendleton Unified Development Code (Implementation of the Pendleton Comprehensive Plan)*
2. *City of Pendleton Transportation System Plan* (Kittelson & Associates, Inc, 1996)
3. *City of Pendleton Transportation System Plan Update* (Parametrix, 2007)
4. *Draft 1-84 Exit 210 Interchange Area Management Plan* (Kittelson & Associates, 2020)
5. *Bicycle, Pedestrian, & Transit Plan* (City of Pendleton, 2011)
6. *Analysis of the Housing Market in Pendleton, Oregon*, Sabino Community Development Resources, 2016 Update
7. *Residential Lands and Preliminary Housing Analysis for Umatilla County*, 2017
8. *OHCS Statewide Housing Plan*, 2017
9. *Oregon Statewide Planning Goals and Guidelines*, Oregon Department of Land Conservation & Development, July 2019

# LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

## II. CURRENT CONDITIONS

### VICINITY

As Illustrated in *Figure 1: Site Aerial* and *Figure 2: Vicinity Map* the 3.33-acre site owned by the City of Pendleton is situated within the southeastern portion of Pendleton on the curved section of the SE Franklin Grade Road (formerly Juvenile Detention Center Road). Near the intersection of SE 13<sup>th</sup> St. SE Isaac Avenue, the southeastern corner of the property turns into SE 15<sup>th</sup> Avenue, and where the paved road ends, a dirt road (Goad Road) serves an undeveloped parcel. Agricultural land bounds this SE property line, and Umatilla County-owned property bounds the SW property line up to SE Franklin Grade Road, which borders the remaining NW and NE boundaries of the site. Umatilla County Juvenile residential services (Homestead Youth and Family Services) sit directly across SE Franklin Grade Road to the east / northeast. Single family residential properties are due north, with structures concentrated at the top of the hill (one-eighth of a mile away). I-84 is one-third of a mile away due south, and the site is approximately one-half mile away from OR-11 and one mile away from downtown Pendleton to the northwest.

### HISTORY

Until 1882, the site belonged to the Umatilla Indian Reservation, at which time it was removed from the Reservation and sold off into residential lots by the US Government.<sup>1</sup> The project site is in a location that was known for quite some time as “Reservation Addition” and is situated on its southern boundary. Geotechnical Investigations (*Appendix E*) indicate some evidence of artificial fill, asphalt, and concrete debris, likely a result of neighboring construction activities. Much of the area has been disturbed from its natural state by farming, landscaping, and previous development, although no identified structures are currently known to have existed on the site.

### ZONING

As illustrated in *Figure 3: Zoning Map* the site, along with the neighboring properties to the southwest, northwest and northeast, bears an R2-Medium Density Dwelling designation. Adjacent property to the southeast bears an R1-Low Density Residential Designation.

### SITE DESCRIPTION

*Figure 4: Topographic Boundary Survey* and *Figure 5.1 Context Photos* indicate the current site and surroundings. The site is a 3.33-acre undeveloped parcel consisting of Blocks 251 and 252, separated by existing SE 14<sup>th</sup> St right-of-way. The elevation of the site averages 1250 ft, with an elevation high point of 1276 ft along the southwest property line down to an elevation of 1226 along SE Franklin Grade Road to the northeast. The sloped topography of the site and that surrounding is typical of the south hills surrounding Pendleton, changing quickly through descent to downtown and the nearby residential neighborhood to the west.

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<sup>1</sup> **Sample Metal Detection Survey for the South Hill Commons Housing Development, Pendleton, Umatilla County, OR**, prepared by Nathan J. May, Archaeologist, Confederated Tribes of the Umatilla Indian Reservation, Department of Natural Resources, Cultural Resources Protection Program, June 17, 2021.

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Bounded by the curve of SE Franklin Grade Road from the northwest to southeast, the site is treeless and contains primarily perennial bunchgrasses. Franklin Grade is currently a dead-end asphalt paved road, and the entire pedestrian right-of-way between the project site and SE Franklin Grade Road is currently unimproved. Across the street, half-street improvements border the frontage section the County's Homestead property.

A paved access road lined by drainage ditches on either side intersects the west corner of the project site to allow public access (at the intersection of SE 14<sup>th</sup> Ave right-of-way and SE Franklin Grade Road) to the Umatilla County offices to west. West of the road access, a drainage ditch lines SE Franklin Grade Road as it slopes downhill toward the downtown area.

### **SURROUNDING CONTEXT**

As illustrated in the vicinity map and photographs, the site is set within in a primarily rural area of spacious properties containing residences and outbuildings. The neighboring Homestead Child and Family Services building to the east lends a two-story residential context, functioning as a secure residential home and family counseling center for children ages 12-18 who are currently in custody of the State of Oregon. The neighboring Umatilla County Juvenile Division to the west conveys a "heavier" fortified appearance, constructed with concrete, an enclosed, gated area, and few windows. The only other properties within distant visibility of the site are residential properties – various structures at the top of the hill across SE Franklin Grade Road, and scattered storage buildings and recreational vehicles to the north of the Homestead property. To the southeast of the site lies undeveloped, agricultural land.

The natural topography of the hill creates challenges for development in the area, therefore buildings are scattered, and development is sporadic. Approaching the core of Pendleton, development becomes more clustered as the road becomes SE 10<sup>th</sup> and approaches the railroad line and SE Frazer Avenue, at which point residential and commercial areas increase density. Distance views of the denser commercial areas of Pendleton are visible from the property toward the northwest.

### **INFRASTRUCTURE**

Public utilities are provided underground within SE Franklin Grade Road and include storm sewer drain line, sanitary sewer line, communications / telephone line, electric power line, water line and natural gas line. No utilities or utility easements exist on the parcel. An existing fire hydrant is located on the property-side right-of-way between the County access road and the Homestead development. Existing infrastructure surrounding the site is conveyed in *Figure 6.1 Existing Conditions*.

#### ***Sanitary Sewer***

The site for the proposed project is undeveloped. An existing sanitary sewer main in SE Franklin Grade Rd. borders the project site to the north and east, owned and maintained by the City of Pendleton. The existing sewer main in SE Franklin Grade Road is an 8-inch concrete pipe which flows from the southeast to the northwest at an average 6.8% slope. There are no sanitary sewer service lines or stub-outs located from the project site to the existing sanitary sewer main. There are two sewer connections into the sanitary sewer main within the project vicinity: a 4-inch PVC line from SE Isaac Ave (to the east) and an 8-inch PVC line that appears to serve the existing County building on the property that neighbors the project site to the west.

#### ***Stormwater Treatment***

Since the site for the proposed project is undeveloped, it has no stormwater collection or treatment systems in place. Stormwater along SE Franklin Grade Road sheds to roadside drainage ditches



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located on both sides of the road. Culverts located under existing property accesses and road intersections maintain flow of stormwater along the roadside ditches. The drainage ditches flow west of the site. One culvert is located under the existing access to the project property (approximately 65 lineal feet); two other culverts are located along the northern side of SE Franklin Grade Road (approximately 240 total lineal feet). Size and pipe material of the culverts is unknown. There is no municipal stormwater collection system (catch basins, piping) or treatment within the vicinity of the project site.

### ***Water***

The site for the proposed project is undeveloped and has no existing water service or water connections (stub-outs) for future water service. There is an existing municipal 8-inch water main within SE Franklin Grade Road along the northwest and east frontage of the property and appears to continue south along the unpaved portion of Franklin Grade Road. At the northern boundary of the project site, the existing water main diverges from Franklin Grade Road and runs immediately parallel to the project site property line. An existing fire hydrant is located with public right-of-way at the northeast corner of the site.

### ***Electrical***

Existing overhead power runs east/west along the northern boundary of the property. There is an existing power pole west of the existing access road where the overhead power crosses SE Franklin Grade Road to continue along the south side of SE Isaacs Road.

## **POLICE / FIRE SERVICES**

Police Services are provided by the Pendleton City Police, located at 622 Airport Rd, Pendleton, near the Eastern Oregon Regional Airport. The Pendleton Fire and Ambulance Department provides fire and emergency services from its location at 1455 SE Court Ave, less than a mile from the proposed South Hill site.

## **TRANSPORTATION**

### ***Street Network / Classification***

The site is located on the south (southwest) side of SE Franklin Grade Road (formerly known as Juvenile Detention Center Road), near the intersection of SE Isaacs Avenue (to the north). SE Franklin Grade Road aligns with SE 15<sup>th</sup> Avenue as it terminates at the southwest corner of the property. The *City of Pendleton Transportation System Plan Update* currently identifies SE Franklin Grade Road as a *collector* street, the primary function of which is “to provide for the movement of traffic between arterials, activity centers and neighborhoods.” Historically significant, the *Draft 1-84 Exit 210 Interchange Area Management Plan* identifies SE Franklin Grade Road as following alignment of one of the original wagon routes in Pendleton.

### ***Bicycle Connectivity***

Existing bicycle connectivity is currently not developed along SE Franklin Grade Road. The nearest bike lanes are located where SE Frazer Ave meets SE 10<sup>th</sup> Avenue, less than one mile from the site.

### ***Pedestrian Connectivity***

The site is located on a section of right-of-way along SE Franklin Grade Road, which has not been fully improved with sidewalks providing pedestrian connection to other uses or more developed areas of Pendleton. Homestead Services, the nearest neighboring structure, includes half-street improvements for its frontage along SE Franklin Grade Road, which will tie into future right-of-way improvements as they are developed.

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### ***Transit Availability***

SE Franklin Grade Road is not served with a fixed route by Pendleton's Let'er Bus Transit, available to the public but with limited routes. The nearest fixed transit route is located on OR 11 with west bound service on SW Isaac Avenue, with the May Park Transit Stop currently nearest to the site. Demand-response / Dial-a-Ride service is available through Seniors / Disabled Services such as the Taxi Ticket Voucher Program, Senior Meal Site Transportation Program and Elite Transit Tickets, in addition to Daily Van Service, Parks and Rec Interpark Transportation, and Care-Ride, available for residents within the City of Pendleton and the Urban Growth Boundary. Horizon Services also provides transportation options for its developmentally disabled clients, in conjunction with various other transportation providers within specific local programs.

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## III. PROPOSED PLAN

### PROJECT VISION

The South Hill Commons project is envisioned as an innovative, integrated, affordable multifamily living community for those living in and around Pendleton. The project generates and nurtures HPI's core values through an intentional housing development which utilizes universal-design based principles to foster an integrated living setting for individuals experiencing intellectual and developmental disabilities within a broader community serving individuals and families in need of affordable, safe, dignified, and stable housing.

Through collaboration with Pendleton city leaders to increase available housing, specifically affordable housing for cost-burdened households, South Hill Commons seeks to address and enrich this need with opportunities for enhanced integration, independence, and stability for all members of its community. Utilizing sustainable design solutions, accessible opportunities in a challenging natural environment, and choices through a variety of living options, South Hills Commons intends to be a catalyst for future residential development serving the diverse needs of the Pendleton community.

South Hill Commons (*Figure 7.1 Illustrative Site Plan*) proposes a new 70-unit affordable, integrated Multifamily housing development located within the Urban Growth Boundary (UGB) of southeastern Pendleton, situated in the south hills on SE Franklin Grade Road. It combines a total of seventy apartments (comprised of one, two and three-bedroom units) with an on-site residential care home, and residential community center serving both the multifamily buildings and the residential care home. Developed by Horizon Project, Inc (HPI), a local nonprofit with offices in Pendleton, Hermiston and Milton-Freewater, South Hill Commons will be available to all people who earn 50% and 60% of Pendleton's area median income and below.

### PROJECT BACKGROUND

#### *Horizon Project Inc.*

As the largest single community-based provider agency in the region, HPI serves most of the individuals experiencing intellectual and developmental disabilities (IDD) in Umatilla County who receive support outside of their homes. With three offices, integrated employment services, 18 residential group homes, and Pioneer Commons, a similar integrated affordable housing complex in Milton-Freewater, HPI is uniquely positioned to expand housing choice, having the internal expertise and capacity to meet both service and housing demand. South Hill Commons' design is built around a model of integrating both a group home and independent living units for people experiencing IDD within the 70-unit affordable housing complex for individuals, working families, seniors, or veterans. The concept is driven by HPI's mission to expand decent, affordable housing options that maximizes integration and benefits the entire community.

HPI's work is grounded in compassion, respect, and the belief that all people have a right to live fully, without societal barriers. As such, HPI envisions a world where those they serve:

- Experience enhanced independence and integration
- Forge meaningful relationships
- Pursue their desires, hopes and dreams
- Access resources for learning, personal development, socialization, and inclusive competitive employment
- Earn a prevailing wage
- Have safe and stable homes that reflect the dignity and respect they deserve

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### ***The Need for Affordable Housing***

Affordable housing comes in many forms - single family detached housing, accessory dwelling units, townhouses, duplexes, tri- and quad-housing, multiple-unit housing, manufactured homes, renter-occupied units, and others. Some type of affordable housing exists in most neighborhoods and serves a broad spectrum of the community - individuals, families, and seniors alike.

Broadly stated, housing in Oregon is termed “affordable” when households spend no more than 30% of their gross income on housing costs, including utilities. Households are defined by those who meet applicable maximum income limits, are adjusted for family size, and based on data from the US Department of Housing and Urban Development (HUD). Oregon Housing and Community Services (OHCS) defines “low-income” to mean a household with an annual income that is more than 50% but below 80% of the area median income. “Very low-income” means an annual household income that is at, or less than, 50% of the area median income.

OHCS recognizes that the lack of available housing, high rents and high home prices are driving increases in housing instability and homelessness. As a result, OHCS developed the *Statewide Housing Plan (SWHP)* in 2017 to guide the framework for more Oregonians to have access to stable housing opportunities necessary for self-sufficiency. Households required to pay more than 30% for housing are considered “cost-burdened” and may have difficulty paying for other necessities such as transportation, food, clothing, and medical care. According to the SWHP, in 2017, 27% of Oregon renter households had a “severe housing cost burden”, meaning they spent more than 50% of their income on housing and utilities. Housing cost burdens are particularly challenging for lower-income renters.

South Hill Commons will address the housing affordability need and reduce housing cost burden to individuals and families by offering 40% of units to households with an annual income below 50% of the area median income, and the remaining 60% of units to households with an area median income of 60% or less.

### **PROJECT DESCRIPTION**

#### ***Site Context***

The total 4.15-acre site (inclusive of street vacations) is located within Pendleton’s UGB on a moderately sloped, undeveloped R-2 Medium Density Residential zoned parcel roughly one-third mile north of I-84 in the south hills of southeastern Pendleton. The northwest corner of the property currently provides public access to Umatilla County Services, including both the Developmentally Disabled Program and the Juvenile Services Division, located directly adjacent to the west. Access to the County property is currently provided by an easement through the proposed South Hill Commons site. Across the street to the east, Homestead Youth and Family Services provides counseling and supervision through alternative residential care in a two-story residential-style building. To the north of Homestead is a single-family home facing SE Isaacs Ave, and another large single family residential properties with outbuildings high atop a steeply graded hill situated approximately one-half mile away at the top of the hill which steeply overlooks east Pendleton and the Umatilla River below. The project site, and land surrounding, is zoned R2-Medium Density Residential (*Figure 3.1 Zoning Map*), with the exception of the abutting undeveloped lot directly to the southeast, which is vacant, zoned R1-Low Density Residential.

#### ***Site Concept***

The site concept for the proposed project was developed around the premise of encouraging a positive living community for the residents and lowering the barriers not only for housing affordability, but for those experiencing IDD to integrate into full lives without societal barriers. This translates into a site design which places building forms around central, active, community spaces which increase and support community interactions. Smaller scale outdoor spaces – paths, sitting and stopping

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places, areas of activity and gathering, all with edges created by smaller scale retaining walls, building faces and integrated landscaping, support this concept through creation of a safe, secure, and comfortable environment.

Placement of the buildings and design of the proposed development are additionally influenced by the challenges of a 50-foot change in grade (1276 ft elevation on the south property line, to 1226 ft elevation on the north) and connection to existing SE Franklin Grade Road. All buildings of the proposed development surround central outdoor spaces which integrate wide ramped pathways with enlarged areas for community amenities – an outdoor plaza off the resident community building, a play area with a play structure and seating, a covered picnic table and a community garden area with seating. Seating areas are also integrated within stopping points along the side pathways, and surface parking is provided along both the north, south and east edges for convenience to residents. Electric-car charging infrastructure is provided for ten parking spaces, distributed within each parking area. Two separate enclosed trash and recycling areas are provided, and covered bicycle parking is interspersed throughout the site at residential buildings and the community building.

### ***Site Landscaping***

Native, drought-tolerant shrubs, grasses and groundcover are shown within all the planting areas within the site to help increase native plant populations and to conserve water. A native hydroseed mix will be utilized within the right-of-way and along the north and eastern exterior of the site, consisting of a dryland mixture of grasses that is easy to establish and requires minimal maintenance. Plant selections proposed are based on city buffer requirements, mature size, sun exposure, water requirements and hardiness-level.

Street trees proposed along the property line at the edge of right-of-way and are from the city's street tree list. Parking lot trees have been provided per city requirements, and small, deciduous site trees are proposed within the interior of the site to provide shade during the hot summer months and to help soften building edges.

Vegetation screening provides a buffer to the street where needed, providing a screening function and vertical interest around the trash enclosures at both north and south locations, around the wall-mounted electrical gear on the east side of residential Building B, and all electrical transformer locations.

### ***Proposed Building Development***

South Hill Commons proposes four separate two-story wood-framed residential buildings, utilizing fiber cement board-and-batten style cladding and a single-slope roof design, which overlaps over the breezeway to create an open, split-shed style roof design at each residential building (*Figures 10.1-10.5 Elevations*). The proposed building organization features a central covered, open breezeway serving resident entries through the central spine of each building (*Figures 9.1-9.6*). The breezeway concept provides smaller-scale residential communities within each building – offering an outdoor area to provide relief from hot summer sun and severe winter weather. The breezeways integrate opportunities for community interaction - "stepping logs" for small children, areas to sit on a bench picnic tables or seating edge, and upper unit overlooks. As the central meandering unit entry path, breezeways also take advantage of unit kitchen windows to provide resident's "eyes on the space" where children play, and residents visit.

Building forms are inspired by the agricultural forms of eastern Oregon and intend to integrate the natural color tones (blues, greens, and golds) of the Pendleton area landscape throughout the simple forms. Buildings are terraced to integrate into the natural step of the grade and follow the slope toward SE Franklin Grade Road. Buildings are oriented so that views of the downtown area are available from northwest facing windows. Site retaining walls are integrated extensively to support the

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internal pedestrian system between all the buildings, and retain larger areas such as parking areas, drives and buildings (reference *Figures 12.1 Grading Plan and 13.1 Site Plan*).

The residential buildings consist of units ranging in size from 1- to 3-bedrooms (refer to *Table-1* below) totaling 62,611 sf. Each building includes a community laundry room, as well as in-unit laundry for the 3-bedroom family apartments. To provide expanded resident choice and enhance supportive needs, the proposed development exceeds the requirement for Type A accessible units, providing a total of nine units, surpassing the 2% (two unit) requirement per OSSC 2019 Chapter 11 Accessibility by seven additional units.

**Table-1: South Hill Commons Residential Unit Matrix**

	<b>Unit Type</b>	<b>Quantity</b>	<b>Total</b>
<b>Building A</b>	2-bedroom	12	16 units (15,006 total sf)
	3-bedroom	4	
<b>Building B</b>	2-bedroom	11	16 units (14,596 total sf)
	2-bedroom accessible	1	
	3-bedroom	4	
<b>Building C</b>	1-bedroom	7	14 units (8,762 total sf)
	1-bedroom accessible	7	
<b>Building D</b>	2-bedroom	14	24 units (24,247 total sf)
	3-bedroom	9	
	3-bedroom accessible	1	
<b>TOTAL UNITS</b>			<b>70 units</b>

In addition to the residential buildings, a separate, 3,235 sf, centrally located resident community building includes a property management office, a resident services office, conference room, restrooms and a large multi-purpose room intended for resident use. The multi-purpose room will be available to residents for a variety of needs – classes, training, events, and social activities. The community building serves the residents of the development, with operating hours planned for 8:00 am to 10:00 pm. Design of the resident community building echoes the board-and-batten siding and split-shed roof design of the residential buildings, providing north daylight through the high clerestory windows. Plaza access and large windows on the west side of the multi-purpose room provide visual and physical connection to the central outdoor community spaces.

HPI’s residential care home, which will provide supported living for three HPI residents, is nestled into the residential community and is integrated into the larger site concept. Design and construction of the residential care home (“group home”) will complement the multifamily building design by utilizing compatible roof pitches, material choices and colors. To adhere to multifamily funding requirements, the applicant is pursuing a minor partition through concurrent Type III Replat to decouple to development of the group home from the multifamily complex; HPI will own the parcel and residential care home on which it sits, while the multifamily partnership formed through the low-income housing tax credits, will own the multifamily parcel. At the time of this application, the residential care home is yet to be designed and will be constructed by a local homebuilder, therefore is not visually represented within the application. Allowed by right, the residential care home and parcel is included, however, for consideration as it applies to the UDC standards for development.

South Hill Commons proposes a 450% increase (nine Type A accessible units vs. the required two) in accessible unit choice. Guidelines of Universal Design (equitable, flexible, simple and intuitive, informative, safe, and accessible design choices) are prioritized to feature:

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- Stepped building massing to allow for easier transition to adjacent grades and minimize stairs;
- On-grade access between indoor and outdoor common areas;
- The priority of generous-width ramps as the primary route to residential buildings, which integrate stopping points with site furnishings for resting and socializing;
- Integration of wayfinding throughout the residential community utilizing techniques such as color, texture, sound, symbols, and landscaping;
- An interactive technology kiosk with assistive technology to access community services – calls, ride shares, etc.;
- Video-conferencing capability within the multi-purpose community room for teaching, mentoring, and socializing;
- Single-action door locks in the one-bedroom units;
- 7 (seven) additional “enhanced” one-bedroom units on the second level of Building C which provide greater clearances, increased lighting levels and adaptability for increased resident needs.

### ***Sustainability***

The integration of sustainable design solutions is an identified goal for the South Hill Commons development team. The proposed project integrates environmentally conscious solutions which benefit residents by greater comfort and energy efficiencies:

- Reduced building envelope loads through window / wall ratio which balance needs for daylight and ventilation
- Double pane insulated window glazing units
- 2-ft building overhangs (minimum)
- Improved envelope (wall and roof) performance inclusive of advanced framing techniques, exterior insulation, R-49 blown-in attic insulation
- Air sealing practices to reduce air infiltration through the building envelope
- Passive daylighting strategies
- Natural ventilation opportunities
- Through-wall packaged-terminal heat pumps for cooling
- Continuous low-volume bath exhaust fans
- LED-high efficiency EnergyStar rated lighting fixtures
- EnergyStar rated appliances for clothes washers, dishwashers, and refrigerators
- Landscaping with native plants and grasses which utilize micro-irrigation / drip irrigation
- EV-ready parking spaces (10) for electric car charging capability
- Solar PV installation on Building D
- Solar-ready infrastructure for all buildings

## PROJECT INFRASTRUCTURE

### ***Sanitary Sewer***

The proposed project plans to install a sanitary sewer collection and conveyance system to meet development needs of the site. Each new building will have dedicated 6-inch sanitary sewer service. A system of 6-inch PVC 3034 piping, cleanouts, and utility access holes will convey sanitary sewer generated by the site to the existing sanitary sewer system in SE Franklin Grade Road. Connection of the project site sanitary sewer system to the existing municipal sanitary sewer system will occur at existing utility access holes located within SE Franklin Grade Road.

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### ***Stormwater Management***

The proposed project includes the installation of storm sewer collection, detention, and discharge systems. Stormwater generated on paved roadways and parking areas will be directed via sheet flow to a system of catch basins located within the new private roadways. Roof downspouts for each of the buildings will be connected to the storm sewer system. A system of 8-inch PVC 3034 piping, cleanouts, and utility access holes will convey storm sewer generated by the site to the proposed stormwater detention system. Stormwater generated by the project site will be conveyed to detention piping located in the northern portion of the site. The detention pipes will be capable of holding stormwater generated by the 25-year stormwater event. Stormwater discharge from the detention piping system will be regulated by a flow-control utility access hole to ensure discharge from the site does not exceed the pre-developed peak flow or volume of stormwater runoff for the 25-year storm. Stormwater from the project site will ultimately be connected to a new storm sewer collection and conveyance system located in SE Franklin Grade Rd.

### ***Water***

Water for the project site will be provided by connection to the existing municipal water main within Franklin Grade Road. The new 8-inch water main will connect to the existing water main at both site access drives, thus providing a looped system. A backflow prevention valve will be installed near each connection point. Each building will have a dedicated 3-inch water service, including water meter, for potable water and 6-inch fire suppression line for connection to the building fire sprinkler service.

### ***Electrical***

Electrical service for the site will be provide via underground service. The existing power pole located along the north of the property will need to be relocated to accommodate the off-street improvements related to the project. The project team is coordinating with the electrical service provider (PP&L) for design of the new underground electrical system for the project.

### ***Off-site Improvements***

Ongoing discussions between the project team with the City of Pendleton Engineering and Public Works Departments have afforded an opportunity to expand the off-site scope of work to further improve the right-of-way infrastructure beyond the limits of the proposed South Hill Commons development (refer to *Appendix Item B* and *Figures 14.1 Offsite Site Plan* and *15.1 Offsite Grading Plan*).

Offsite upgrades necessitated by the proposed development consist of improvements within the right-of-way that fronts the property. These off-site improvements include approximately 575 lineal feet of full-width improvements and 300 lineal feet of half-street improvements.

Full-width improvements propose removal of existing street pavement and aggregate base section, construction of a new 36-foot road, construction of curb and gutter on each side of the new road, and construction of new 4.5-foot-wide sidewalk on the south side of the road (that fronts the project site). A new stormwater collection system consisting of catch basins is proposed for installation on both sides of the street. New 12-inch stormwater piping and utility access holes will convey stormwater to the point of discharge into an existing roadside ditch located on the north side of Franklin Grade Road at the western perimeter of the project site. Streetlights are proposed every 300 to 500 feet along the side of the road immediately adjacent to the project site, and one street tree is proposed every 70 feet along property frontage.

Half-street improvements propose removal of existing street pavement and aggregate base section, construction of a new 18-ft half-road that will match the existing street centerline (for one 10-foot lane and one 8-foot parking lane), construction of curb and gutter on the side of the new half-road, and



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construction of new 4.5-ft wide sidewalk on the side of the half-road. A new stormwater collection system consisting of catch basins is proposed for installation on the side of the new side of the road. New 12-inch stormwater piping and utility access holes will connect to the new storm sewer system installed with the full-street improvements in SE Franklin Grade Road. Streetlights are proposed every 300 to 500 feet along the side of the road immediately adjacent to the project site, and one street tree is proposed every 70 feet along property frontage.

### TRANSPORTATION

#### ***Street Network / Classification***

SE Franklin Grade Road will continue classification as a *collector*, and planned street improvements will provide an improved right-of-way with 36-ft roadway, gutter, curb, 4'-6" curb-tight sidewalk and planting strip per City Engineering direction (reference *Appendix Item B*). Offsite improvements anticipate future expansion of SE Franklin Grade Road per the *Pendleton TSP* as required for connectivity to SE Kirk Avenue, or *Draft 1-84 Exit 210 Interchange Area Management Plan* requirements, if implemented.

#### ***Bicycle Connectivity***

Expanded proposed offsite improvements will provide a 36-ft wide roadway, which can accommodate two 12-ft drive lanes and two 6-ft bicycle lanes, as proposed in the *Pendleton TSP*, and will connect to future right-of-way improvements along SE 10<sup>th</sup> Avenue, or via future expansion southward of SE Franklin Grade Road. Accommodations for bicycle use by residents of South Hill Commons supported by wide pathways, accessible ramps and covered bicycle parking provided at each building within the proposed development.

#### ***Pedestrian Connectivity***

Pedestrian connectivity within the site is described within the Site Concept narrative, and connections to the improved right-of-way are provided at three separate connection points from the proposed project. Accessible connections are proposed at two locations - the south drive entry, as well as a separate accessible pedestrian path near the north drive (the grade at the north drive exceeds accessibility requirements, therefore is accommodated slightly south of the drive entrance). A non-accessible pedestrian connection is also provided on the west side of the north entry drive. Pedestrian connections are expected to connect to future right-of-way improvements along SE 10<sup>th</sup> Avenue, or via future expansion southward of SE Franklin Grade Road.

#### ***Transit Availability***

Transit options are accommodated within the proposed site layout, and although SE Franklin Grade Road is not currently served with a fixed route by Pendleton's Let'er Bus Transit, the installation of a future bus shelter within the right-of-way frontage of South Hill Commons for a future transit route is supported by HPI. The large drop-off / pick-up "plaza" area near the resident mailbox location allows for residents to coordinate demand-response and dial-a-ride services. Horizon Services transportation options are also available to IDD clients living at South Hill Commons.

### PROJECT FUNDING

Through the generosity and partnership with the City of Pendleton, HPI has been given an opportunity to be the recipient of donated land to help address Pendleton's housing shortfall within the Urban Grown Boundary. This, in combination with OHCS funding paths and other grants, allows the proposed South Hill Commons to rely on a combination of strategies to provide housing which addresses both affordability and supportive needs.

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With a goal of breaking ground as soon as late summer of 2022, South Hill Commons will be focused on providing rental units to households who earn 50% and 60% of Pendleton's median income and below (as earlier noted). Coordinating with the Community Action Program of East Central Oregon (CAPECO) as a local service provider and outreach coordinator, CAPECO's outreach focus is centered on addressing specific programmatic needs for Pendleton's underserved populations. HPI is additionally investing in local equity partnerships such as Cayuse Technologies and Wenaha Group as part of the design and construction process. Design goals such as cost-efficient, simplified building forms which take cues from and integrate within the natural landscape, are prioritized to keep development costs as reasonable as possible.

Through OHCS, South Hill Commons will achieve Earth Advantage Gold-level sustainability goals and is expected to maximize the available sustainable incentives offered through the Oregon Multifamily Energy Program Whole-Building path. Any remaining incentives available through Energy Trust of Oregon are being pursued, including the coordination with a solar trade ally to provide incentivized solar photo-voltaic panels on south-facing roofs.

In addition to OHCS funding, South Hill Commons is a 2021 IDD Integrated Housing Grant recipient of Oregon Community Foundation's Fairview Trust funding, in support of projects which focus on improving housing for people experiencing IDD. To order to comply with the 2010 ADA Standards for Accessible Design, South Hill Commons must provide 2% (two) "Type A" accessible Units within the development. Through the addition funds of the Fairview Trust grant, the ability to provide additional Type A units is realized, resulting in a total of 9 (nine) Type A units - 7 (seven) one-bedroom, 1 (one) two-bedroom and 1 (one) three-bedroom units - to serve both supportive and community accessibility needs.

*Note: Approval and recording of the Type III Land Division - Replat is required to be complete and recorded with Umatilla County prior to submission of South Hill Commons for building permitting. Readiness to issue of South Hill Commons building permit IS REQUIRED for construction loan closing by the affordable housing tax-credit investment partnership.*

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## IV. LEGAL FINDINGS

### PROJECT SUMMARY

As described in detail within Chapter III, the proposed project includes a concurrent Type III Replat (which consolidates the street vacations and existing lots into one, with a minor partition for the residential care home parcel) and Type III Conditional Use for the proposed South Hill Commons Project, including 70 affordable units, inclusive of one, two and three-bedroom units (62,612 total sf), a residential community building (3,234 sf), and a residential care home (1,800 sf) providing support for IDD residents served by HPI programs and integrated within the multifamily development as part of the overall residential community. The residential care home is allowed by right within the R-2 residential zoning, and the multifamily development is subject to Conditional Use review within the same R-2 residential zoning. The proposed buildings will be developed within a 4.15-acre, sloped site which proposes 106 parking stalls within three parking areas, served by a 24-ft wide two-way drive aisle, which will concurrently provide public access to the neighboring County Services property to the west.

### HOUSING GOALS

The partnership between the City of Pendleton and HPI to create South Hill Commons affordable housing successfully addresses housing goals established at both state and local levels. Supporting the Oregon Statewide Planning Goals and Guidelines and benefitting directly from some of the established priorities of OHCS' Statewide Housing Plan, the proposed project aims to address the need for increasing affordable and supportive housing options within the state.

#### ***2017 OHCS Statewide Housing Plan***

The proposed South Hill Commons contributes directly to three of the six established priorities the 2017 *OHCS Statewide Housing Plan* to build support and inspire community action:

- *Priority: Supportive Housing – increased commitment by working with partners to align resources for, and eliminate barriers to, producing permanently supportive housing.*
- *Priority: Affordable Rental Housing – expand and expedite delivery of affordable rental housing, reduce housing cost burdens for low-income renters, and preserve existing affordable housing*
- *Priority: Rural Communities – through collaboration with small towns and rural communities, increase OHCS-funded housing development in rural areas by 75%*

As one of nineteen goals developed by the Oregon Department of Land Conservation and Development (DLCD) and defined within the 2019 *Oregon Statewide Planning Goals and Guidelines, Goal 10: Housing* (OAR 660-015-0000 (10)) aims to provide for the housing needs of the citizens of the state through planning and implementation guidelines which outline the planning process to define the housing needs of an area or region. This guidance has formed the basis for analysis of Buildable Lands Inventory and Housing Needs, utilized by both Umatilla County and the City of Pendleton.

Implemented at a local level through the City of Pendleton's Housing and Neighborhood Improvement Committee, this committee has the responsibility of formulating and recommending policy on housing and community revitalization programs to inform the Pendleton City Council.

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### **City of Pendleton Priorities**

Of the four stated priorities established by Pendleton's City Council, South Hill Commons addresses each directly:

- *Goal 1: Sustainable Infrastructure Funding for Buildings, roads, and utilities*

#### **Findings:**

In partnership with the City of Pendleton, offsite improvements required by the development will be expanded beyond the required area to realize cost and timing efficiencies for improving Pendleton's infrastructure. The increased offsite improvements look toward future transportation goals within Pendleton's Transportation System Plan, and work towards support ODOT's planned *1-84 Exit 210 Interchange Area Management Plan* and SE Kirk Avenue expansion. Increased infrastructure development supports future residential development near South Hill Commons, which is likely to be a catalyst for subsequent residential development in the area.

- *Goal 2: Increase Economic Development Activities and Blight Reduction*

#### **Findings:**

The development of an integrated, affordable housing community provides opportunities for construction employment, supportive caregiver employment and invests in the Pendleton community by providing affordable living options for those employed within the area, increasing density and housing stock within Pendleton's urban growth boundary.

- *Goal 3: Development of Quality Commercial, Industrial, and Residential Properties*

#### **Findings:**

As OHCS-funded residential property, South Hill Commons will be required to meet increased construction standards to meet higher durability and longevity requirements, supporting sustainable and resilient initiatives built toward smart and responsible growth. South Hill Commons is envisioned as a housing model embodying affordability, livability, durability, sustainability, and community.

- *Goal 4: Increase Available Housing*

#### **Findings:**

South Hill Commons increases not only the available housing stock, but provides much-needed affordable housing, addressing Pendleton's on-going housing shortfall. *Pendleton's Comprehensive Plan Policy 10 - Housing* speaks specifically to the need "To provide for the housing needs of citizens of the state – Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon house-holds and allow for flexibility of housing location, type and density." In addition to increasing Pendleton's housing stock, funding the project with Low-Income Housing Tax Credits establishes affordability covenants that will run with the land for a minimum of 60 years.

### **Pendleton's 2019 Housing Needs Analysis**

Pendleton Mayor Turner's August 2020 Update on Housing notes Pendleton's lack of affordable housing for lower-income families, worsened by the flooding within the Riverside area earlier in the year. Citing Pendleton's *May 2019 Housing Needs Analysis*, which indicated Pendleton's need to add 870 new dwelling units in the next 20 years, many of these units are required by families who make less than the Median Family Income (MFI). Despite a tight Urban Growth Boundary and topography which can be physically challenging to develop, in conjunction with construction delays caused by Covid-19, Pendleton is committed to increasing its housing stock with a goal of gaining more than 300 new housing units within the next three years. South Hill Commons supports Pendleton's commitment

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to the creation of new, affordable housing in an expanding location on buildable land within the urban growth boundary.

### TRANSPORTATION GOALS

According to the 2007 *City of Pendleton Transportation Plan Update*, the greatest unmet need for transportation within the City of Pendleton area is the lack of transit options for non-elderly and non-disabled people. South Hill Commons addresses proposed transportation goals within the *Pendleton TSP* through onsite accommodations for pedestrian, bicyclists and transit options as available. As the surrounding area expands residential development, related right-of-way improvements, and transit options, the proposed project will be prepared to accommodate an expansion of services and infrastructure.

### THE UNIFIED DEVELOPMENT CODE - ORDINANCE NO. 3845

*AN ORDINANCE CREATING THE CITY OF PENDLETON UNIFIED DEVELOPMENT CODE TO ESTABLISH STANDARDS FOR DEVELOPMENT WITHIN THE CITY OF PENDLETON AND ITS URBAN GROWTH BOUNDARY, AND TO IMPLEMENT THE PENDLETON COMPREHENSIVE PLAN.*

#### Findings:

The following Unified Development Code (UDC) Articles and Standards within represent the criteria and findings to which the proposed South Hill Commons development is subject:

### UDC ARTICLE III – RESIDENTIAL ZONES

#### ***UDC §3.01 Needed Housing***

*ORS 197.307(6) applies to "needed housing" as that term is defined in ORS 197.303, and provides that "[a]ny approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." ORS 197.303, in turn, defines "needed housing" as follows:*

*As used in ORS 197.307, until the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:*

- Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;*
- Government assisted housing;*
- Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and*
- Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.*

#### Findings:

The proposed South Hill Commons project qualifies as "needed housing" per ORS 197.303 as it will help the City of Pendleton address the stated priorities established by Pendleton's City Council. South Hill Commons will be able to provide 70 new housing units within the urban growth boundary at rent levels for households currently earning 50% and 60% AMI with affordability tied to the land for a minimum of 60 years. In addition, the residential care home will provide supportive housing for at

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least three individuals currently experiencing IDD as part of the integrated housing concept, therefore achieves the stated goals in multiple ways, and meets the standard.

### **UDC §3.03.1 – R-2 Medium Density Residential Zone Standards**

*To provide for land areas to be used predominately for dwellings of varying types within a moderate density range, together with related uses. Within the Central Mixed Use Plan Designation, the R-2 zone also provides opportunities for adaptive re-use of historic structures and for expansion of existing commercial and light industrial uses. Within a designated Opportunity Area, land within the R-2 zone is suitable for the range of urban land uses authorized by a Master Development Plan approved by the City pursuant to the Opportunity Area Subdistrict in Article 7.*

#### **Findings:**

The proposed South Hill Commons project provides a variety of dwelling types (one, two, and three-bedroom apartments within a multi-dwelling community, as well as supportive care for IDD residents within a residential care home) at an allowed density of development for the R-2 Medium Density Residential Zone, which complies with the standard as described.

### **UDC §3.03.2 Permitted Uses**

*The following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11 of this Ordinance:*

*E. Residential Homes and Residential Facilities (see ORS 197.660-670)*

*ORS §197.660 (2) “Residential home” means a residential treatment or training home, (as defined in ORS 443.400 to 443.455) that provides residential care along or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.*

#### **Findings:**

The proposed residential care facility is operated by HPI services and will be constructed to serve no more than three (3) HPI-supported IDD residents, certified and funded by the Department of Human Services. It will contain no more than five (5) residents at one time; therefore, the use complies with permitted uses.

### **UDC §3.03.3 Conditional Uses**

*The following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 11 of this Ordinance:*

*E. Dwelling, Multifamily*

#### **Findings:**

The proposed development is a 70-unit multifamily dwelling. Multifamily dwellings are subject to Conditional Use review for masterplan of multifamily development within an R-2 Medium Density Residential zone.

### **UDC §3.09.1 Density**

*In all of the residential zones, the minimum and maximum residential densities shall be as shown in Table 3.1.*

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### Findings:

#### Residential Care Home:

- Per Table 3.1, **Minimum** Density requirement for R-2 is 4 DU per acre. Residential Care Home parcel = 8,585 sf (.20 acre).  $\text{DU/acre} = 1 \text{ DU} / .20 \text{ acres} = 5 \text{ DU per acre} > 4 \text{ DU per acre}$ , therefore, complies with the provision.
- Per Table 3.1, **Maximum** Density requirement for R-2 is 18 DU per acre. Residential Care Home parcel = 8,585 sf (.20 acre).  $\text{DU/acre} = 1 \text{ DU} / .20 \text{ acres} = 5 \text{ DU per acre} < 18 \text{ DU per acre}$ , therefore, complies with the provision.

#### Multifamily Dwelling:

- Per Table 3.1, **Minimum** Density requirement for R-2 is 4 DU per acre. Multifamily parcel = 172,202 sf (3.95 acre).  $\text{DU/acre} = 70 \text{ DU} / 3.95 \text{ acres} = 17.92 \text{ DU per acre} > 4 \text{ units per acre}$ , therefore, complies with the provision.
- Per Table 3.1, **Maximum** Density requirement for R-2 is 18 DU per acre. Multifamily parcel = 172,202 sf (3.95 acre).  $\text{DU/acre} = 70 \text{ DU} / 3.95 \text{ acres} = 17.92 \text{ DU per acre} < 18 \text{ units per acre}$ , therefore, complies with the provision.

### **UDC §3.09.2 Minimum Lot Size**

*In all of the residential zones, the minimum lot sizes shall be shown in Table 3.1.*

### Findings:

#### Residential Care Home:

Per Table 3.1, Minimum Lot Size (<10% slope) = 5,000 sf;  
Lot size = 8,585 sf > 5,000 sf, therefore, complies with the provision.

#### Multifamily Dwelling:

Per Table 3.1, Minimum Lot Size (10%-20% slope) in R2 = 7,000 sf;  
Lot size = 172,202 sf > 7,000 sf, therefore, complies with the provision

### **UDC §3.09.3 Maximum Lot Size**

*The maximum lot size that may be approved administratively shall not exceed twice the minimum lot size under the corresponding zone and slope. Mapped constraints may be removed from the maximum lot size calculation.*

### Findings:

#### Residential Care Home:

Maximum Lot Size (<10% slope) = 2 x minimum (5,000 sf) = 10,000 sf  
Lot size = 8,585 sf < 10,000 sf, therefore, complies with the provision.

#### Multifamily Dwelling:

Maximum Lot Size (10%-20% slope), therefore no mapped constraints. Multifamily dwelling does not apply to maximum lot size requirement, as it is subject to Conditional Use review for masterplan of Multifamily development.

### **UDC §3.09.4 Maximum Height**

*In all of the residential zones, the maximum height shall be as shown in Table 3.1. Building height shall be determined by measuring all sides of a building relative to average grade. Building stories located more than six feet above average grade shall be counted as a full story; those less than six feet above average grade shall be counted as a basement.*

### Findings:

#### Residential Care Home:

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Per Table 3.1, Maximum height is 40 ft / 3 stories. Height of one-story structure is estimated to be no more than 20 ft in height.

### Multifamily Dwelling:

Per Table 3.1, Maximum height is 40 ft / 3 stories.

Building Heights of Proposed Multifamily Buildings:

- Building A: 23'-8" height / 2 stories; complies with provision
- Building B: 23'-8" height / 2 stories; complies with provision
- Building C: 23'-8" height / 2 stories; complies with provision
- Building D: 33'-8" total height / 2 stories (south bar) 3 stories (north bar); both comply with provision
- Building E: 20'-1" height / 1 story; complies with provision

Reference *Figures 10.1-10.5 - Building Elevations* for individual, illustrated heights of each structure.

### **UDC §3.09.5 Exceptions to Height Limits**

*The height limits of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, aerials, solar energy collectors and equipment used for the mounting or operation of such devices, and any other on-site energy generating device.*

### **Findings:**

Roof mounted solar collectors (planned for Multifamily Building D through Energy Trust of Oregon incentives) are not anticipated to exceed the maximum height limit.

### **UDC §3.09.6 Maximum Lot Coverage**

*In all of the residential zones, the minimum lot sizes shall be shown in Table 3.1.*

### **Findings:**

#### Residential Care Home:

Per Table 3.1, Maximum lot coverage for R-2 Medium Density Residential is 40%.

Building area coverage total = 1,800 sf (estimated)

Lot area = 8,585 sf

Lot coverage = 21% < 40% Maximum; complies with provision

#### Multifamily Dwelling:

Per Table 3.1, Maximum lot coverage for R-2 Medium Density Residential is 40%.

Building area coverage total (includes roof extensions) = 44,518 sf

Lot area = 172,202 sf

Lot coverage = 25.8% < 40% Maximum; complies with provision

### **UDC §3.09.7 Miscellaneous Lot Provisions**

- A. *Building Lots must abut a public right-of-way or other public access. No residential, commercial, or industrial building shall be erected on a lot which does not abut at least one street.*

### **Findings:**

Per Type II Replat (concurrent application), the Residential Care Home parcel will abut SE Isaac Avenue public right-of-way with a 12 ft wide frontage. Public access will be provided to SE Franklin Grade Road by way of regress easement on the private drive through the Multifamily parcel, therefore complies with the provision.



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The Multifamily Dwelling parcel abuts public right-of-ways of both SE Isaac Ave and SE Franklin Grade Road, therefore complies with the provision.

*B. The primary access shall be via a street that is improved or will be improved to City standards prior to occupancy of any unit, otherwise approved by Planning Commission.*

**Findings:**

Both the Residential Care Home and Multifamily parcels will have primary access to SE Franklin Grade Road, which is planned to be fully improved to City standards upon completion of the development, therefore complies with the provision.

*C. Parking, Storage or Use of Recreational Equipment.*

**Findings:**

Recreational equipment will be prohibited by the management agreement and tenant rule/regulations, therefore no accommodations for parking, storing or use will be allowed as part of the Residential Care Home or Multifamily development, therefore complies with the provision.

*D. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers without current license plates shall not be parked or stored on any residentially used property other than in completely enclosed buildings.*

**Findings:**

No unlicensed automotive vehicles or trailers will be parked, stored, or used as part of the Residential Care Home or Multifamily development, therefore complies with the provision.

**UDC §3.09.8 Yard (Setback) Regulations – Primary Structures**

- A. Front Yard: The minimum front setback shall be as shown in Table 3.1.*
- B. Side Yard: The minimum side setback shall be as shown in Table 3.1, except on corner lots, where ten (10) feet are required on the side abutting the street, and in the case of attached single-family dwellings, where a zero-lot line is allowable (with the provision of common “party” wall construction).*
- C. Rear Yard: The minimum rear setback shall be as shown in Table 3.1, except in the case of attached single family dwellings, where a zero rear lot line is allowable (with the provision of common “party” wall construction).*
- D. Garage or carport face: 20 feet from any property line. The front wall of a garage, and any portion of a carport, shall not be permitted less than twenty (20) feet from a property line for primary and accessory structures.*

**Findings:**

Residential Care Home:

Per Table 3.1, R-2 Residential Zone minimum *required* and *proposed* setbacks are as follows:

<b>R-2 Yard Setback Regulations – Residential Care Home</b>			
<b>Residential Care Home*</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Finding</b>
Front	15 ft.	Estimated at 20 ft.	Complies
Side	4 ft.	Estimated at	Complies
Rear	5 ft.	Estimated at 30 ft.	Complies
Street Side	10 ft.	-	N/A

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Garage / carport face all sides	20 ft.	Estimated at 20 ft	Complies
Front- accessory	20 ft.	-	N/A
Side- accessory	3 ft.	-	N/A
Rear- accessory	3 ft.	-	N/A
Street / Side- accessory	10 ft.	-	N/A

\*Measurement taken from private drive

All Primary Setbacks are indicated on *Figure 8.1 Site Plan*. All setbacks comply with the provision.

**Multifamily Dwelling:**

Per Table 3.1, R-2 Residential Zone minimum *required* and *proposed* setbacks are as follows:

<b>R-2 Yard Setback Regulations – Multifamily Dwelling</b>			
<b>Multifamily Dwelling*</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Finding</b>
Front	15 ft.	Ranges from 43'-10" to 104'-4"	Complies
Side	4 ft.	Ranges from 45'-0" to 79'-9"	Complies
Rear	5 ft.	Ranges from 45'-0" to 79'-9"	Complies
Street Side	10 ft.	Ranges from 43'-10" to 104'-4"	Complies
Garage / carport face all sides	20 ft.	N/A	N/A
Front- accessory (Comm. Bldg)	20 ft.	95'-8"	Complies
Side- accessory	3 ft.	-	N/A
Rear- accessory	3 ft.	-	N/A
Street / Side- accessory	10 ft.	-	N/A

\* Multifamily dwelling setbacks are subject to Conditional Use Review

Yard setbacks are represented on *Figure 8.1 Site Plan*. All setbacks comply with (and exceed) minimum requirements within the R-2 Medium Residential Zone.

*E. The required front yard depth may be reduced in any residential zone as follows....*

**Findings:**

Neither use requires that the required front yard depth be reduced, therefore the provision does not apply.

*F. No building shall be erected on a lot which fronts upon a street having only a portion of its required width dedicated (as set forth in the Comprehensive Plan), unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street right-of-way width plus the width and/or depth of the yards required on the lot by this Ordinance.*

**Findings:**

This provision does not apply to either use as no street dedications are required for the development.

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- G. *Only under adverse topographical circumstances will a variance be granted for a front yard setback less than 10 ft.*

### **Findings:**

The site slope presents adverse topographical circumstances for an integrated multifamily development due to the substantial grade change across the property (as it poses challenges for accessible routes), however neither use requests a variance for a front yard setback less than 10 ft., therefore the provision does not apply.

- H. *Projecting Building Features: The following building features may project into the required front yard no more than five (5') feet, and into the required interior yards no more than two (2) feet, provided that such projections are no closer than three (3) feet to any interior lot line:*
- (1) *1. Architectural features such as gutters, flues, eaves, cornices, belt courses, sills, awnings, buttresses, or similar features;*
  - (2) *2. Chimneys and fireplaces.*

### **Findings:**

Neither use proposes any Projecting Building Features within any yard setbacks, therefore the provision does not apply.

### **UDC §3.09.9 Setbacks – Accessory Structures, Fences and Walls**

- A. *The front wall of a garage or carport shall not be permitted less than twenty (20) feet from a property line fronting an existing street or a future street as shown in the Transportation System Plan. Garages and carports on alley frontages shall have a minimum setback of five (5) feet.*

### **Findings:**

#### Residential Care Home:

The front wall of the garage is estimated to be no less than 20 ft from the multifamily private drive per Figure 8.1 Site Plan, which is greater than the five (5) ft minimum for alleys and meets the 20-ft setback from the property line. Therefore, the garage setback complies with the provision.

#### Multifamily Dwelling:

No garages or carports exist within the Multifamily dwelling; therefore, the provision does not apply.

- B. *In any zone, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required yards, provided such devices are not more than three and one-half feet (42") in height. Only stairs and protective railings may be located within the first ten (10') feet of the required front yard.*

### **Findings:**

#### Residential Care Home:

Within the single-family parcel, a site retaining wall to the north of the rear patio is located within a portion of the rear setback and will require a protective railing per OSSC 2019. The protective railing shall meet the requirement not to exceed 42' in height, therefore will comply with the provision.

#### Multifamily Dwelling:

Within the Multifamily parcel, a site retaining wall to the north of the north parking lot and trash enclosure is located within the front yard setback and will require a protective railing due to height per OSSC 2019. The protective railing shall meet the requirement not to exceed 42" in height, therefore will comply with the provision.

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- C. *Accessory Structure: In the interior rear and/or side yards, an accessory structure may be located so that its walls and/or projecting features shall be no closer than three (3) feet to the property line.*

### **Findings:**

#### Residential Care Home:

No accessory structures are proposed as part of the single-family dwelling, therefore will comply with the provision.

#### Multifamily Dwelling:

The Residential Community Building (accessory structure to the Multifamily residences) will have not walls or projecting features closer than three (3) feet to any property line due to OSSC 2019 required fire separation distances between structures. Refer to proposed setback distances in *Figure 8.1 Site Plan*. Complies with the provision.

- H. *Fences and Walls. In any residential zone, a sight obscuring fence or wall, not exceeding six (6) feet in height, may be located, or maintained within the required interior yards, except where the requirements of vision clearance apply. Such fences or walls may be placed in front or side yards abutting a street, provided such fences or walls do not exceed three and one-half (3.5') feet in height. Non-sight obscuring fences of six (6') feet or less in height may be erected within any required yard. This Section does not apply to retaining walls.*

### **Findings:**

#### Residential Care Home:

The proposed design incorporates a partial sight obscuring fence for privacy within the rear interior yard however it does not exist within the 5 ft rear yard setback. The proposed sight-obscuring fence will not exceed six (6) feet in height, therefore complies with the provision.

#### Multifamily Dwelling:

No fences or walls are proposed within any yard setbacks. The two trash enclosures (indicated within the northwest and southeast corners of the parking area) will be sight-obscuring fences and will not exceed six (6) feet in height, therefore comply with the provision.

- I. *Retaining walls. Retaining walls, steps, ramps and other associated elements associated with site grading are exempt from setback standards but must observe all other applicable permitting requirements.*

### **Findings:**

All retaining walls, steps, ramps, and other associated elements within the site layout for both the Residential Care Home and Multifamily uses are due to existing grading conditions. All are necessary to meet accessibility compliance requirements and allow for general site circulation (both pedestrian and vehicular). Any retaining walls within the setback will incorporate 42" protective railings as described in UDC §3.09.9.B, therefore comply with the provision.

### **UDC §3.09.10 Portable Storage Areas**

*Any box-like container which is transported by truck or trailer to a desired location for drop off and which is otherwise stored at an offsite location.*

### **Findings:**

No portable storage areas will be utilized or allowed for either the Residential Care Home or Multifamily development, therefore the provision is not applicable.

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***UDC §3.09.11 Neighborhood Commercial Uses***

*Neighborhood Commercial Uses are intended to provide for a concentration of a limited range of commercial uses needed to meet the daily convenience shopping and service needs of residents in the immediate area, rather than large stores of a supermarket nature, or uses designed to serve the entire City or larger market area.*

**Findings:**

No Neighborhood Commercial Use is proposed as part of the Multifamily development; therefore, the provision is not applicable.

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## UDC ARTICLE VIII – STANDARDS APPLICABLE IN ALL ZONES

### **UDC §8.01.1 Clear Vision Areas**

*A clear-vision area to be maintained on the corners of all property at the intersection of two streets or a street and a railroad.*

#### **Findings:**

The project site does not currently contain streets at any corner of the property, as it abuts property to the south, and with the street vacation of SE 13<sup>th</sup> Avenue, abuts County property to the west, therefore this standard does not apply. However, the proposed project maintains clear vision areas at the intersection of the private drive (driveway) and SE Franklin Grade Road at both locations (reference *Figure 8.1 Site Plan*) per vision requirements per *UDC §8.06.8 Design Requirements for Parking Lots, subsection H* (see specific response addressed within that section).

### **UDC §8.02.1 Solar Access**

*The use of solar energy collectors for the purpose of providing domestic energy is a permitted accessory use within all zones, whether as a part of a structure or incidental to a group of structures in the vicinity. Use of solar energy collectors is subject to the restraints imposed by the diversity of topography within the Pendleton City Limits, plus existing structures, and vegetation. No guarantee is hereby given that all property within the City limits of Pendleton is entitled to the use of solar collectors. However, as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of solar collectors at all of the locations available.*

#### **Findings:**

The split-shed roof form of each building orients the larger slopes toward the south to take advantage of solar potential. Through Energy Trust Incentives, Building D of the multifamily development plans to incorporate photo-voltaic panels on the south roof plane to assist in supplying house power (solar access study is currently underway). If further solar grants can be obtained, additional photovoltaic panels will be installed on additional south-facing roofs. The proposed project meets criteria and plans to utilize solar collectors per the provision as stated.

### **UDC §8.03.2 Off-Street Auto and Bicycle Parking Requirements**

#### *A. Residential*

*(1) Single family (attached or detached); one (1) space per unit;*

#### **Findings:**

##### Residential Care Home:

##### *Vehicular Parking:*

The Residential Care Home will contain a garage which will provide parking for one Accessible van which serves (via a driver) the residents living in the home; therefore, vehicular parking complies with the standard.

##### *Bicycle Parking:*

No onsite bicycle parking is required for a single-family dwelling; therefore, the bicycle parking standard does not apply. Should any residents living within the group home have need to store a bicycle, they will be able to securely store it within the garage which will be provided as part of the dwelling.

#### *A. Residential*

*(3) Multifamily dwellings: one and one-half (1.5) spaces per unit in residential zones, one (1) space per unit in commercial zones; plus one bicycle space per seven (7) units in all Multifamily dwellings.*

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### **Findings:**

#### Multifamily Dwelling:

##### *Vehicular Parking:*

Requirement: 70 residential units x 1.5 parking spaces = 105 required residential parking spaces. The residential Community Building (accessory use) will be utilized by the residents living within the Multifamily development; however, one (1) additional parking space will be provided for resident services (property manager will live on-site, so is therefore already provided a parking space). Of the 106 provided parking spaces, ten (10) of the provided spaces will be designated as EV-ready per OHCS sustainability requirements, and six (6) are designated accessible (one van-loading) per OSSC 2019 requirements. Parking spaces are distributed evenly around the site to serve each building conveniently for residents. Similarly, accessible parking spaces are interspersed around the site to serve each building for convenience to residents and their guests. Total vehicle parking spaces provided = 106 spaces, therefore complies with the standard.

##### *Bicycle Parking:*

70 residential units / 7 = 10 (ten) covered bicycle spaces, plus two (2) additional bicycle spaces for the residential Community Building. Total covered bike parking = 12 spaces, therefore, complies with the standard. Bike parking serving the residential buildings is evenly distributed in / near the breezeway circulation, protected by roof overhangs (see *Figure 8.1 Site Plan* for distribution of bike racks). The community building bike parking is located conveniently near the steps to the building entry, with a pedestrian connection to the community plaza.

### **UDC §8.04.1 Off-Street Loading**

*Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students;*

### **Findings:**

The proposed development does not contain a school; therefore, this standard does not apply. However, the driveway is designed for two-way continuous forward flow of passengers, and there is a convenient area for passenger loading / unloading near the outdoor mail/parcel box area from the south parking area near the central circulation pathway to all buildings.

### **UDC §8.04.2 Off-Street Loading**

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

### **Findings:**

The proposed project development does not contain a receive or distribute material or merchandise by truck; therefore, a dedicated loading space is not required, and the standard does not apply. Tenant move-in / move-out activities typically occur during the daytime when resident parking space need is lessened. The distribution of parking spaces around the site and serving each building offers convenience for a variety of resident loading / unloading needs, and the private drive entry can incorporate signage for temporary passenger loading / pick up for transportation needs (Senior/Disabled services, Daily Van service, Care-Ride service) at the south end of the site pathway system near the mail location. Therefore, although the standard is non-applicable, the proposed development offers alternatives for loading needs.

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### **UDC §8.05.1 Pedestrian and Bicycle Access and Circulation**

*A sidewalk or walkway connection shall be provided between the primary entrance of each commercial building and the adjacent or frontage street. Where there is an existing or planned transit stop adjacent to a multi-residential, commercial, industrial, or institutional development, a walkway shall be provided between the primary entrance of buildings on the site and the transit stop. In addition, a sidewalk or walkway providing reasonably direct connections between primary building entrances of abutting developments shall be incorporated into the design. Sidewalks or walkways at 50 feet or more in length through a parking lot area shall include raised pavement, striping, special pavers, or other similar identifying devices. Parking blocks or curbs should be used for each, non-parallel, parking stall. Bollards should be used to identify and protect these walkways. Sidewalks or walkways should not be located behind parked vehicles requiring vehicles to back out across the walkway. Rather, the sidewalk should be in the front of the stalls (see drawings). When possible, the walkway should be separated from parking stalls by a landscape buffer.*

#### **Findings:**

Through the overlay of Universal Design principals across the comprehensive proposed project, every building is connected by an accessible walkway system connected to public right-of-way access, designed to navigate the challenging grade. Stairs are minimally used to provide everyone with an equity of experience when moving through the site. The 6-ft wide pathways integrate resting points along the way encouraging community connection opportunities, allowing enough room for pedestrians to pass one another comfortably. The entire project site is served by an accessible sidewalk which connects to the public right-of-way (SE Franklin Grade Road) near both driveway access points.

The residential Community building, which is situated at the heart of the site connects to the residential community through the plaza, with a more visible, formal connection to the public building entrance on the east. No walkways through parking areas are designed to exceed 50-ft in length, nor do any cross behind any parking stalls (*Figure 8.1 Site Plan*). Sidewalks are placed at the front of stalls which incorporate parking curbs to prevent cars from overhanging into pedestrian walking spaces, and curbs are provided near the SE trash enclosure to provide separation between cars and pedestrians. For convenience, parking stalls are located with proximity to buildings, and incorporate a landscaping strip between the buildings and sidewalks.

Transit routes are not currently available to the site, but are anticipated in the future, particularly as new residential development increases and proposed transportation connections are provided (future extension of SE Franklin Grade Road for I-84 / 10<sup>th</sup> Ave Interchange and connection to Kirk Avenue improvements). At that time, the proposed site is well prepared to accommodate transit and bicycle connections at more than one location. Based on the proposed pedestrian and bicycle circulation design, the standards are met.

### **UDC §8.06.6 General Provisions for Off Street Parking and Loading**

*Off-street parking spaces for single family and duplex dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not further than five hundred (500) feet from the building or use they are required to serve, measured along the shortest pedestrian route from the building.*

#### **Findings:**

Parking for the Residential Care Home is provided on the same lot with the dwelling (within garage), and parking for the Multifamily Dwelling use is provided within the Multifamily use parking areas. No parking spaces are located more than 500 ft from the buildings they serve, therefore the provisions are met.



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### **UDC §8.06.8 Design Requirements for Parking Lots**

- A. *All parking areas for four or more vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained to avoid the flow of water across public sidewalks. Such parking areas are required to obtain a parking lot permit from the City Engineer. Permits are required for new parking lots, paving of gravel parking lots and overlays of existing parking lots. Parking lot permits shall be acquired by the licensed contractor performing the work.*

#### **Findings:**

Parking for the proposed Multifamily development (106 total spaces) will be surfaced with asphalt and graded to allow drainage to catch basins connected to the storm drain system throughout the parking lot. Proposed project will obtain a parking lot permit and will be constructed by LMC Construction (project contractor) therefore requirement will be met.

- B. *Except for parking to serve residential uses, public or private parking and loading areas adjacent to an existing residential dwelling or in a residential zone, shall be designed to include the erection of a sight obscuring fence or hedge of not less than six (6) feet in height except where vision clearance is required. A sight obscuring fence or hedge should be on any side not fronting the street.*

#### **Findings:**

All parking serves residential or residential accessory uses, therefore is exempt from requirement.

- C. *Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line.*

#### **Findings:**

All parking areas are within interior lot and do not extend into property setbacks. Therefore, not portion of a parked vehicle, including and opened door, will extend beyond the property line, thus meets requirement.

- D. *Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling*

#### **Findings:**

The proposed multifamily development incorporates parking lot lighting fixtures (reference *Appendix C* for Lighting Product Cutsheet) with accessories which employ multiple means of addressing the artificial lighting standards. Utilizing 15-ft high pole lights within the parking area, the fixture employs a lens design which creates no "green glass" tinge for residents or neighboring dwellings. The integrated house side-shields prevent visibility of the light source within the fixture - meaning residents or neighboring dwellings will not see LED hot spots from the actual diodes generating the light, in conjunctions with the utilization of external house side shields ensure the light source isn't visible. The parking lot fixtures are Dark Sky compliant, and through layout design and photometric study, "light trespass" onto adjacent properties will not be created. Therefore, the artificial parking lot lighting requirement is met.

- E. *Access aisles shall be of sufficient width for all vehicle turning and maneuvering.*

#### **Findings:**

Parking access aisles are 24-ft in width to accommodate sufficient width for vehicle turning and maneuvering in and out of parking spaces. Parking access aisles are designed to allow for two-way

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traffic and meet all firetruck turning radii. Two separate driveway entrances/exits are provided, which always allow for forward movement of traffic through the site. Therefore, requirement is met.

- F. Groups of four or more parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.*

### **Findings:**

All parking spaces within the proposed development are served by a 24-ft wide access aisle, therefore no parking spaces require backing movement into a public street. Therefore, the requirement is met.

- G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.*

### **Findings:**

The proposed development incorporates one looped 24-ft wide drive aisle which allows for two-way vehicular traffic. Pedestrian crossing points are limited to locations serving trash / recycling areas and access to the public right-of-way only and are designated with striping. Service drives to the development will be marked by landscaping, retaining walls, and placement of the principal entry sign at the primary entry near the SE corner of the site (or north entry for County Services). Therefore, the requirement is met.

- H. Service drives shall have a minimum clear-vision area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points twenty (20') feet from their intersection.*

### **Findings:**

The intersection of the service drives and street right-of-way of the proposed development provides a clear-vision area greater than 20 ft. to allow for safe entry and exit from the project site. Therefore, the requirement is met.

- I. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial curb which will prevent cars from encroachment on abutting private or public property.*

### **Findings:**

All parking areas, including access drives and parking spaces within the proposed development will contain a minimum 6-inch curb to separate any vehicular areas from the required setback areas adjacent to the abutting properties to the south and to the west. Along the primary length of the south property line curving to a portion of the west setback line, a retaining wall provides separation at the property setback from the abutting property. Therefore, requirement is met.

- J. All parking areas shall be adequately landscaped at the rate of at least forty (40) sf per required off-street parking space, unless otherwise approved by the Planning Commission. Parking areas with 25 or more spaces shall provide landscape islands with trees that break up into rows of not more than 15 contiguous parking spaces. All parking areas shall be adequately landscaped at the rate of at least forty (40) sf per required off-street parking space. This may include hardscape, lawns, shrubbery and trees. When trees are planned as part of the landscaping – excluding landscape islands- , the owner may exchange one (1) tree for one hundred (100) sf of on the ground hardscape or live vegetation thus reducing the*

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*required ground landscaping proportionally, unless other conditions are imposed by the Planning Commission*

**Findings:**

The parking areas of the proposed development contains 106 off-street parking spaces, therefore 106 spaces x 40 sf = a minimum requirement of 4,240 sf of landscaping. The proposed site design (see *Figure 7.1 Landscape Plan*) accommodates 56,707 sf of landscaping within the total site. Because the proposed design exceeds 25 spaces, landscaping islands are provided every ten (10) contiguous spaces, which exceeds the minimum of 15 spaces. The proposed development does not require any landscaping exchange to meet the requirement. Therefore, the requirement is met.

- K. Except in the Central Area Parking District, all parking areas adjacent to public sidewalks shall be buffered from the sidewalk (except at gateways and openings) with a minimum of four feet of landscape area with vegetation consistent with the requirements of Section 8.01.*

**Findings:**

The north and east parking areas of the proposed design are adjacent to public sidewalks as part of off-site improvements planned for SE Franklin Grade Road with the development of the site. The buffer space between the north parking area and sidewalk ranges in distance from 22-ft to 48-ft, while the buffer space between the east parking area and sidewalk ranges in distances from 36-ft to 50-ft. (Refer to *Figure 8.1 Site Plan*). All vegetated areas will be consistent with vegetation heights defined in §8.01 Clear Vision Areas. Therefore, the requirement is met.

- L. Off-street parking areas shall, at a minimum, comply with the design standards shown in the Parking Design Table and illustrated in Engineering STD DWG 216 A and B.*

<b>Parking Design Requirements</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Finding</b>
Parking Angle	90	90	Complies
Stall Width	9 ft	9 ft	Complies
19' Stall to curb	19 ft	19 ft	Complies
Aisle Width	24 ft	24 ft	Complies
Curb length per car	9 ft	9 ft	Complies
C to C Width	62 ft	62 ft	Complies
Double Row with Aisle	-	-	N/A

**Findings:**

Per Parking Design Requirements illustrated above, all dimensions of off-street parking areas for the proposed development comply with the requirements for 90-degree parking stall design.

- M. Compact car spaces may be allowed to serve non-residential uses on approval of the Community Development Director. Such spaces shall not exceed 30 percent of the required number of spaces and shall not be more than four (4) feet shorter in length than standard spaces.*

**Findings:**

All uses for the proposed development are residential or related to residential accessory uses. All spaces provided are standard size; no compact spaces are proposed; therefore the proposed development meets the standard for residential use.

- N. In Commercial zones, parking areas should be, whenever possible, located behind the plane established by the front façade of the building for which the parking is being provided. The parking should be located to the rear of the building to the maximum extent possible.*

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*Locating the parking lot in front of the building (between the fronting, public right-of-way and the building) should be avoided. The required parking minimums in Section 8.03 may be reduced by 25% for developments with the parking located behind the building. For parking areas located beside a building, and behind the plane established by the front façade may have a 10% reduction in their required parking.*

### **Findings:**

The proposed development is within an R-2 Multifamily zone; the requirement applies to Commercial zones, therefore is non-applicable.

South Hill Commons provides a mix of parking arrangements, balancing the need to provide a sense of community at the center of the residential buildings, which naturally pushes parking out to the edges. Because SE Franklin Grade Road borders two complete sides of the property, and all buildings have what could be interpreted as two “front facades” (one facing the road and one facing interior community spaces) therefore there the site design provides parking where it is most logically situated, between the building and street.

*O. Bicycle parking facilities shall be provided in accordance with the provisions below:*

*(1) Bicycle parking facilities should either be a lockable enclosure in which the bicycle is stored, or a secure stationary rack which supports the frame so the bicycle cannot easily be pushed or fall to one side. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock.*

### **Findings:**

The proposed Multifamily development will address secure bicycle parking through permanently installed, stationary racks which support the bicycle frame and accommodate secure locking of the frame and both wheels; refer to *Appendix D* for Bicycle Rack Product Cutsheet and installation detail.

*(2) Bicycle parking spaces should be at least six (6) feet long and two-and-one-half (2 1/2) feet wide, and overhead clearance in covered spaces should be a minimum of seven (7) feet.*

### **Findings:**

All bicycle parking spaces serving the proposed multifamily development will be provided with areas with clearances as indicated (6-ft x 2.5-ft); reference *Figure 8.1 Site Plan*. Required covered spaces shall be under roof overhangs, with two-story clearance (greater than seven feet), therefore the requirement is met.

*(3) A five (5) foot aisle for bicycle maneuvering should be provided and maintained beside or between each row/ rack of bicycle parking*

### **Findings:**

All bicycle parking spaces serving the proposed multifamily development will provide and maintain five ft of clearance to maintain maneuverability between each rack/row (reference *Figure 8.1 Site Plan*); therefore, the requirement is met.

*(4) Bicycle racks or lockers should be securely anchored.*

### **Findings:**

The proposed multifamily development plans to incorporate bicycle racks which are securely anchored to the concrete paving in every location. Detail of the anchorage system is provided in *Appendix D Bike Rack Detail and Cutsheet*. Requirement for secure anchoring is met.

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*(5) Required bicycle parking should be well lighted and secure.*

### **Findings:**

Covered bicycle parking for the proposed multifamily development are provided within the residential building breezeways, which will be lit with both emergency lighting and provided with general lighting levels necessary for resident use and security. Residential Community Center will be placed near main entry, which integrates public lighting near the entry, as well as parking lot lighting within proximity. All the described areas will be under CCTV security surveillance as part of property management requirements. Therefore, requirements for well lighted, secure bicycle parking are met.

*(6) Bicycle parking should not obstruct walkways. A minimum five (5) foot wide aisle shall remain clear.*

### **Findings:**

All bicycle parking provided for the proposed multifamily development is designed for areas that do not obstruct any public walkways and maintain a clear 5-ft wide aisle. Refer to *Figure 8.1 Site Plan* for placement and relation to pedestrian walkway systems.

*(7) If ten (10) or more bicycle spaces are provided for commercial development, then at least fifty percent (50%) of the bicycle spaces should be covered. A lockable enclosure shall be considered as a covered parking space.*

### **Findings:**

All bicycle spaces provided within the proposed South Hill Commons project are designated for residential development, and the residential accessory use (residential Community Center) requires only two spaces (less than the ten required), therefore this requirement does not require any commercial, covered bicycle spaces, and the requirement is not applicable.

*(8) All of the required bicycle parking for residential uses should be covered. This may include space provided in a carport or garage.*

### **Findings:**

All bicycles parking spaces, for all residential uses, will be provided within covered areas. Bicycle parking spaces for the multifamily use will be provided within the covered, lit, breezeways areas which provide unit entrances for residents. Any bicycle parking for the Residential Care Home residents will be provided within the enclosed garage. Therefore, all requirements for covered bicycle parking are met.

*(9) Bicycle parking should be located on the site within fifty (50) feet of main building entrances and not farther from the entrance than the closest standard or compact motor vehicle parking space. Bicycle parking should have direct access to both the public right-of-way and to the main entrance of the principal use.*

### **Findings:**

For all proposed multifamily bicycle parking spaces, all (covered) spaces are provided within 50 ft of breezeway entries, or main entry of the residential community building. All bike parking has direct access to public right-of-way and building entries through the provided pedestrian circulation system. Similarly, bike parking within the Residential Care Home garage has access to the public right-of-way through the pedestrian circulation system. Therefore, all requirements are met.

*(10) For buildings or developments with multiple entrances, bicycle parking should be distributed proportionally at the various public entrances; employee bicycle parking should be located at the employee entrance, if appropriate.*

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### Findings:

Due to multiple unit entries, bicycle parking is provided near the primary pedestrian system serving the breezeway systems within each building of the proposed multifamily development. The residential Community Center has one primary entrance, therefore the two bicycle parking spaces serving it are placed near the public entrance. This also serves as the employee entrance; therefore, all of the bicycle parking spaces are located appropriately and meet the requirement.

*(11) If ten (10) or more bicycle spaces are provided for commercial development, then at least fifty percent (50%) of the bicycle spaces should be covered. A lockable enclosure shall be considered as a covered parking space.*

### Findings:

While the proposed South Hill Commons is not a commercial development, the residential community building, as residential accessory use, is most similar to a commercial use within the property. Based on a full-time Property Management staff of one person, and a part-time Residential Services provider who visits periodically, two bike parking spaces are provided. 2 spaces < 10 spaces, therefore no bike parking area covering is required, and requirement is met.

*(12) Bicycle parking may be provided within a building easily accessible for bicyclists.*

### Findings:

All bicycle parking provided for the proposed South Hill Commons development is provided in outdoor areas, per UDC requirements, therefore the requirement is non-applicable to this proposal.

*(13) Required bicycle parking may be provided in planting strips or curb extensions in right-of-way adjacent to development, provided the other design and location requirements in this Section can be met and that bicycle parking area is adjacent to sidewalks, made of impervious materials, and in an area accessible to business.*

### Findings:

No bicycle parking provided for the proposed South Hill Commons development is placed within planting strips or curb extensions of adjacent right-of-way areas, therefore the requirement is non-applicable to this proposal.

### UDC §8.07.01 Electric Vehicle Charging Stations

*The following criteria shall be applied to the location and design of all electric vehicle charging facilities.*

*A. Parking spaces for electric vehicles must not be located in the most convenient spots because this will encourage use by non-electric vehicles.*

### Findings:

As a condition of funding, OHCS requires that the proposed South Hill Commons project provide electric vehicle (EV) ready charging stations with infrastructure in place. Per this requirement, ten spaces are identified as EV-ready. The spaces are distributed among all three parking lots, and while they serve a variety of locations, they are not placed in the most obvious or convenient locations for primary site circulation (refer to *Figure 8.1 Site Plan*). Therefore, this criterion is met.

*B. Design should be appropriate to the location and use. Facilities should be readily identified by electric vehicle users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.*

### Findings:

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The proposed layout of EV-ready spaces is distributed among all parking lot locations to lessen the impact of one continuous bank of EV spaces. As the popularity of electric vehicles increases, it is expected that these spaces will become as utilized, if not even more, than the standard vehicular parking stalls. Therefore, distribution and layout are appropriate and blend into the overall parking areas surround the residential units, and the criterion is met.

*C. Where provided, spaces should be designed in a way that will discourage non-electric vehicles from using them*

### **Findings:**

EV-ready spaces are placed in a variety of locations to provide better standard vehicular stall choice for residents. Through location some distance from primary circulation paths, the intent of this criterion is met.

*D. Number: No minimum number of electric vehicle charging spaces is required.*

### **Findings:**

EV-ready parking stalls are provided as a requirement for project funding, however, with the increasing reliance on electric power to charge vehicles as opposed to the use of fossil fuels, the choice supports higher sustainable goals. The criterion is non-applicable in this instance.

*E. Minimum Parking Requirements: An electric vehicle charging space may count as a standard space in the calculation for minimum parking spaces*

### **Findings:**

The identified EV-ready spaces are included as part of the overall parking count; therefore this criterion applies to the parking provided for the proposed development.

*F. Signage: Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.*

### **Findings:**

This criterion is currently non-applicable, as only EV-ready infrastructure is being provided. When it is determined that there are means to support the physical charging stations, the criteria listed for signage shall be provided.

*G. Accessibility: Where Charging Station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment must be located so as to not interfere with accessibility requirements*

### **Findings:**

None of the proposed EV-ready charging locations are in conflict with identified sidewalk accessibility or circulation, therefore the EV-ready parking spaces comply with the criterion. Refer to *Figure 8.1 Site Plan* for locations of both EV spaces and Accessible parking provisions.

*H. Maintenance: Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.*

### **Findings:**

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This criterion is currently non-applicable, as only EV-ready infrastructure is being provided. When it is determined that there are means to support the physical charging stations, the criteria listed for maintenance and equipment shall be provided.

### **UDC §8.08 Driveways**

*See Section 9.05, Access to Lots or Parcels*

#### **Findings:**

Refer to subsections of *Article IX - Development Design Standards for Land Divisions* below for findings to relevant criterion.

### **UDC §8.09 Above-Ground Fuel Storage**

#### **Findings:**

The proposed development does not, or will not, provide any above-ground fuel storage; therefore, this section does not apply.

### **UDC §8.10 Storage Containers**

#### **Findings:**

The proposed development does not allow or provide any Portable Storage Containers, nor does it include any Accessory Storage Buildings or Cargo containers, therefore this section does not apply.

### **UDC §8.11 Crime Prevention Through Environmental Design**

*Crime Prevention Through Environmental Design is based on the premise that "The proper design and effective use of the built environment can lead to a reduction in the fear of crime and incidence of crime, and to an improvement in quality of life." CPTED standards and principles should be considered, but are not required, in all new development projects, including land divisions.*

#### **Findings:**

CPTED standards and principles are important considerations in the planning of multifamily developments as they are supportive of the sense of community and therefore social cohesion which is an effective deterrent of crime.

Integrated within the proposed design, residences are situated around semi-public central community spaces, providing residents the chance to assume informal ownership of this space. Providing "eyes" on the community and parking areas through the positioning of buildings and windows, lighting of pathways and activity areas, landscaping which prevents "hiding places" and provision for clear sight lines support CPTED concepts. Pathways which incorporate resident stopping places allow for more resident interaction within the landscape, and breezeways have been designed as pleasant, protected spaces for residents which integrate similar community and play features to support more active use allowing for "ownership" by the residents. 24-hr onsite property management and use of CCTV surveillance of all public areas has proved to be an effective deterrent to crime in multifamily design and will be incorporated within the proposed project. Redevelopment of the site into an active residential "mini-neighborhood" will provide more safety and security than the current undeveloped site and is expected to spur future residential development in the nearby area.



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### **UDC §8.12 Transit Access and Supportive Facilities**

*Development that is proposed adjacent to an existing or planned transit stop, as designated in an adopted transportation or transit plan, shall provide the following transit access and supportive facilities in coordination with the transit service provider:*

- A. A. Reasonably direct pedestrian connections between the transit stop and primary entrances of the buildings on site. For the purpose of this Section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*
- B. B. A transit passenger landing pad that is ADA accessible.*
- C. C. An easement or dedication for a passenger shelter or bench if such an improvement is identified in an adopted plan.*
- D. D. Lighting at the transit stop.*
- E. E. Other improvements identified in an adopted plan*

### **Findings:**

The City of Pendleton's Bicycle, Pedestrian, & Transit Plan does not currently designate any planned transit improvements to SE Franklin Grade Road, and there are currently no existing transit stops identified near the site, therefore this criterion does not apply. However, the proposed multifamily design meets many of the goals outlined. Direct accessible, pedestrian connections are provided to the public right-of-way in two locations and are tied to primary entrances of all the buildings on site. It is a goal for HPI to collaborate to bring transit service to the development for the benefit of the residents. A future transit shelter location is supported by HPI to facilitate transit service, particularly with further development within the area.

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**UDC ARTICLE IX – DEVELOPMENT DESIGN STANDARDS FOR LAND DIVISIONS**

*(The standards within UDC §9.05 are presented in response to UDC §8.08 Driveways)*

**UDC §9.05.1 Access to Lots or Parcels**

*All lots in any land division shall have frontage on or access from an existing street on the official map or Comprehensive Plan or:*

- A. An existing State Highway, County Road, or City street;*
- B. A street shown upon a plat or map approved by the City Planning Commission and recorded in the Umatilla County Clerk's office. Such street shall be suitably improved as required by the standards of the jurisdiction or be secured by a performance agreement or bond as required by this Ordinance, with the width and right-of-way required by this Ordinance and the Transportation System Plan.*

**Findings:**

Per the Type II Replat under concurrent review, the proposed Multifamily lot shall have access and frontage on SE Franklin Grade Road. The proposed Residential Care Home lot shall have frontage access on SE Isaacs Ave. per the official map, with public access via the Multifamily private drive which provides public access to SE Franklin Grade Road. Therefore, access requirements for both lots based upon the Replat (if approved) will comply with the standard.

**UDC §9.05.2 Driveways Permitted**

- A. City Streets. In any district, driveways or access-ways providing ingress and egress to or from private parking areas or garages, public parking areas or garages and parking spaces shall be permitted and constructed consistent with the standards in this Section, together with any appropriate traffic control devices in any required yard.*

**Findings:**

Per the Type III Replat under concurrent review, the proposed Multifamily use and Residential Care Home, inclusive of private parking areas, shall have ingress and egress access from SE Franklin Grade Road, and will be constructed consistent with the standards in this Section, therefore complies.

**UDC §9.05.5 Corner and Intersection Separation; Access Spacing, Backing onto Public Streets**

- D. Except as provided under subsection H, below, the following minimum distances shall be maintained between access points or approaches, where distance is measured from the edge of one approach to the edge of another:*
  - (1) On an arterial street: 300-500 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051;*
  - (2) On a collector street: 100 feet;*
  - (3) On a local street, 30 feet*

**Findings:**

South Hill Commons proposes to move the existing access point further SE to better align with the existing grade of SE Franklin Grade Road and planned offsite improvements. Identified in the TSP as a collector street, the second access point to the development is proposed further south near the terminus of SE Franklin Grade Road. The distance between both access points is approximately 375 ft, which is greater than the 100 ft requirement for collector streets under subsection D.2, therefore the access spacing meets the required standard.

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### **UDC §9.05.6 Site Circulation**

*New developments shall be required to provide a circulation system that accommodates expected traffic on the site and does not conflict with traffic on adjacent roads. Pedestrian and, as applicable, bicycle way connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must meet minimum City Standards.*

#### **Findings:**

The proposed development provides a complete system of circulation through the site for vehicles and pedestrians, supporting bicycle use and storage (refer to *Figure 8.1 Site Plan*). The looped private drive circulates around the perimeter of the site, with driveway access points at two separate locations on SE Franklin Grade Road. Two-way traffic with continuous movement in and out of the site serves the required parking, and is primarily separated from the pedestrian circulation system, which provides connectivity to all buildings, as well as pedestrian access points to the planned sidewalk system as part of right-of-way improvements. All components of both the vehicular and pedestrian circulation systems will be constructed to minimum City Standards, therefore complies with the standard.

### **UDC §9.05.7 Joint and Cross Access Requirement**

*The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the Director may require joint access and/or shared driveways in the following situations as follows:*

#### **Findings:**

All uses are jointly served by one drive aisle through the multifamily property, which minimizes the number of individual intersections with the public street. Therefore, the intent of this standard is met.

*A. For shared parking areas;*

#### **Findings:**

Each use proposed meets the individual use parking requirements established by the standards, therefore shared parking areas are not proposed, and this standard is not applicable.

*B. For adjacent developments, where access onto an arterial is limited;*

#### **Findings:**

Due to the nature of the concurrent Type III Replat Application under consideration, joint and cross access is critical to the incorporation of uses, as well as access to the adjacent county property to the west.

The Replat proposal includes:

- Creation of a legal public utility easement for the Residential Care Home parcel.
- Creation of a legal regress access easement for the Residential Care Home parcel through the Multifamily parcel.
- Creation of a legal regress access easement for the adjacent County-owned property to the west (Umatilla County Juvenile Services) through the Multifamily parcel.
- Because the HPI ultimately has ownership of both parcels, lender requirements of the Multifamily partnership will necessitate an *Access and Use Agreement* which will allow joint use between all parties. Additionally, SE Franklin Grade Road is classified as a collector street, not an arterial, thus this standard is met.

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- C. *For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:*
- (1) *A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;*

**Findings:**

The proposed residential care home has only one driveway, therefore joint access or shared driveway requirements are not applicable for this condition.

- (2) *A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;*

**Findings:**

The clear width of the Multifamily drive aisle is determined by the aisle-width standards in UDC §8.06.6 General Provisions for Off Street Parking and Loading, which is 24 feet, required for turning clearances into parking spaces on either side of the parking drive. This width also accommodates service, fire and emergency vehicles and associated turning radii. The design speed of 10 miles an hour will be posted to limit speed for all drivers and uses. Therefore, the intent of this standard is met.

- (3) *Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway.*

**Findings:**

All uses for the proposed South Hill Commons project maximizes current development potential, therefore future development is not anticipated. Since the residential care home will be developed and coordinated concurrently with the multifamily property, there is no necessity to provide separate features for identification. Therefore, this standard is not applicable.

***UDC §9.05.8 Joint and Cross Access; Reduction in Parking Allowed***

*When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions.*

**Findings:**

The minimum parking standards for all the uses are provided, with access by way of the shared drive aisle through the multifamily property. Therefore, the need to reduce minimum parking standards is not needed and this standard is not applicable.

***UDC §9.05.9 Joint and Cross Access; Easement and Use/Maintenance Agreement***

*Pursuant to this Section, property owners shall:*

- A. *Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;*

**Findings:**

An easement is proposed with the concurrent Type III Replat application; therefore, this standard is met.

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- B. *Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;*

### **Findings:**

This requirement does not apply to the proposed condition for intent of the Replat, therefore this standard is not applicable.

- C. *Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.*

### **Findings:**

The responsibility for maintenance will fall to HPI as master owner of both properties, and they will be required per funding requirements to contract for maintenance with property management / maintenance companies. Therefore, this standard will be met.

### **UDC §9.05.10 Width of Driveway Approach Apron**

*The width of driveway approach aprons shall not exceed the following dimensions:*

- A. *For residential driveways, 14 feet for single driveways and 22 feet for double driveways. No more than one driveway shall be permitted for lots having frontages of 60 feet or less.*

### **Findings:**

The driveway apron for the residential care home will meet the single driveway width of 14 feet, therefore complies with the standard.

- B. *For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed 30 feet in width if the property abuts a street where the speed limit is 25 miles or less per hour; or 35 feet in width where the speed limit is in excess of 25 miles per hour.*
- C. *A safety island of full height curb shall be provided between driveway approaches serving any one property frontage. Whenever possible, this safety island shall be 22 feet in length and in no case shall it be less than 10 feet in length.*
- D. *In no case shall single driveways serving more than one property be combined to allow greater widths than stated above.*
- E. *Deviations not to exceed 50%, of the maximum Driveway Approach Apron width limitations may be considered for Type II Minor Variance approval.*

### **Findings:**

None of the above criteria apply to any conditions within the proposed project, therefore are not applicable.

### **UDC §9.05.11 Driveway Surfaces**

- A. *Driveway surfaces shall be designed for all weather conditions (paved or compacted gravel). Vehicle driveway and storage areas will not be allowed to be dirt or vegetation. For grades over 8 percent, paved driveway surfaces are required. All portions of the driveway within the public right-of-way, and at a minimum of the first 20 feet behind the curb or sidewalk shall be paved as an apron to control gravel.*

### **Findings:**

The vehicle driveway area of the residential care home, as well as all vehicular areas of the multifamily development and any portions of the driveway within the public right-of-way, will be paved

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drive surfaces constructed to City and Engineering construction standards, therefore will meet this standard.

- B. For residential driveways, including private roads, the maximum slope of any portion of the driveway shall be 20 percent, with an overall average grade of less than 15 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 12 percent for a crest situation and 16 percent for a sag situation. The maximum number of houses served by a driveway or private road is three.*

### **Findings:**

The maximum slope of the residential care home driveway is 19% thus will not exceed 20% grade requirement, The overall average grade along the entire length of the driveway is 13.5%, less than the 15% maximum. The maximum grade change in any given 10 ft of drive is 15% (sag only, no crest), less than 16% maximum for sag. Only the residential care home is served by the driveway, therefore is less than the maximum of three. Refer to *Figure 12.1 Grading Plan* and *Figure 13.1 Site Plan*. Therefore, the proposed project meets the required standards as described.

- C. For commercial or industrial driveways, including private roads, the maximum slope of any portion of the driveway shall be 15 percent for any point above the elevation of the roadway, and shall be 8 percent for any point below the elevation of the roadway. The overall average grade shall be less than 12 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 8 percent for a crest situation and 12 percent for a sag situation.*

### **Findings:**

The maximum slope of the drive is 7.65% thus will not exceed 15% grade for any point above the elevation of the roadway, as a requirement for fire truck access (*refer to Figure 13.1 Grading Plan*). The maximum slope of the drive is 7.65% at any point below the elevation of the roadway, thus will not exceed 8%. The overall average grade along the entire length of the driveway is 8.5% less than the 12% maximum, The maximum grade change in any given 10 ft of drive is 7.65%, less than 8% for a crest situation and less than 12% for sag. Therefore, the proposed project meets the required standards as described.

- D. Every driveway approach or entrance to abutting property shall be maintained and kept in safe condition by the owner of the abutting property. Any driveway approach which is not so maintained, or which interferes with the drainage or safe travel of the street shall be repaired to conform to the specifications of the City ordinances and the City Engineer or be removed.*

### **Findings:**

The responsibility for maintenance will fall to HPI as the master owner of both properties and will be required per funding requirements to contract for maintenance with property management / maintenance companies. Therefore, this standard will be met.

- E. Driveways less than 18 feet in depth, or those that would force a vehicle to park over an existing or future public sidewalk, shall be prohibited.*

### **Findings:**

The driveway for the residential care home will be no less than 20 feet, which is greater than the minimum of 18 feet, therefore complies with the standard.

### **UDC §9.05.12 Abandoned Driveways**

*When a driveway approach no longer provides necessary access for vehicles to parking areas, driveways, or doors intended and used for vehicles; such driveway approach shall be removed. Upon removal of any such driveway approach, that portion of the street occupied by the*

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*same shall be restored as nearly as practicable to match the conditions adjacent to the driveway approach or in accordance with design standards for public streets. Restoration shall include curbing, sidewalk to the nearest grid section, and landscaping, all by and at the expense of the owner abutting the property.*

**Findings:**

Both the residential care home and the Multifamily development will operate in tandem under HPI. The driveway will serve only the residential care home and will therefore not be in a situation where it is removed, abandoned, or no longer provides access to the residential care property. Therefore, by nature of operation, this standard is met.

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## UDC ARTICLE XI – ZONING AND RELATED DECISIONS

### UDC §11.06 Conditional Use Permits

#### UDC §11.06.03 Findings of Fact

- A. *The site for the proposed use is adequate in size and shape to accommodate said use and yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this ordinance.*

#### Findings:

The proposed South Hill Commons Multifamily use (allowed through Conditional Use review) and the residential care home use (allowed by right) separately meet all the required standards for residential development within an R-2 Medium Density Residential zone as defined within the UDC (Ordinance No. 3845 Exhibit A). Individual criteria and standards for each use is either met or exceeded and is addressed individually within the Findings summary for each applicable standard of the UDC in this document.

- B. *The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quality and kind of vehicular traffic that would be generated by the proposed use.*

#### Findings:

Currently serving as a dead-end street in its existing state, the *local* classification of the former “Juvenile Detention Center Road” to the current *collector* classification associated with the more recently named “SE Franklin Grade Road” absorbs the original SE 15<sup>th</sup> Ave platted right-of-way into a proposed *collector* extension and connection to the future Kirk Avenue extension as indicated withing the *Pendleton TSP Update*. Project “F” of the *1-84 Exit 210 Interchange Area Management Plan* identifies short- and long-term transportation improvements intended for adoption into the *Pendleton TSP*, which outlines the potential future extension of SE Franklin Grade Road by way of an I-84 underpass to Nye Avenue.

Per direction from the City of Pendleton in the Pre-Application conference (*Appendix Item A*), the requirement to provide a Trip Generation study or Traffic Impact Analysis (UDC §13.01.4.B.9) was clarified as not required (Item 1.4) since the proposed development is not accessing a state road. Subsequent meetings with the City of Pendleton outlined future transportation needs through an expanded scope of off-site right-of-way improvements (refer to *Appendix Item B*) which are intended to supplement development-frontage off-site improvements to:

- Provide new 36 ft full width improvements for full length of road back to SE 13<sup>th</sup> Ave;
- Plan for infrastructure to handle a future SE Franklin Grade Road extension an additional 500 ft. south;
- Center and extend storm drain to south Franklin Grade Road terminus;
- Add catch basins on both sides and provide manhole at SE 13<sup>th</sup> with discharge to north ditch outlet;
- Create one point of storm discharge for future sidewalk extension;
- Provide streetlights for full extent of expanded improvements;
- Mitigate SE Isaac Ave. condition by paving back 20 ft from new curb line;
- Provide full asphalt overlay as required (based on core sample of existing) for full portion of improvements.

The current off-site improvements directed for the team are based upon the *Collector* 60 ft right-of-way (ROW) standard which requires a 36-ft wide roadway. Per *Table UDC §9.11.1 Table 9.1*, a collector street width of 36-ft allows two 12-ft travel lanes and two 6-ft bike lanes (or two 10-ft drive lanes and two 10-ft parking lanes) and correlates to the *Pendleton TSP* for bikeways. *Table 9.1* also stipulates that for a 60-ft ROW, off-site parking must be provided, for which the proposed



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development complies. Per the City's direction, a 4.5-ft curb-tight sidewalk with curb and gutter will be installed to address pedestrian needs.

Proposed street improvements are intended to prepare for future growth expectations in alignment with the *Pendleton TSP*, anticipating future vehicular, bicycle and pedestrian needs. In the interim, until these systems are fully connected, the proposed development incorporates pedestrian connections to the public right-of-way at three separate points and promotes alternative modes of transportation with wide on-site pathways and secure, covered, on-site bicycle storage accommodations.

Addressing the current terminus condition of SE Franklin Grade Road, the driveway access connections are established to avoid dead-end conditions which require vehicular turnarounds. The primary entrance to the property is located at the south end of SE Franklin Grade Road, directly across from the entrance to Homestead Services. This allows vehicles to move through the development in a forward motion, access all parking areas, and exit back onto SE Franklin Grade Road through the north access point. Alternatively, vehicles can also enter from the north entry to access either the proposed development, or County services to the west. The 24-ft drive aisle is wide enough to accommodate two-way traffic, therefore functions successfully whether vehicles approach from the south or north driveway access point.

The vehicular traffic generated by the proposed use will consist primarily of that generated by residents during daily use to-and-from the site. Several residents will not own cars, particularly those experiencing IDD, or seniors who do not own cars. Employment will be limited to resident services, consisting of one or two staff, plus any support staff for IDD residents. Vehicular traffic to and from County services is not expected to increase beyond current trips. Designed as a street intended to conduct traffic between arterials, SE Franklin Grade Road provides greater vehicle capacity than currently utilized, will comfortably manage the residential traffic generated by the proposed development, and is planned to anticipate future connections and residential growth in the local area.

*C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other ordinance standards, or other reasonable conditions of approval.*

### **Findings:**

The proposed South Hill Commons multifamily development is situated within an area of Pendleton which is currently less developed than the residential neighborhoods surrounding the downtown core. Lack of dense development is due primarily to the topography constraints, but also to nature of the area which is a natural transition from the denser residential and urban areas to more open, rural areas surrounding Pendleton. Neighboring lots are larger with a mix of both private and public ownership.

Flanked by neighboring county services, one of which is residential in nature (Homestead) the proposal to provide a multifamily use in this location meets the R-2 zoning intention for medium density development but provides a unique opportunity to bridge county services and residential uses. Working directly with adjacent County services for IDD residents and programs, the proposed development serves an integrated, supportive, residential need for HPI, and relates to the residential nature of the County's juvenile residential services directly across SE Franklin Grade Road. Other neighboring residential and storage structures are scattered and minimally affected.

### *Density*

An obvious impact to neighboring properties is the contrast of density the proposed multifamily development will have compared to neighboring properties. Addressing city goals to increase housing, multifamily dwellings play a key role in housing choice for families and individuals, and an increasing role in "workforce" housing. Providing *affordable* housing addresses needs identified at

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both state and local levels, placing greater attention on buildable land inventory within the UGB. South Hill Commons addresses this priority and meets the established UDC criteria for R-2 Medium Density Residential development. The residential buildings are at a modest scale (primarily two-story) which reflect surrounding residential structures. The development integrates a single-family style home for residential care within the property, further reinforcing compatibility with adjacent residential uses. The site is large enough to increase minimum setback requirements, and residential activity is focused internally to the development. As a catalyst for future residential development in this area, the denser the population becomes, the more conveniences will emerge – public transportation, parks, and greenspaces. In the present however, the project is successful in addressing a higher density needs while relating to the existing surrounding densities.

### *Living Conditions*

Protection of living conditions of the adjacent neighbors presents in the form of preserving solar access, privacy, and maintaining livability standards of nearby residential areas.

Due to the topography of the existing site, land slopes from the south to the north, bounded by SE Franklin Grade Road along the northwest to northeast edge. While the topography could impact solar access of buildings within the project site, it has no bearing on any current or future buildings surrounding the site, as structures are located to the west and east of the site. Steep topography and higher elevations of the property north of the project mitigate any solar access impact from the proposed development. As residential development increases to the south of the proposed development, obtaining a solar access easement is anticipated to protect the planned roof-mounted PV system.

Privacy between the proposed South Hill Commons and adjacent neighbors is mitigated through the arrangement of buildings, where living activities are primarily focused toward inward toward the center of the site. Residential buildings are not provided with balconies or patios, thus residential living is focused on community spaces within the central site and in the breezeways between residential building bars.

Livability standards related to ground level impacts such as parking, utility equipment and trash/recycling areas are mitigated through increased setbacks, fencing, and screening. All proposed minimum setbacks standards are exceeded, providing increased areas for landscaping, larger tree canopies and more compatible development with the existing surrounding properties. 6-ft high solid wall enclosures will be provided around both trash/recycling enclosures, with landscape buffering between the enclosures and the public right-of-way. Additional landscape screening is proposed around electrical transformer locations and to screen electrical equipment on the east of Building B.

### *Noise and Odors*

As noted under §11.06.04.B, noise and odor impacts are mitigated through oversight of onsite property management, and community hours limited from 8:00 am to 10:00 pm. Units and common areas are non-smoking, and no large areas for recreation (such as a basketball court or playing field) are proposed, therefore late-night noise associated these activities is avoided. The small-scale play area is designed for little ones, and not typically problematic. All activities are within the community area, which is central to the residential buildings and not impactful to the surrounding properties.

### *Public Safety*

Multifamily developments increase resident density which could result in a higher potential for risks to public safety. However, multifamily developments also offer housing stability, reflect quality, cohesion, and safety within a community. Public safety concerns are mitigated through responsible oversight of

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the proposed development, including on-site management and resident rules, to ensure that residents behave in appropriate ways and become positive influences for the neighbors around them.

Crime Prevention Through Environmental Design (CPTED) practices, addressed in response to UDC §8.11, outline ways in which public safety issues are mitigated through design:

- Positioning of residences around semi-public community spaces, enabling resident ownership of the space, and enabling “eyes” on public areas
- Adequate lighting of pathways, activity areas and parking lots
- Landscaping which avoids “hiding places” within the development
- Clear sight lines within the site layout
- Property management that works and lives on site
- CCTV surveillance of all public areas

### *Parking and Traffic*

As described in *UDC §11.06.03.B Findings*, parking impact is mitigated through on-site parking requirements which are fully accommodated and spread throughout the development to minimize impact. Traffic associated with the proposed development is mitigated through the proposed principal entry sequence which includes signage, landscaping, a two-way drive aisle to accommodate traffic smoothly, and provision of an exit point through the secondary access driveway. This secondary, northern-most drive entry will serve as the primary access for the greatest percentage of County traffic (allowed through an access easement identified within the Type III Replat). Through the provision for two separately located driveway access points, traffic to and from the site is better dispersed, minimizing impact to neighboring uses.

The proposed offsite improvements will improve current traffic circulation patterns near SE Isaacs Ave and will better align with the proposed County access driveway. Improved right-of-way conditions with the 36-ft street width will better support vehicles, bicyclists, and pedestrians.

*D. In areas designated as requiring preservation of historic, scenic, or cultural resources and attributes, proposed structures will be of a design complementary to the area.*

### **Findings:**

Not currently identified as a designated site requiring preservation of historic, scenic, or cultural resources or attributes, the design of South Hill Commons acknowledges the importance of these attributes and design which is complementary to the area.

Acknowledging the location of the site and its potential cultural significance, HPI commissioned a survey of the site through the Cultural Resources Protection Program (CRPP) of the Confederated Tribes of the Umatilla Indian Reservation (*Appendix F*), which conducted a metal detection survey and subsurface testing in response to the proposed development. The CRPP also conducted a file and literature search of previous cultural resources work within a one-mile vicinity of the project site, compiled all of the information into a report which was then submitted to SHPO. Conclusions note evidence of modern debris, but did not observe any archaeological resources, therefore recommends the project move forward with concurrence of SHPO as it will not diminish the “location, setting, materials, feeling, or association of historic properties significant to the Confederated Tribes of the Umatilla Indian Reservation.” If cultural resources are identified during construction of the proposed project, “work will need to cease until the find can be evaluated in consultation with SHPO and the CRPP. If ancestral remains are inadvertently discovered, work in the area must cease, the area must be secured, a buffer placed around the discovery, and the CRPP, SHPO, and law enforcement officials must be contacted immediately”.

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Not officially recognized as a historically significant site through the State Historic Preservation Office (SHPO) of Oregon, the existing condition narrative notes that the proposed development, served by SE Franklin Grade Road (1-84 Exit 210 Interchange Area Management Plan), follows the alignment of one of the original wagon routes in Pendleton. As SE Franklin Grade Road extends further south with future development, the use of this route adjacent to the proposed project gains increased symbolic meaning as it again restores the route through the south hills leading down toward the city core and the Umatilla River.

SE Franklin Grade Road, which cuts between the hillsides that constitute a portion of the south hills topographically defining the development of Pendleton, provides a naturally occurring view corridor down to the downtown area and the hills beyond. The proposed design responds to this view through the positioning of building forms which allow for views from NW-facing unit windows. Building massing steps down the hillside, which affords upper-story views for all residential buildings within the development. Building forms are limited primarily to two stories, which minimizes the impact of development to the surround areas and from afar. Pitched roof forms and natural colors propose to integrate the overall development into the local hill formations, complementing the natural surroundings.

### **UDC §11.06.04 Conditions of Approval**

*In permitting a conditional use, the Planning Commission may impose, in addition to regulations and standards expressly specified in this ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the City as a whole. These conditions may include, but not be limited to, the following:*

A. *Increasing required lot size, yard dimensions, open spaces or buffer areas.*

### **Findings:**

Both the proposed residential care home and the Multifamily development meet the standards established within the UDC for R-2 residential development. Primarily one and two-story residential-style structures, the Multifamily buildings are positioned on the site to provide more than the minimum required setbacks, which create plentiful open, native landscaped areas between the public right-of-way or neighboring uses. The scale of the residential parking is minimized by distribution into smaller parking areas around the site, with plentiful buffers of landscaped space between them and the public right-of-way or neighboring uses. The residential care home meets the individual setback requirements but is intended to fit in such a way that it will complete the circle of buildings which support the scale of the residential community.

B. *Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area.*

### **Findings:**

The purposeful arrangement of residential buildings surrounding the exterior community spaces, served by a serpentine-shaped central pathway through the interior of the site, supports smaller scales of activity, which in turn, negates many of the issues typically associated with multifamily developments (noise, light glare, etc). Similarly, the breezeways are designed to provide resident-scale activity within "pedestrian streets" which not only provide protection during the weather, but also encourage more localized communities. As these are insular to each residential building, they are not in conflict with neighboring properties. Similarly, no individual unit patios or decks are proposed for the buildings, therefore the collection of personal belongings often seen in individual outdoor spaces should not be a factor.

The proposed residential use and associated activities are not generally associated with noise, vibration, or odors. Hours of operation of the community-use areas is limited to 8:00 am to 10:00 pm,

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which is more restrictive than the local noise ordinance of 7:00 am to 11:00 pm (*City Ordinance 3848.23*). Enforcement of noise and odors is reinforced by 24-hour onsite property management, who will both work and live within the multifamily development. Units and common areas are non-smoking, and no large areas for recreation (such as a basketball court or playing field) are proposed, therefore late-night noise associated with these activities is not a factor. The small-scale play area is designed for little ones, and use will be controlled through property hours of operation during the day, therefore the surrounding areas should not be impacted.

Parking lot lighting is controlled through the distribution of pole lighting on the residential side of the lot, utilizing dark-sky compliant lighting fixtures with accessories which employ multiple means of addressing the artificial lighting standards to minimize glare and prevent light trespass to neighboring residences and properties. Site pathways and courtyards will utilize downward-oriented lighting systems near paths and steps, and integration into the railing system.

The proposed site layout consists of residential buildings of a similar scale and style to the residential buildings within the surrounding area, two story, pitched roof buildings (reference *Figures 10.1-10.5 - Building Elevations*). Because the change in grade from the south to the north exceeds 50 feet, the buildings are oriented to step down with the slope through terraced levels relying on several smaller retaining walls. For any retaining walls that exceed a pedestrian scale along the public right-of-way and visible to neighboring properties, landscaping elements are proposed to soften the walls edges and provide visual interest to the surrounding areas. Street trees augment the edge and are located along the property frontage.

*C. Requiring landscaping and maintenance thereof.*

### **Findings:**

The proposed South Hill Commons site will be fully landscaped with and maintained as part of a landscape maintenance contract established through HPI. The proposed landscape design focuses on drought-tolerant shrubs, grasses, and groundcover within all the planting areas to help increase native plant populations and to conserve water. A native hydroseed mix will be utilized within the right-of-way and along the north and eastern exterior of the site, consisting of a dryland mixture of grasses that is easy to establish and is low maintenance. Plant selections are made based on city buffer requirements, mature size, sun exposure, water requirements and hardiness.

Street trees are proposed along the property frontage spaced every 70 feet and are from the city's street tree list. Parking lot trees have been provided per city requirements and small, deciduous site trees have been proposed within the interior of the site to provide shade during the hot summer months and to help soften building edges.

Dwarf, slender conifer trees are proposed along of the retaining walls separating the community building and courtyard from Buildings A and B, to help provide vertical interest. Landscaping is planned to be maintained through drip irrigation and planned for overall hardiness and survival within its zone. Regular landscape maintenance contracted with a local company will ensure that landscaping is maintained and attractive to residents and neighbors.

*D. Increasing Street widths, controlling the location and number of vehicular access points to the property for ingress/egress.*

### **Findings:**

Vehicular access points are limited to two locations for the proposed project. This controls the ingress/egress points for residents, allowing two-way traffic through the site from either access point, wide enough to accommodate emergency vehicles. The drive through the property serves a dual purpose in providing access to the neighboring County property as well, thus reducing access points along SE Franklin Grade Road. Working with challenging grading constraints, the access points are

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located far enough apart to serve the property well, with the northernmost access conveniently aligned with the additional offsite work planned near the intersection of SE Isaacs and SE Franklin Grade Road (see *Figure 13.1 Offsite Improvements*).

*E. Requiring means of pedestrian/bicycle access pathways to serve the property.*

### **Findings:**

The proposed South Hill Commons provides two separate accessible pedestrian access pathways to and from the property, which will be supported by right-of-way improvements along SE Franklin Grade Road as part of the development. HPI has already begun conversations with local transit at the City level about working to bring the transit route out to this location; HPI is supportive of installing a future bus shelter along the property frontage, as many of their IDD residents rely on public transit for transportation needs. The collector street width (36-ft) of SE Franklin Grade Road supports bicycle lanes which could be accommodated in offsite improvements, however, will more likely be implemented when the full length of right-of-way is improved. The use of bicycles as an alternative mode of transportation is supported by supported by wide site pathways and dispersed, covered locations across the property for bike storage, protected by property surveillance / security camera locations throughout.

*F. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.*

### **Findings:**

Off-street parking meets the development standard of 1.5 spaces per residential unit for the proposed development, and while loading is not required per the residential development standards, parking is not anticipated to be fully utilized by residents. Many of the IDD residents will not typically be operating a vehicle, therefore not all occupied residential units will utilize a parking space, thus freeing up additional stalls for other residents or visitors. All proposed parking areas and drives will be constructed to city engineering standards, meeting requirements for surfacing and drainage. The proposed project will include the installation of storm sewer collection, detention and discharge systems, and stormwater generated on paved roadways and parking areas will be directed via sheet flow to a system of catch basins located within the new roadways.

*G. Limiting size, location and number of signs.*

### **Findings:**

Signage for the proposed project will be limited to the primary entry for the proposed site at the SE corner and will contain one principal sign no larger than 32 sf, the allowable size per District A meeting signage standards and clear vision requirements to identify the South Hill Commons development. Through the concurrent Type III Replat process, a legal easement for signage shall be established between all partners to allow the county to place principal signage on the multifamily property (near the north drive entry) to direct visitors to County offices to the west of the Multifamily property.

*H. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.*

### **Findings:**

The layout of buildings within the proposed South Hill Commons project is balanced through primarily two-story heights which are set at elevations designed to work as closely to the existing grade as possible. This allows buildings to integrate well into the graded hillside, and limits scale in relation to neighboring properties. The stepping and situation of buildings allows residents to enjoy a variety of views from their units – to the neighboring hills, to the interior community spaces – even to the commercial areas of Pendleton off to the northwest.

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Each building provides code-required distance from other structures, and the integration of the covered breezeways with an overlapping roof structure allows for light and air to reach at least two sides of each residential unit. The roof forms, echoed throughout each structure allows for north daylight, with protection from daytime sun or winter weather.

*I. Limiting or prohibiting openings in sides of buildings or structures.*

### **Findings:**

As illustrated in *Figures 10.1-10.5 Building Elevations*, the openings which serve residential units are focused on building faces which have greater length and allows for minimal openings within the sides, which provide privacy, structural strength, and greater building envelope / energy efficiency through limited openings in the east / west directions. Limiting the openings within the sides of buildings provides greater fire protection between buildings, and all buildings will be fully sprinklered per OSSC 2019 requirements to provide full protection. All buildings planned within the development are located to maintain minimum fire resistive required distances per *OSSC 2019 Chapter 7 Fire and Smoke Protection Features §705 Exterior Walls*.

*J. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.*

### **Findings:**

The proposed development does not provide any exterior storage areas, have any outside display, and/or storage of materials, therefore approval criteria based upon this condition is non-applicable.

*K. Requiring maintenance of grounds.*

### **Findings:**

Per OHCS requirements, South Hill Commons will provide on-site property management for overall maintenance plan for the property. This will include maintenance by a landscape company contracted for regular service on a periodic basis. Landscaping is designed to be native and hardy, provided with underground drip irrigation to assist in ease of maintenance and health of plantings property wide.

*L. Regulation of noise, vibration, odors, etc.*

### **Findings:**

As noted under §11.06.04.B, the proposed residential uses and associated activities are not generally associated with high levels of noise, or include operations which would generate vibration or odors. Enforcement of noise and is reinforced by 24-hour onsite property management, who will both work and live within the multifamily development. Units and common areas are non-smoking, and no large areas for recreation (such as a basketball court or playing field) are proposed, therefore late-night noise associated these activities should be limited. The small-scale play area is designed for little ones, and use will be controlled through property hours of operation. No activities are permitted within the property which would cause concern within this area, and security cameras integrated throughout the property should discourage any undesirable activity.

*M. Regulation of time for certain activities.*

### **Findings:**

As noted under §11.06.04.B, hours of operation of the community-use areas are limited from 8:00 am to 10:00 pm, which is more restrictive than the local noise ordinance of 7:00 am to 11:00 pm (*City Ordinance 3848.23*). Enforcement is provided through 24-hour onsite property management, who will both work and live within the multifamily development. Property management will control how the residential community center is programmed by residents for events so that use does not extend past open hours and into "quiet time".

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*N. Establishing a time period within which the proposed use shall be developed.*

**Findings:**

Due to funding and investor requirements, the project must be constructed and placed in service by the dates outlined within the established and signed agreements by all parties (investment partnership, development consultant and HPI). Per the current project schedule, it is critical to the agreements that construction commence in late summer / early fall of 2022 and meet substantial completion within fall of 2023 for the Multifamily development to be placed in service. Failure to meet that deadline accrues fines for the investment partnership. For this reason, all efforts will be focused on the outcome that the project stay on the development schedule as established.

*O. The requirement of a bond for removal of such use within a specified period of time.*

**Findings:**

The proposed project is sponsored by HPI as an affordable housing development which prioritizes long-term non-profit ownership in tandem with requirements by OHCS which necessitate durability standards for long-term quality and low-maintenance buildings. Low Income Housing Tax Credits require affordability covenants that run with the land for a 60-year time period therefore a bond requirement for removal of the multifamily use is not applicable.

*P. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.*

**Findings:**

Size, type, and capacity of utilities is based upon the development need of the proposed use, and anticipation of future loads of items which are designed as “ready”. This includes EV charging stations, and infrastructure capacity for future solar photo voltaic systems and infrastructure, including planning for solar inverters. Public utilities serve each parcel separately and are not dependent upon one another. Development of the property takes full advantage of the allowed density capacity, therefore increase of size or units is not anticipated, but should future needs necessitate, the proposed site design allows for access to utility easements and service equipment.

*Q. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.*

**Findings:**

Per the response provided in §11.06.04.P above, future enlargement or alternation of the multifamily use and residential care home use is not anticipated due to full utilization of development capacity for the site, as well as conditions within the loan terms established for non-profit ownership of affordable Multifamily housing development.

*R. The Planning Commission may require that an applicant furnish the City a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to City standards; or an irrevocable consent to participate in an LID for those improvements has been executed.*

**Findings:**

The project team has been in communication with City of Pendleton Engineering and Public Works to establish the scope of offsite improvements required for the proposed development. As a condition of permitting, the contractor (LMC Construction) and owner (HPI) will obtain a surety bond for the required performance guarantee as outlined for right-of-way improvements and infrastructure.



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- S. And such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Section.*

### **Findings:**

The project team has been involved with the City of Pendleton in long-term, ongoing conversations to ensure that processes are understood and anticipated. As a result, development solutions have been established through collaboration to provide as streamlined of a process as possible. For this reason, the review of this Type III Conditional Use application is concurrent to the review of the Type III Land Division - Replat application; approval and recording of the parcels per the defined scope of the Type III Replat is required for the South Hill Commons project to move forward.

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## V. SUPPLEMENTAL INFORMATION

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- A. Pre-Application Conference Notes - 11/03/2021
- B. City of Pendleton Engineering / Public Works Offsite Scope Meeting Notes – 02/08/2022
- C. Parking Lot Lighting Cutsheet
- D. Bike Rack Detail / Cutsheet
- E. Geotechnical Report (GN Northern)
- F. Cultural Resources Protection Program Survey, Confederated Tribes of the Umatilla Indian Reservation

## **SUPPLEMENTAL INFORMATION**