

CITY OF PENDLETON PLANNING COMMISSION
Conditional Use Staff Report and Recommendation



File No.: CUP22-03
Deemed Complete: March 28, 2022
Prepared by: Julie Chase
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Hearing Date: April 14, 2022
120-Day Limit: July 22, 2022



Applicant(s) **Carleton Hart**
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Owner(s): **Horizon Project**
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CARLETON HART ARCHITECTURE SOUTH HILL COMMONS 04/01/2022 SHEET 1.1

Site Location: SE 13th St – SE 14th St
SE Isaac to SE Jay Avenue
Description: Tax Lot 00300 and 00400,
Map 2N-32-11AD
Zoning: R-2 Medium Residential

Proposal: Conditional use request for a multi-family development.
Attachments: Application and supplemental materials



CARLETON HART ARCHITECTURE HORIZON SOUTH HILL COMMONS 04/01/2022 SHEET 1.1

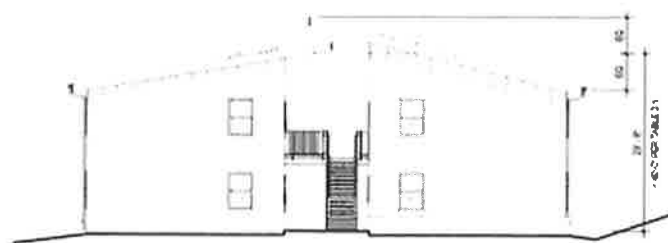
SUMMARY:

Applicant requests Conditional Use approval to construct a 70-unit multi-family residential development on a 172,202 square foot lot. The development will include an 1,800 square foot residential care facility. Residential care facilities are a permitted use in any residential zone. This request is interdependent with the approval of two concurrent Land Use processes: a street vacation of SE 13th & SE 14th Street, and a lot consolidation of Blocks 251 and 252 and a minor partition for the residential care facility parcel through the replat process. Easements for Umatilla County, public utilities, the residential care facility, and signage are included in the proposal.

Street Vacations: The City has petitioned to vacate SE 13th and SE 14th Street between Franklin Grade Road (SE Isaac Ave) and SE Jay Avenue. The Council, at the February 15, 2022 meeting, granted preliminary approval to move forward with the street vacations. The Planning Commission heard the petition and held a public hearing on March 24, 2022 with recommendation to vacate both streets. No testimony was received. Utility consents have been obtained. The public rights-of-way vacations will be heard before the City Council for Resolution approval on May 3, 2022.

Lot Consolidation & Minor Partition: The proposed development is like a master plan in that a large site will be utilized to lay out a complete development, buildings, parking lots, amenities, and access. The site will have one access point off Franklin Grade Road, near the intersection with SE Isaac Avenue. The access will lead into a parking

area, which serves the two proposed multi-family buildings on the north portion of the parcel. These two buildings will have 16 units each, and each building is divided with an integrated breezeway and split-shed style roofing design. The access continues past this parking area and travels south where it connects with Umatilla County's office driveway and additional parking on the south portion of the parcel. Two additional multi-family buildings with the same design will be constructed, but one building will have 24 units and the other 14.



4 BUILDING A - WEST ELEVATION
SCALE: 1" = 20' 0"

A community building for the development will also be constructed on site. All these buildings represent the multi-family development and will cross over underlying lot lines. So, the applicant will apply for a replat to consolidate all lots of Blocks 251 and 252 and the vacated public rights-of-way through the replat process. Included in this process is the partitioning of Parcel 2 for a residential care facility. The facility will be constructed independent of this application.

Easements:

- a) Umatilla County has an office building that has historically been accessed off Franklin Grade Road, traveling across Blocks 251 and 252, and into the County's property. This access road did not follow the platted rights-of-way but was constructed with an east-west arrangement. The proposed development would vacate public rights-of-way and eliminate the existing east-west route of the County's access road. Therefore, Horizon Project will provide an easement from the north access point, through the north parking area, traveling south until it connects with the existing County's driveway. Umatilla County has agreed to the street vacations in exchange for this easement.
- b) The residential care facility will also gain its access through Horizon Project's development from the north access point, through the north parking area, and then south using the connector interior road. Parcel 2 has frontage on SE Isaac Avenue, but will gain access through this easement.

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

NOTE: UPDATED UNIFIED DEVELOPMENT CODE AMENDMENTS ARE NOT IN EFFECT UNTIL APRIL 16, 2022. APPLICATIONS RECEIVED PRIOR TO THIS DATE FALL UNDER THE 2021 UDC.

Unified Development Code No. 3845

- Article III. Residential Zones Sections 3.03, 3.09 Standards on Residential Lots**
- Article XI. Zoning and Related Decisions Section 11.06 Conditional Use Permits**
- Article XIII. Land Use Application Procedure**

STAFF RECOMMENDATION:

1. The Conditional Use approval is dependent upon approval of a replat. A replat application shall be filed with the City.
2. The Conditional Use approval is dependent upon approval of the street vacation for SE 13th and SE 14th. Construction of any structure over the platted rights-of-way may not occur until after the public rights-of-way have been vacated.
3. Addressing shall be assigned by the City of Pendleton. The City has agreed to assign one address per apartment building to assist Emergency Response in locating the correct access since each building will have an interconnected patio, sidewalk, breezeway or hallway.
4. Interior Fencing/Walls: Any fence or wall shall be constructed to protect the visibility at all intersections within the complex and the intersections with Franklin Grade Road. This may result in fencing or walls that step-down at intersections.
5. Applicant shall meet with the Postmaster to determine where the cluster box units should be placed and if and how a turnout for the mail vehicle should be configured within the proposed parking lot. The plan shall be reviewed and approved by the City Engineer. Installation of the cluster mailboxes shall be done as each

- multi-family building is constructed. The applicant shall install all the cluster boxes necessary for all units in each multi-family building. The necessary CBUs shall be placed in the area(s) approved for the cluster boxes before the first dwelling unit for that specific multi-family building is proposed. This condition shall be binding to future multi-family buildings, including the residential care facility, and future owners as well.
6. The Commission may find that the requirement for street trees is not possible at the time of multi-family building construction. Therefore, the Commission may choose to require a Development Agreement for the installation of street trees in accordance to Section 9.10 of the Unified Development Code. If the Commission chooses this option, then Non-Discretionary Condition #10 should be omitted. The proposal is a master planned development in lieu of subdivision development. Therefore, the street tree condition shall apply to the whole development.
 7. The planting of trees and shrubs on this property shall come from the Preferred Tree List of the Tree Commission Tree List.

NON-DISCRETIONARY CONDITIONS OF APPROVAL

1. Site Plan Review: No final approval or Certificate of Occupancy shall be issued by the City until such time as the applicant has complied with all requirements of this Ordinance. Final approval or certificate of occupancy shall not be issued if there is any major variance from the site plan. 1.05.4
2. Bicycle Parking: One bicycle space per seven (7) units in all multi-family dwellings shall be provided. 8.03.2
3. Parking: One and one-half (1.5) spaces per unit in residential zones shall be provided. All parking areas for four or more vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a durable, dust free surface that does not drain over sidewalks. 8.03.2, 8.06.8
4. Electric Vehicle Charging Station: No minimum number of electric vehicle charging spaces is required. An electric vehicle charging space may count as a standard space in the calculation for minimum parking spaces. 8.03.2
5. Driveway/Access Surface: All driveways shall meet driveway standards for apron length and driveway surfaces. 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. The Director may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements. Property owners that utilize a Joint and Cross Access 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;
 - 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;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
 9.05.5, 9.05.9, 9.05.10, 9.05.11
6. Drainage/Public Utilities: All street pavements, shoulders, drainage improvements and structures, curbs, turnarounds, pedestrian walkways, and bicycle ways shall conform to all construction standards and specifications adopted, shall be reviewed by the Community Development Director, and shall be incorporated into the construction plans required to be submitted by the developer for final plat or map approval. 9.11.12
7. Clear Vision: All landscaping, fencing, walls, signage, and structures shall be placed on the lot so as to protect the Clear Vision Area. The minimum Clear Vision Distance shall be 15 feet, unless the angle of intersection between streets is less than 30 degrees, than the distance shall be 25 feet. 8.01.3
8. Landscaping: A minimum of 40 square feet of landscaping, live vegetation of shrubs, flowers, trees, and decorative grasses, for every required parking space shall be planted and maintained within the lot and/or along the frontages of the lot. Trees may be used as a substitute, with one tree for every 100 square feet of landscaping. Applicant shall consult with the City Parks Director to determine best shade tree given desired placement on the lot. 8.06.8
9. Dumpster: Any loading area and the required dumpster shall be concealed from public view using sight-obscuring fencing and/or live vegetation. 5.08, 11.06
10. Street trees shall be planted along the street frontage of SE Franklin Grade Road at a ratio of 1 street tree per 70 feet of frontage. The proposal is a master planned development in lieu of subdivision development. Therefore, the street tree condition shall apply to the whole development. The trees shall have a diameter no

less than 2 inches measured 12 inches above the ground level. Applicant shall consult with the City Parks Director to determine best shade tree given desired placement on the lot. 9.10

11. Mailboxes: A series of cluster boxes shall be installed at a location suitable for the US Postal Service. The installation of these cluster boxes may require alteration of the travel design such that a vehicle can pull out of the flow of traffic to deliver or retrieve their mail and then reenter the traffic flow. This may be achieved at one or several locations. 9.13.1
12. Utilities: Utilities shall be extended to the site as necessary. The utilities shall meet the approval of the Community Development Director and city standards for such extension. This may include the placement of a fire hydrant, a sprinkler double-check system, storm water drainage piping and/or easements. Any sewer that is providing service to the site and the adjacent site must be built to city public sewer standards and shall be in a public utility easement. 9.16 – 9.18

APPROVAL RESTRICTIONS AND BURDEN OF PROOF

1. **Limitations:** Failure to file a complete application for a Final Plat within the two-year approval period, including submittal of all engineering Construction Documents, fees, required Consent forms and bonds or other assurances, will cause the tentative approval to expire. 10.06
2. The approval granted herein is limited to those items specifically addressed in this report. Approval of this request does not grant nor imply approval for any other land use action (variance, conditional use, etc.). Issues including, but not limited to (approval of) such non-discretionary matters as ROW improvements, floodplain development standards, impervious surface/storm water runoff, Development Permit(s), Building Permits and/or construction, are likewise not addressed.
3. **Burden of Proof:** The applicant bears the burden of proof for all approvals. Should an appeal arise, the applicant shall be responsible for all costs pursuant to the standards and limitations contained in §13.6 of the UDC.
4. **Validity Timeline:** Approval of a land use action shall be void after two years pursuant to the standards contained in §15.4 of the UDC. Pursuant to §15.5 of the UDC, the Planning Director may extend a permit for one additional period of two (2) years upon written request.

FINAL DECISION: PAGES 6-17 *(no summary findings)*

The proposed development must comply with applicable provisions contained in Chapter 10 of the General Ordinances of the City of Pendleton, and the City of Pendleton Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the General Ordinances it is considered consistent with the Comprehensive Plan. Additional criteria and standards as contained in Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR) and the most current State Building or Specialty Code may supersede local code.

APPLICABLE CRITERIA AND STANDARDS:

The specific criteria applicable to this request are contained in Article III of the 2021 Pendleton Unified Development Code (UDC; Ord. No. 3845), which contains the standards for uses within the subject zone. The criteria for approval of a Conditional Use are contained in Article XIII; the procedure for a Type III land use action, Section 13.04. The full text of the UDC is available on the Planning Department page of the City of Pendleton web site. Additional criteria and standards contained in Oregon Revised Statutes (ORS), and the most current State Building or Specialty code may supersede local code.

1. LOCATION:

ZONING MAP The site is an interior lot in the Medium Density Residential zone, R-2. The neighborhood consists of a County office building (once the Juvenile Detention Center), a youth lodge, single-family dwellings and their outbuildings. The application is to construct a 70-unit multi-family residential

development on 172,202 square feet through the conditional use process.

FINDINGS:

1. The Zoning Map shows this area to be within the R-2, Medium Density Residential zone.
2. A conditional use application was received on March 14, 2022.

CONCLUSION: Criteria are met.

2. ZONING:

ZONING – UDC SECTION 3.03, 3.09

Uses allowed within the Medium Density Residential (R-2) zone are single-family, two-family dwellings, two single-family dwellings on one lot, manufactured dwellings, townhouses, and residential care facilities. Conditional uses listed may allow bed and breakfasts, churches/clubs, social services, multi-family, health services, and neighborhood commercial establishments. The General Provisions requires yard setbacks of 15 feet for the front setback, 20 feet for the face of the garage, four feet on the sides, and five feet on the rear. Density is four units per acre to 18 units per acre. Minimum lot size is 5,000 square feet. Maximum building height is three stories or 40 feet, and Maximum Lot Coverage is 40%.

FINDINGS:

3. The proposal is to construct a 70-unit multi-family residential development on 172,202 square feet within the R-2, Medium Density Residential zone. Multi-family dwellings are permitted within this zone under the conditional use process.
4. The request requires Conditional Use approval.
5. The density would be 70 units on 3.962 acres following street vacation adoption. Density would be met with 24 -71 units without public right-of-way. Density standards would be met.
6. Lot coverage would be met: 65,846 square feet of roofed structures on 172,202 square feet, equals 38%. The residential care facility would be constructed on its own parcel, not included with the lot size for the multi-family development.
7. The proposed multi-family buildings are two-story structures or three-story with one story as a daylight basement and would meet Maximum Height Limits. Maximum height is 40 feet or 3 stories.

CONCLUSION: Conditional Use approval is necessary to meet criteria.

3. CONDITIONAL USE CRITERIA:

ZONING AND RELATED DECISIONS – SECTION 3.03

Uses allowed within the Medium Density (R-2) zone are city parks, single-family dwellings or duplexes, and manufactured home parks. Conditional uses listed under Medium Density may allow lodging, membership organizations, multi-family dwellings, health services, education facilities, and social services. The General Provisions requires yard setbacks, building height, lot size and density as described in Table 3.1. Table 3.1 defines setbacks for R-2 as: Front of house – 15 feet, Garage/carport face -20 feet, Sides – 4 feet or 10 feet if lot has a side street, Rear – 5 feet. Building height is limited to 40 feet or 3 stories. Lot size is 5,000 – 7,000 square feet as individual lots or a Density of 4-18 units per acre as a multi-family development. The proposed multi-family complex displays a public utility easement of 15 feet along Franklin Grade Road, with buildings set back an additional 20+

feet from the easement. The side and rear setbacks are established as a minimum of 15 feet. The building height is 40 feet, and the Density is 18 units per acre or about 2,460 square feet per dwelling unit.

FINDINGS:

8. The proposal is for multi-family development, which can be approved through the Conditional Use process.
9. The proposal respects the front setback at more than 20 feet. The side and rear setbacks are also met, greater than five (5) feet.
10. The applicant has submitted drawings that show the layout, setbacks, elevations, and utilities.
11. The elevation for the tallest building is 40 feet or less, which is within the standard.
12. Pictures submitted with the application show a split shed roof design, open breezeways, walking paths, community garden area, play area, a community plaza, cluster mailboxes, and dumpsters. The mailboxes and dumpsters are located near an entrance/exit to the site. The other amenities are centrally located near the community building.
13. The applicant will install all new utilities to this site, extending them to the southern-most property line.

CONCLUSION: Criteria are met.

4. CONDITIONAL USE CRITERIA:

ZONING AND RELATED DECISIONS – ARTICLE XI UDC

Article XI – UDC. Pre-application conferences are encouraged for land use actions. A Development Permit is required for all land use actions prior to operation, placement, installation, or construction of any structure or use. Depending on the land use action, a transportation impact study may be required to determine the traffic impact the proposed use will have on the neighborhood and City as a whole. The Commission must review conditional use requests against these criteria to determine if the proposal will have complimentary or negative impacts to the surrounding area or City as a whole.

Applicant's Statements

Needed Housing: 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 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.

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.

Adequate Site Size: Applicant has indicated that they will have 180,787sf or 4.15 acres, which includes the addition of vacated rights-of-way. Their proposal will encompass 172,202sf or 3.95 acres for the multi-family and set aside 8,585sf or 0.20 acres for the residential care facility. 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.

Adequate Traffic Relations: 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 15th Ave platted right-of-way into a proposed collector extension and connection to the future Kirk Avenue extension as indicated within the Pendleton TSP Update. Project

“F” of the I-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 13th 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 13th 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 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.

Mitigation of Negative Impacts: 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 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 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.

Preservation of Historic, Scenic or Cultural Resources: 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”.

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.

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.
- 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.
- C. Requiring landscaping and maintenance thereof.
- D. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- E. Requiring means of pedestrian/bicycle access pathways to serve the property.
- F. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.
- G. Limiting size, location and number of signs.
- H. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- I. Limiting or prohibiting openings in sides of buildings or structures.
- J. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.
- K. Requiring maintenance of grounds.
- L. Regulation of noise, vibration, odors, etc.
- M. Regulation of time for certain activities.
- N. Establishing a time period within which the proposed use shall be developed.
- O. The requirement of a bond for removal of such use within a specified period of time.
- P. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.
- Q. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.
- 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.
- 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.**

Variations to the Code may not be granted through Conditional Use applications. A variance requires a separate action by both the applicant and the Planning Commission.

FINDINGS:

14. **Site is Adequate in Size and Shape:** Staff held a Pre-Conference meeting with the applicants on November 3, 2021. Staff has reviewed the site plan. The site is 172,202 square feet. The proposal is to construct 70 units on 3.95 acres. The applicant has chosen a site that provides 2,460 square feet per dwelling unit, 106 parking spaces (6 ADA spaces and 4 electric vehicle spaces), a community building, play area, community garden, and a community plaza to create an affordable housing development.

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 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.

15. Site Relates Well to Streets and Highways:

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 10th 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 10th 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.

16. Negative Impacts Mitigation:

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.

Street width:

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.

Clear Vision Areas:

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 13th 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).

Sustainability & Design:

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

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 internal pedestrian system between all the buildings, and retain larger areas such as parking areas, drives and buildings.

Solar Access:

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.

17. UDC §11.06.04 Conditions of Approval

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, 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 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. 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”.

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.

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.

FINDINGS:

- 18. Historic, Scenic, or Cultural Preservation:** the site is not known to exhibit any historic, scenic, or cultural resources or attributes.

CONCLUSION: Conditions are or may be required to meet criteria.

5. PUBLIC NOTICE AND COMMENTS:

On March 22, 2022, staff sent out 17 notices to the neighboring property owners within 250 feet of this proposal. This application requires a public hearing and has an appeal period of 14 days from the Planning Commission decision. Hearing date for this proposal is April 14, 2022.

FINDINGS:

19. The applicant has submitted a conditional use application to construct a 70-unit multi-family residential development on 172,202 square feet.
20. A public hearing has been scheduled for April 14, 2022 on this matter.
21. The Commission must determine if the criteria for a conditional use have been met.

CONCLUSION: The Planning Commission must determine if this application to construct a 70-unit multi-family residential development on 172,202 square feet meets the conditional use criteria.

6. SUMMARY CONCLUSIONS:

NOTE: UPDATED UNIFIED DEVELOPMENT CODE AMENDMENTS ARE NOT IN EFFECT UNTIL APRIL 16, 2022. APPLICATIONS RECEIVED PRIOR TO THIS DATE FALL UNDER THE 2021 UDC.

1. The request complies with the UDC criteria for the R-2 Medium Density Residential zone. The proposal is to construct multi-family development.
2. The request requires Conditional Use approval because the proposal is listed as a conditional use.

3. Applicant has indicated that they will have 180,787sf or 4.15 acres, which includes the addition of vacated rights-of-way. Their proposal will encompass 172,202sf or 3.95 acres for the multi-family and set aside 8,585sf or 0.20 acres for the residential care facility. The proposal is to construct 70 units on 3.962 acres. The applicant has chosen a site that provides 2,460 square feet per dwelling unit, 106 parking spaces (6 ADA spaces and 4 electric vehicle spaces), a community building, play area, community garden, and a community plaza to create an affordable housing development.
4. The applicant has provided testimony regarding all criteria for a Conditional Use.
5. The Planning Commission needs to state findings that this request complies with the criteria for a Conditional Use and that the multi-family development satisfies the criteria for conditional uses or can comply subject to certain specific non-discretionary conditions of approval.

As noted in §13.06, the burden is on the applicant to prove that a proposed land division meets all development criteria and standards. A request for tentative plat approval may not be granted unless all applicable decision criteria and standards are found met. In this case, staff was able to make findings and conclusions that all criteria are met or can be met through specific conditions of approval.

SIGNS:

Approval of this Land Use Decision does not constitute sign permit approval. Signs are reviewed through a separate permit application procedure. Signs must comply with all applicable Oregon codes and City of Pendleton ordinances.

7. DECISION

SUGGESTED MOTIONS FOR APPROVAL / DENIAL

For approval *(may be modified subject to summary findings and conclusions):*

1. I move that the Commission adopt the findings and conclusions prepared by staff (and as amended by the Commission), as set forth in action **CUP22-04** above.
2. *I move that the Commission adopt these amendments as agreed upon by the Commission at this hearing: (list amendments).*
3. I move that the request for a Conditional Use to install a 1998 Manufactured Dwelling within the R-2 Medium Density Residential zone, as set forth in action **CUP22-04** be **APPROVED**, based on the information, findings and conclusions set forth above *(and amended by the Commission, if applicable)*, subject to the conditions of approval as recommended by staff *(and agreed upon by the Commission, if applicable)*.

For denial *(may be modified subject to summary findings and conclusions):*

1. I move that the Commission adopt the findings and conclusions made by the Commission at this hearing, specifically showing that the proposal set forth in action **CUP22-04** DOES NOT meet the applicable approval criteria *(must note criteria cited)*.
2. I move that the request for a Conditional Use to install a 1998 Manufactured Dwelling within the R-2 Medium Density Residential zone, as set forth in action **CUP22-04** be **DENIED**, based on the information, findings and conclusions made by the Commission at this hearing.

SUGGESTED MOTIONS FOR MODIFICATION

For modification *(may be modified subject to summary findings and conclusions):*

1. I move that the request for a Conditional Use to install a 1998 Manufactured Dwelling within the R-2 Medium Density Residential zone, as set forth in action **CUP22-04** be **returned to the applicant for modification and that this hearing be continued until such time as the application has been resubmitted for the Commission's review, provided that such resubmission is received within 60 days of tonight's hearing.**

Reviewed by George Cress, City Planner

8. CODES SPECIFIC TO APPLICATION

UNIFIED DEVELOPMENT CODE ORDINANCE NO. 3845

R-2 Medium Density Residential



3.03.1 Description and Purpose. 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.

3.03.2 Permitted Uses. The following uses and their accessory uses are permitted:

- A. City Park
- B. Dwelling, duplex; or two single family dwellings on a minimum lot size of 5,000 square feet (subject to the provisions of Table 3.1), provided the distance between principal buildings is a minimum of ten feet.
- C. Dwelling, single family (attached or detached)
- D. Manufactured Home, Class A provided that it is located within a Class A or Class B Manufactured Housing Subdistrict, and Class B, provided that it is located within a Class B Manufactured Housing Subdistrict, subject to the requirements of Section 3.07 of this Ordinance.
- E. Residential Homes and Residential Facilities (see ORS [197.660-670](#))
- F. Townhouse
- G. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Park (Individual Conditional Use permits not required for each unit within approved parks or subdivisions)
- H. Within the Central Mixed Use Plan Designation, adaptive commercial or industrial re-use of an historic structure if approved by the Historic Preservation Commission.
- I. Within a designated Residential or Mixed Use Opportunity Area, conditional uses listed in Section 3.03.3 shall be permitted when authorized by an approved Master Development Plan.
- J. Within a designated Mixed Use Opportunity Area, other urban uses shall be permitted when authorized by an approved Master Development Plan.
- K. Transportation uses consistent with the adopted Transportation System Plan and OAR 660-012-0045, and not otherwise identified as conditional uses, pursuant to 3.03.3 (M).

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:

- A. Bed and Breakfast
- B. Cemetery
- C. Church, lodge, private club or other assembly area
- D. Day Nursery, Social Services
- E. Dwelling, Multi-family
- F. Governmental Structure or land use, public and semi-public use or structures
- G. Home Occupation
- H. Health Services
- I. Neighborhood Commercial (see Section 3.08 for details)
- J. Schools and Colleges
- K. Transportation and Communication Facilities (Railroads, general warehouse/storage, air transportation, pipelines except natural gas, packing and crating, communication facilities by wire or airwave, electric/gas/sanitary services)
- L. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established commercial or light industrial uses on the same or adjacent property
- M. The following uses:
 - (1) park-and-ride/rideshare facilities
 - (2) transit centers
 - (3) transportation warehousing

3.09 General Provisions for Residential Zones

This Section sets forth development standards that apply within Residential zones. However, in designated Opportunity Areas,

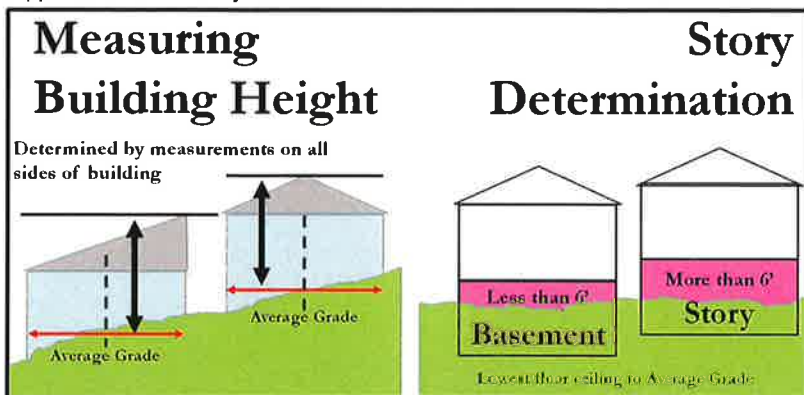
the dimensional standards may be modified by an approved Master Development Plan (MDP) pursuant to the Opportunity Area Subdistrict in Article 7.

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

3.09.2 Lot Size. In all of the residential zones, the minimum lot sizes shall be as shown in Table 3.1.

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.

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.



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.

3.09.6 Maximum Lot Coverage the maximum lot coverage diagram and Table



Coverage. In all of the residential zones, coverage shall be as shown in the adjacent 3.1.

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. Where there is a residence constructed, as of the date of this Ordinance, on an interior lot not abutting on a public street, such property shall continue unaffected except that in the case of reconstruction of such a structure, as provided in Section 11.07 of this Ordinance, nothing more than a single family dwelling and accessory buildings may be constructed upon such interior lot, and then only when easements for ingress and egress are recorded.
- 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, unless otherwise approved by the Planning Commission.
- C. Parking, Storage or Use of Recreational Equipment. No equipment shall be used for living, employment, sleeping or housekeeping purposes, nor connected to utilities, when parked or stored on a residential lot, or in any location not approved for such use. Recreational vehicles may be used for guest accommodation for a maximum of 14 days within a three month period.
- D. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially used property other than in completely enclosed buildings.

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.
- E. The required front yard depths may be reduced in any residential zone as follows:
 1. If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots;
 2. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth;
 3. In determining the depth of a front yard, the required depth shall be measured at right angles to the nearest street right-of-way, except as provided in subsection (F) below.
- 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.
- G. Only under adverse topographical circumstances will a variance be granted for a front yard setback less than ten (10') feet.
- 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. Architectural features such as gutters, flues, eaves, cornices, belt courses, sills, awnings, buttresses, or similar features;
 2. Chimneys and fireplaces.

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.
- 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.
- 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.
- D. Solar energy collectors and equipment used for the mounting or operation of such devices, and any other on-site energy generating device shall be exempt from the interior yard requirements.
- E. Satellite dish antennas shall not be located in the front yard (setback) of a dwelling.
- F. Porches, patios, decks and associated covers, and unattached solar energy systems shall be permitted with a minimum ten (10') foot front yard setback. Such structures shall not be enclosed to extend the living areas of the house.
- G. Stairs and other means of access to side and/or rear decks and patios may project into the minimum side and/or rear setback provided they are permitted in accordance with all applicable Structural, Fire or other codes.
- 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.
- 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.

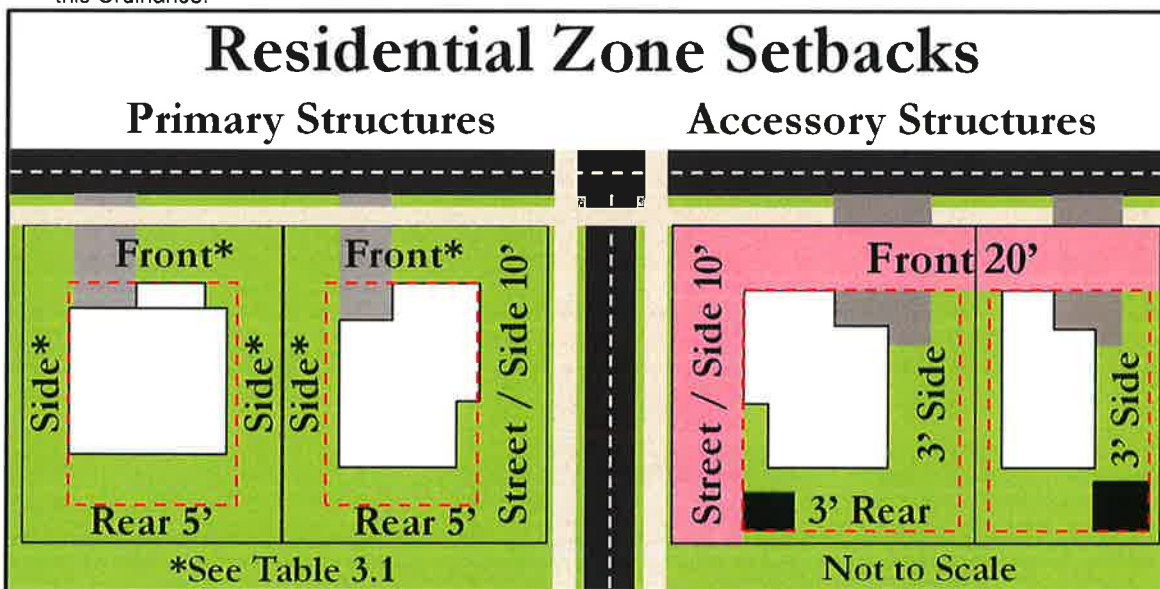
3.09.10 **Portable Storage Containers (PSC).** Any box-like container which is transported by truck or trailer to a desired location for drop off and which is otherwise stored at an offsite location.

- A. The maximum allowable area of a PSC shall be 160 square feet with no dimension exceeding 20 feet.
- B. Not more than one PSC shall be placed on any lot at one time.
- C. PSCs shall not be placed or unloaded on any street within the City.
- D. PSCs shall be placed no closer than 10 feet to a front property line and shall comply with the side and rear lot setback requirements and Vision Clearance standards for structures in the applicable zone.
- E. PSCs shall only be placed on a hard surface and shall not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.
- F. During a construction project under an active Building Permit, PSCs and trailers may be used to store tools and materials on site. All such storage facilities must be removed within 30 days of completion or cessation of construction.
- G. Notwithstanding (F) above, no PSCs shall be placed for a total of more than 180 days.



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. Such uses should be provided, whenever possible, in a business island, rather than on several sites scattered throughout the neighborhood, or in strip developments. Neighborhood Commercial uses shall comply with the following standards:

- A. **Uses Allowed.** The City Planner shall determine if a particular use is allowable as a Neighborhood Commercial use based on the statement of intent above. The City Planner's decision may be appealed to the Planning Commission as set forth in Article 13 of this Ordinance.
- B. **Building Design.** A Neighborhood Commercial use shall not exceed the building height, lot coverage or setback regulations of the zone in which it is located.
- C. **Minimum Lot Size.** A Neighborhood Commercial use shall occupy a site of not less than 10,000 square feet.
- D. **Hours of Operation.** Neighborhood Commercial uses shall operate no earlier than 7:00 a.m. or later than 8:00 p.m. unless otherwise approved by the Planning Commission.
- E. **Signs.** Ordinance No. 2775 (Sign Code) requires a Conditional Sign Permit for a principal Neighborhood Commercial sign.
- F. **Parking.** Neighborhood Commercial uses shall comply with the parking, landscaping and other provisions of Article 8 of this Ordinance.



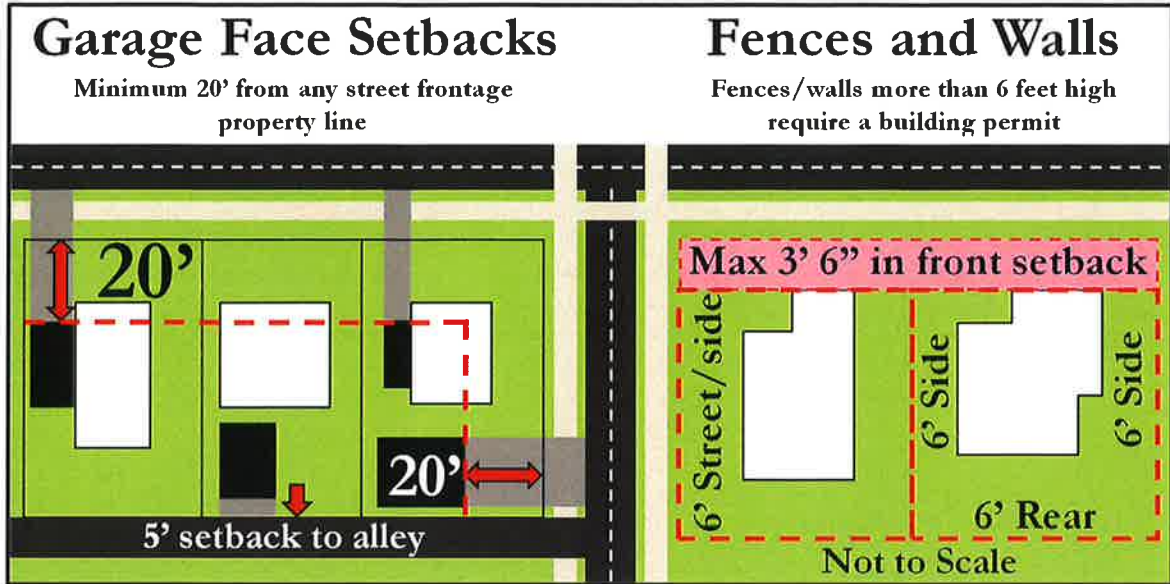


Table 3.1 Development Standards in Residential Zones			
Lot size and Density	R-1	R-2	R-3
Minimum Density (DU/acre)	1	4	10
Maximum Density (DU/acre)	9	18	35
Minimum Lot Size (<10% slope)	6000sf	5000sf	5000sf
Single Family attached	3000sf	3000sf	3000sf
Minimum Lot Size (10-20% slope)	7000sf	7000sf	6000sf
Single Family attached	3500sf	3500sf	3500sf
Minimum Lot Size (>20% slope)	9000sf	8000sf	7000sf
Single Family attached	4000sf	4000sf	4000sf
Planning Commission approval required for any lot or parcel more than 2X the minimum - see Section 3.08			
Maximum height (feet / stories)	30 / 2	40 / 3	50 / 5
Maximum lot coverage (%)	35	40	45
Setbacks (feet)	R-1	R-2	R-3
Front	15	15	10
Front (unenclosed elements)	10	10	10
Side	5	4	3
Rear	5	5	5
Street/Side	10	10	10
Garage/Carport Face all sides	20	20	20
Front - accessory structure	20	20	20
Side - accessory structure	3	3	3
Rear - accessory structure	3	3	3
Street/Side - accessory structure	10	10	10
Permitted and Conditional Uses: Residential	R-1	R-2	R-3
Single Family Detached	P	P	X
Single Family Attached	P	P	P
Duplex or two SFD on one lot	P	P	P
Townhouse	P	P	P
Multi-Family Dwelling	CU	CU	P
Manufactured Home Park/Subdivision	CU	P	X
Vacation Trailer Park	CU	P	X
Home Occupation	CU	CU	CU
Residential Care Facility	P	P	P
Boarding and Lodging House	X	X	P
Permitted and Conditional Uses: Non-Residential	R-1	R-2	R-3
Animal Clinic, Kennel or Hospital	CU	X	X
Agricultural Production and Services	CU	X	X
Business and Professional Offices/Services	X	X	CU
Cemetery	CU	CU	X
Church, Lodge, Club, General Assembly	CU	CU	CU
City Park	P	P	P
Day Nursery, Social Services	CU	CU	P
Government Structure or Land Use	CU	CU	CU
Hospital, Nursing Care Facility	CU	X	X
Health Services, general	X	CU	CU
Light Industrial	CU	X	X
Neighborhood Commercial	CU	CU	CU
Schools, Colleges	CU	CU	CU
Transportation & Communication Facilities	CU	CU	CU

9.05 Access to Lots or Parcels

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.
- 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.

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.
- 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.

11.06 Conditional Use Permits

- 11.06.1 **Purpose.** In all zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this ordinance and their effect on surrounding properties.

The Planning Commission shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of this Section. Changes in use, expansion or contraction of site area, or alteration of structure or uses classified as conditional and existing prior to the effective date of this ordinance shall conform to all regulations pertaining to conditional uses.

- 11.06.2 **Allowances.** Those uses specifically identified as Conditional Uses in this Code may be considered for approval. This Code cannot anticipate every potential development proposal; uses that are similar in nature and impact to those that may be considered under the Conditional Use procedure, pursuant to a formal interpretation by the Planning Commission, may be processed and considered for approval under these standards.

- 11.06.3 **Findings of fact.** In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

- A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this ordinance.
- B. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- 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.
- D. In areas designated as requiring preservation of historic, scenic or cultural resources and attributes, proposed structures will be of a design complimentary to the surrounding area.

- 11.06.4 **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.
- 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.
- C. Requiring landscaping and maintenance thereof.
- D. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress.
- E. Requiring means of pedestrian/bicycle access pathways to serve the property.
- F. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas.

- G. Limiting size, location and number of signs.
- H. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
- I. Limiting or prohibiting openings in sides of buildings or structures.
- J. Enclosure of storage areas and limitation of outside display and/or storage of merchandise.
- K. Requiring maintenance of grounds.
- L. Regulation of noise, vibration, odors, etc.
- M. Regulation of time for certain activities.
- N. Establishing a time period within which the proposed use shall be developed.
- O. The requirement of a bond for removal of such use within a specified period of time.
- P. Increase the size, type or capacity of any or all utility services, facilities or appurtenances.
- Q. Requirements under which any future enlargement or alteration of the use shall be reviewed by the Planning Commission and new conditions imposed.
- 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.
- 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.

11.06.5 **Limitations.** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

11.06.6 **Procedure.** Conditional Use applications shall be processed according to the standards for a Type III application contained in Article 13.

11.06.7 **Appeal.** Appeal of a Conditional Use shall be processed according to the standards for appeal of a Type III decision contained in Article 13.

11.06.8 **Alterations.** The Commission may establish standards under which any future enlargement or alteration of the use shall (or shall not) require a new or modified Conditional Use application.

11.06.9 **Revocation.** Upon a determination that there are sufficient grounds, the Planning Commission may at any time initiate a review of the operation of any Conditional Use. A review shall be initiated if the Planning Director receives three documented and unresolved complaints within six months that a conditional use has not complied with the applicable conditions of approval or the applicable standards of this Section. If a review is initiated, the Commission shall hold a public hearing to determine whether the use is in compliance with applicable standards and conditions. Review of an existing Conditional Use shall be processed as a Type III procedure consistent with the standards for a new Conditional Use. At the conclusion of the hearing, the Planning Commission shall adopt findings of compliance or non-compliance for the conditional use. Upon adoption of findings of non-compliance, the property owner(s) shall submit a compliance schedule documenting that compliance will be achieved within forty-five (45) days or a shorter period of time if the Commission determines there is a cause for emergency action. Receipt of further documented and unresolved complaints will result in revocation of the conditional use permit.

11.07 Pre-Existing, Non-Conforming Uses and Developments

11.07.1 Non-Conforming Uses are existing uses or development that do not comply with the Code. The standards for non-conforming uses and development are intended to provide some relief from code requirements for uses and developments that were established prior to the effective date of this Code and do not comply with current standards.

Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Ordinance. No unlawful use of property existing at the time of passage of this Ordinance shall be deemed a non-conforming use.

11.07.2 **Continuation of Nonconforming Uses.** Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Expansion Prohibited. No such nonconforming use may be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- B. Location. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;
- C. Discontinuation or Abandonment. The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
 - 1. On the date when the use of land is physically vacated;
 - 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
 - 3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
 - 4. On the date a request for final reading of water and power meters is made to the applicable utility districts.
- D. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

11.07.3 **Non-conforming Development.** Where a development exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. Alterations. No such nonconforming development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;
- B. Destruction. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Umatilla County Assessor, it shall be reconstructed only in conformity with this Code;
- C. Roadway Access. The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with this Code and other applicable standards as a condition of the City or other roadway authority approving a new access connection permit, or a change in land use.
- D. Relocation or Removal. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

11.07.4 **Nonconforming Lots of Record.**

- A. In any zoning district in which single family dwellings are permitted, a single family dwelling and accessory buildings may be erected on any single lot of record in existence on the date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
- B. This provision shall apply even though such lot fails to meet the requirements for area that are applicable in the zoning district, provided that yard dimensions and requirements other than those applying to area of the lot shall conform to the regulations for the zoning district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.
- C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the date of this Ordinance, and if all or part of the lots do not meet the requirements established for lot areas, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot size requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a size below the requirements stated in this Ordinance.

11.07.5 **Alterations or Repairs of a Non-Conforming Use.**

- A. Alterations or repairs of a non-conforming use may be permitted to continue the use in a reasonable manner subject to the provisions of this Ordinance. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.
- B. Any proposal for the alteration or repair of a non-conforming use may be permitted to reasonably continue, restore or replace the use.
- C. As used in this Section, "alteration" of a non-conforming use includes, as determined by the City Manager:
 - 1. A change in the use of no greater adverse impact to the neighborhood; and
 - 2. A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

- D. A non-conforming use may be altered only insofar as it applies to the zone in which it is located. Once altered to conforming use, no building or land shall be permitted to revert to a non-conforming use.

11.07.6 Restoration of a Non-Conforming Building, Structure or Lot.

- A. A non-conforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored, and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction, may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.
- B. The restoration or reconstruction of a non-conforming building or structure may not create a greater non-conformance than existed at the time of damage or destruction.
- C. Nothing in this Ordinance shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a non-conforming lot, so long as such lot did not become non-conforming in violation of the provisions of this Ordinance.

11.07.7 Creation of a Non-Conformance through a Land Use Action Prohibited

- A. No action shall be approved that would result in the creation or increase of a non-conformance with this or any other City of Pendleton ordinance and all applicable Oregon State Specialty Codes, unless expressly permitted by same.
- B. For any proposed land division, boundary line adjustment or replat, the City shall require as a condition of approval that any violation or non-conformance be remedied prior to submittal of a final plat.
- C. Non-conformances created as a result of right-of-way dedication or condemnation are exempt from this prohibition.

Article XIII. Land Use Application Procedure

13.04 Type III Procedure (Quasi-Judicial)

13.04.1 **Pre-application Conference.** A pre-application conference is not required for Type III applications but is highly recommended.

13.04.2 **Neighborhood Meetings.** There is no legal requirement to conduct neighbor-developer meetings. However, applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to the City in order to solicit input and exchange information about the proposed development. The City can provide the same list used for mailed notices to the applicant if he/she wishes to provide additional notification and/or schedule a community meeting.

13.04.3 Application Requirements.

- A. Application forms. Type III applications shall be made on forms provided by the Community Development Department; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
- B. Submittal Information. When a Type III application is required, it shall:
1. Include the information requested on the application form;
 2. Be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
 3. Be accompanied by the required fee.

13.04.4 Notice of Hearing.

- A. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official or designee in the following manner:
1. At least 20 days before the hearing date, notice shall be mailed to:
 - a. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - b. All property owners of record within 100 feet of the site;
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - d. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
 - e. Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
 - f. Any person who submits a written request to receive notice;
 - g. For appeals, the appellant and all persons who provided testimony in the original decision; and

- h. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- 2. The City Planning Official or designee shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
- 3. Notice of the hearing shall be printed in a newspaper of general circulation in the City at least 7 business days before the hearing. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.
- B. Content of Notice. Notice of appeal of a Type II Administrative decision or notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:
 - 1. The nature of the application and the proposed land use or uses that could be authorized for the property;
 - 2. The applicable criteria and standards from the development code(s) that apply to the application;
 - 3. The street address or other easily understood geographical reference to the subject property;
 - 4. The date, time, and location of the public hearing;
 - 5. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - 6. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - 7. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Pendleton City Hall at no cost and that copies shall be provided at a reasonable cost;
 - 8. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - 9. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
 - 10. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Pendleton Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

13.04.5 Conduct of the Public Hearing.

- A. At the commencement of the hearing, the hearings body shall state to those in attendance:
 - 1. The applicable approval criteria and standards that apply to the application or appeal;
 - 2. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - 3. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised in person or by letter not later than the close of the record or following the final evidentiary hearing on the proposal before the local government. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue;
 - 4. Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a continuance), or by leaving the record open for additional written evidence or testimony per subsection B.
- B. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
- C. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
 - 1. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
 - 2. An extension of the hearing or record granted pursuant to this section is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 - 3. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;

4. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
 5. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
 6. The review authority shall retain custody of the record until the City issues a final decision.
- D. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
1. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
 2. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;
 3. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
 4. If all members of the Planning Commission abstain or are disqualified, the City Council shall be the hearing body. If all members of the City Council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
 5. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
- E. Ex parte communications.
1. Members of the hearings body shall not:
 - a. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection D above;
 - b. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
 2. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
 - a. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
 - b. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
 - c. A communication between City staff and the hearings body is not considered an ex parte contact.
- F. Presenting and receiving evidence.
1. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 2. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in subsection C;
 3. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

13.04.6 Recess of Hearing.

The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed action. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.

13.04.7 The Decision Process.

- A. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole;
- B. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts;
- C. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection B, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required;
- D. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the City Planning Official or designee within ten business days after the close of the deliberation;
- E. Notice of Decision. Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- F. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within 21 days of the City Council's written decision or, in the case of Type I decision, within 21 days of the administrative decision date.

13.04.8 Appeal. A Type III decision may be appealed to the City Council as follows:

- A. Who may appeal. The following people have legal standing to appeal a Type III Decision:
 1. The applicant or owner of the subject property;
 2. Any person who participated in the proceeding by submitting written comments to the Planning Commission.
 3. Any person who participated in the proceeding by providing oral testimony to the Planning Commission at the hearing(s).
 4. The City Council, acting upon the recommended action of the City Manager or upon its own motion, may order a de novo review of any lower level decision. This review shall be conducted in accordance with appeal procedures specified herein.
- B. Appeal filing procedure.
 1. Notice of appeal. Any person with standing to appeal, as provided in subsection A, above, may appeal a Type III Decision by filing a Notice of Appeal according to the following procedures;
 2. Time for filing. A Notice of Appeal shall be filed with the City Planning Official or designee within 14 days of the date the Notice of Decision was mailed;
 3. Content of notice of appeal. The Notice of Appeal shall contain:
 - a. An identification of the decision being appealed, including the date of the decision;
 - b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - c. A statement explaining the specific issues being raised on appeal;
 - d. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - e. Filing fee.
- C. Scope of appeal. The appeal of a Type III Decision by a person with standing shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Planning Commission review. The City Council may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
- D. Appeal procedures. Type III notice, hearing procedures and decision process shall also be used for all Type III Appeals;
- E. Further Appeal. The decision of the City Council on an appeal is final and effective on the date it is mailed by the City. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.

13.06 Burden of Proof

The following language shall be included with all decisions for Type II, III and IV actions.

The specific findings made in granting a Permit shall be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the Permit. If no evidence is produced by the applicant concerning any of the findings, the application may be denied based upon improper or

inadequate findings. All evidence produced must be recited in the findings relating to approval or denial of an application.

- A. The applicant has the burden of proof regarding all requests affecting a subject property, and the applicant recognizes that it is the sole obligation of the applicant to substantiate the request.
- B. If any administrative review, suit or action is instituted in connection with any appeal of a decision, the applicant shall be required to either (1) reimburse the City for all costs incurred in defending this action, including but not limited to attorney fees, staff costs, any materials and other related costs, or (2) notify the City that the applicant does not desire to undertake such costs and will drop its request.
- C. The applicant shall notify the City Manager within five (5) days from City's receipt of any notice of appeal by delivering a written statement to the City Manager within said five (5) days advising the City Manager whether the applicant will reimburse the City for all costs as described above or desires to drop the request.
- D. In the absence of written communication from the applicant within the allotted five (5) days the City may at its option presume the applicant desires to drop the request and the City shall have no obligation to defend the appeal.
- E. In appeals involving questions of City-wide significance, the City Council may determine to participate in part of the costs specified herein. Nothing in this condition shall affect applicant's right to retain independent counsel in making their own legal appearance upon appeal.
- F. If any suit or action, including rescission, is instituted by the applicant in connection with any controversy arising out of a request, there shall be taxed and allowed to the City as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal. In addition, the City may charge a fee for preparation of a written transcript, not to exceed the actual cost of preparing the transcript, up to \$500 plus one-half the actual costs over \$500.

Article XV. Administrative Provisions

15.05 Permit to Run with the Land

A Permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this Section.

15.06 Limitations

No building or other permit shall be issued in any case where a Permit is required by the terms of this ordinance until after the applicable appeal period of the decision. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed. In the event the council acts to grant said Permit, the building permit may be issued immediately thereafter, in accordance with such terms and conditions as may have been imposed on said permit.

15.07 Permit Expiration

Any permit granted pursuant to this Ordinance shall become void two (2) years after approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises.



15.08 Permit Extension

The Planning Director may extend a permit for one additional period of two (2) years, subject to the following requirements:

- A. The request is made in writing; and
- B. The request is received prior to permit expiration.

It is the responsibility of the permit holder to submit a request for extension. No more than one such extension may be granted. Development standards that apply at time of approval shall remain valid for the original term of approval, and shall not exceed four years from the original date of approval in the event of an extension.

15.09 Vested Rights

Land use approvals granted under this Ordinance shall be effective only when the exercise of the right granted therein is commenced within the approval period of that decision. In case such right has not been exercised or extension obtained the approval shall be void. Nothing contained in this Ordinance shall:

- A. Require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this Ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time construction was commenced.

- B. Be construed to limit the sale, transfer, or other conveyance of property on which exists a non-conforming building, structure or use, so long as such sale, transfer or other conveyance does not otherwise violate the provisions of this Ordinance.

15.10 Illegal Occupancy

Any use of a premise or building which deviates from or violates any of the provisions of this Ordinance shall be termed an illegal occupancy and the person or persons responsible therefore shall be subject to the penalties herein provided.

No final approval or certificate of occupancy shall be issued by the City until such time as the applicant has complied with all requirements of this Ordinance. Final approval or certificate of occupancy shall not be issued if there is any major deviation from an approved land use action, including a Development Permit.

15.11 Contract Purchasers Deemed Owners

A person or persons purchasing property under contract, for the purposes of this Ordinance, shall be deemed to be the owner or owners of the property covered by the contract; the City Planning Commission or the City Council may require satisfactory evidence of such contract of purchase.



CITY OF PENDLETON

Planning Department (541) 966-0204 Fax (541) 966-0251
500 SW Dorion Avenue, Pendleton, OR 97801

CONDITIONAL USE APPLICATION

File No. CUP

Fee \$ _____

NOTICE TO APPLICANT: Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. Failure to provide complete and/or accurate information may result in delay or denial of your request.**

APPLICANT Jennifer Hoffman, Project Manager, Carleton Hart Architecture, PC

Mailing address 830 SW 10th Ave #200

Phone 503-206-3043

Fax - _____

Email jennifer.hoffman@carletonhart.com

Applicant's interest in property Architect Representative (for Horizon Project, Inc. - South Hill Commons project)

Signature Jennifer Hoffman

Digitally signed by Jennifer Hoffman
DN: c=US, E=jennifer.hoffman@carletonhart.com, O=Carleton Hart
Architecture, PC, CN=Jennifer Hoffman
Date: 2022.03.14 12:26:38-0700

Date 3/14/2022

PROPERTY OWNER Terri Silvis, PhD, Executive Director, Horizon Project, Inc.

Mailing address 608 N. Russell, Milton-Freewater, OR 97862

Phone 541-938-5658

Fax _____

Email terri.silvis@horizonprojectinc.org

Signature _____

Date _____

If same as applicant, mark SAME. If there is more than one property owner, please attach additional sheets as necessary.

SITE LOCATION AND DESCRIPTION

Zoning R-2 Medium Density Residential

Tax Map #(S) 2N3211AD

Tax Lot #(s) 0300

Tax Map #(S) 2N3211AD

Tax Lot #(s) 0400

Frontage street or address 1300-1400 Blocks, SE Franklin Grade Rd Nearest cross street SE Issacs Ave

BUSINESSES Are any businesses operating on the property? If yes, please describe. No - undeveloped site.

All businesses operating within the City of Pendleton must obtain a Business License.

SPECIFIC REQUEST

New Construction **Alteration** **Change of Use**

Conditional Use Application for 70-unit Multifamily Dwelling Use. Concurrent with Type II Replat application for minor partition (residential care home) lot consolidation and access/utility/sign easements.

OFFICE USE ONLY.

This institution is an equal opportunity provider and employer.

120 day time limit _____

Accepted as complete _____

Final decision by _____

DLCD 45-day notice required _____

Y N Date mailed _____

Date of first hearing _____

Planning Commission hearing date _____

Notice mailed _____

Notice to media _____

Publication date _____

Emailed _____

Notice of Decision _____

Date mailed _____

Appeal deadline _____

Associated applications _____

SOUTH HILL COMMONS

PENDLETON, OREGON



PROJECT TEAM:

CLIENT
HORIZON PROJECT, INC.

ARCHITECT
CARLETON HART ARCHITECTURE PC

GENERAL CONTRACTOR
LMC CONSTRUCTION

DEVELOPMENT CONSULTANT
DCM COMMUNITIES

DRAWING INDEX:

GENERAL
G0 00 COVER SHEET

ARCHITECTURAL
A0 00 PRELIMINARY SITE PLAN
A0 01 PERSPECTIVES

FLOOR PLANS - BUILDING A
A2 01 FLOOR PLANS - BUILDING A
A2 02 FLOOR PLANS - BUILDING B
A2 03 FLOOR PLANS - BUILDING C
A2 04 FLOOR PLANS - BUILDING D

UNIT PLANS
A3 01 UNIT PLANS

BUILDING INFORMATION:

BUILDING A
LEVEL 1 - 7483 SF
LEVEL 2 - 7483 SF
TOTAL - 14966 SF

BUILDING B
LEVEL 1 - 7107 SF
LEVEL 2 - 7107 SF
TOTAL - 14214 SF

BUILDING C
LEVEL 1 COMMUNITY SPACE - 3206 SF
LEVEL 1 RESIDENTIAL - 4226 SF
LEVEL 2 RESIDENTIAL - 4226 SF
TOTAL - 11658 SF

BUILDING D
PARTIAL BASEMENT - 3290 SF
LEVEL 1 - 9798 SF
LEVEL 2 - 9798 SF
TOTAL - 22886 SF

UNIT MATRIX:

1 BEDROOM (564 SF) - 14 UNITS
2 BEDROOM (806 SF) - 40 UNITS
3 BEDROOM (1092 SF) - 16 UNITS
TOTAL UNITS - 70

*NOTE: BUILDING SIZES DO NOT INCLUDE CIRCULATION OR DECKS.

PRELIMINARY
NOT FOR
CONSTRUCT



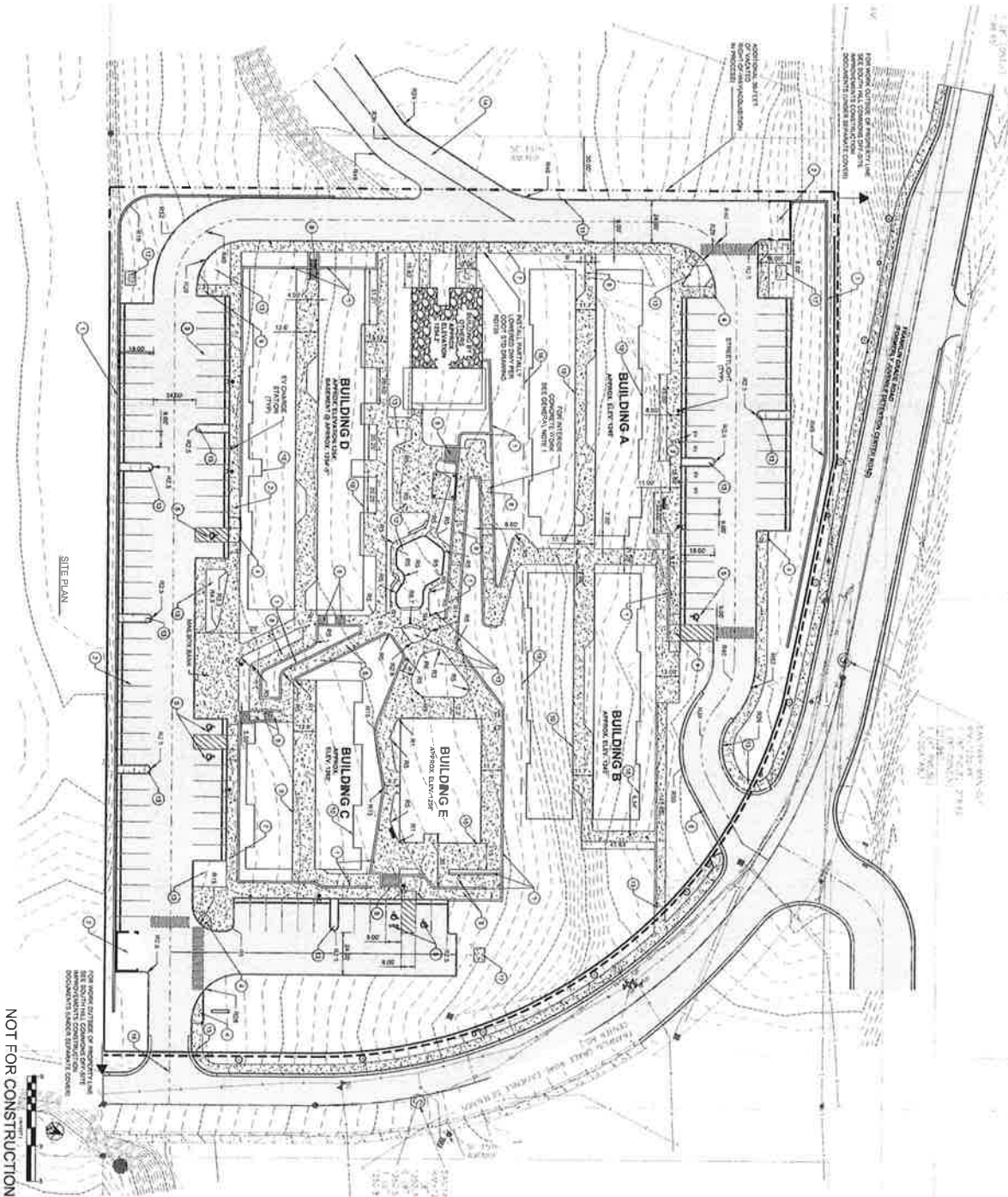
CARLETON HART ARCHITECTURE P.C.
1000 10TH STREET, SEASIDE, OREGON 97138

SOUTH HILL COMMONS
PENDLETON, OREGON

COVER SHEET
PROJECT NO
5208

REVISIONS

G0.00



LEGEND:

- 1 ASPHALT PAVEMENT (1.000 SPT)
- 2 SOFTENING ASPHALT (0.500 SPT)
- 3 GRAVEL, 3/4" (1.000 SPT)
- 4 GRAVEL, 1/2" (1.000 SPT)
- 5 GRAVEL, 3/8" (1.000 SPT)
- 6 GRAVEL, 1/4" (1.000 SPT)
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NOT FOR CONSTRUCTION

LEGEND:

- 1 CON. WALL, 12" THK. SEE SCHEDULE 1.1.1
- 2 TRUCK ENCLOSURE
- 3 EXISTING SPECIAL FINISH (10' POSTS)
- 4 METALL. CLAMP BARS PER DETAIL
- 5 HANGCLAY MASONRY (1 WALL 3' STRUTTING)
- 6 CORR. AND CURTAIN WALL (SEE DETAIL)
- 7 SITE CO. 1 FOR TRUCK ENCLOSURE
- 8 EXISTING SPECIAL FINISH (10' POSTS)
- 9 METALL. CLAMP BARS PER DETAIL
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- 90 HANGCLAY MASONRY (1 WALL 3' STRUTTING)
- 91 CORR. AND CURTAIN WALL (SEE DETAIL)
- 92 SITE CO. 1 FOR TRUCK ENCLOSURE
- 93 EXISTING SPECIAL FINISH (10' POSTS)
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- 100 HANGCLAY MASONRY (1 WALL 3' STRUTTING)
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AKANA
6100 SE Lava Road, Ste 270
Portland, Oregon 97222
www.akana.com 503.752.5000

CARLETON HART ARCHITECTURE P.C.
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Portland, Oregon 97227
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**SOUTH HILL COMMONS
HORIZON PROJECT
PENDLETON, OREGON
DESIGN DEVELOPMENT**

LEGEND:

- 1 ASPHALT PAVEMENT (1.000 SPT)
- 2 SOFTENING ASPHALT (0.500 SPT)
- 3 GRAVEL, 3/4" (1.000 SPT)
- 4 GRAVEL, 1/2" (1.000 SPT)
- 5 GRAVEL, 3/8" (1.000 SPT)
- 6 GRAVEL, 1/4" (1.000 SPT)
- 7 SAND (1.000 SPT)
- 8 SAND (1.000 SPT)
- 9 SAND (1.000 SPT)
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- 100 SAND (1.000 SPT)

**PRELIMINARY
NOT FOR
CONSTRUCTION**

03/14/22 FIG. 13.1

SITE PLAN - CIVIL

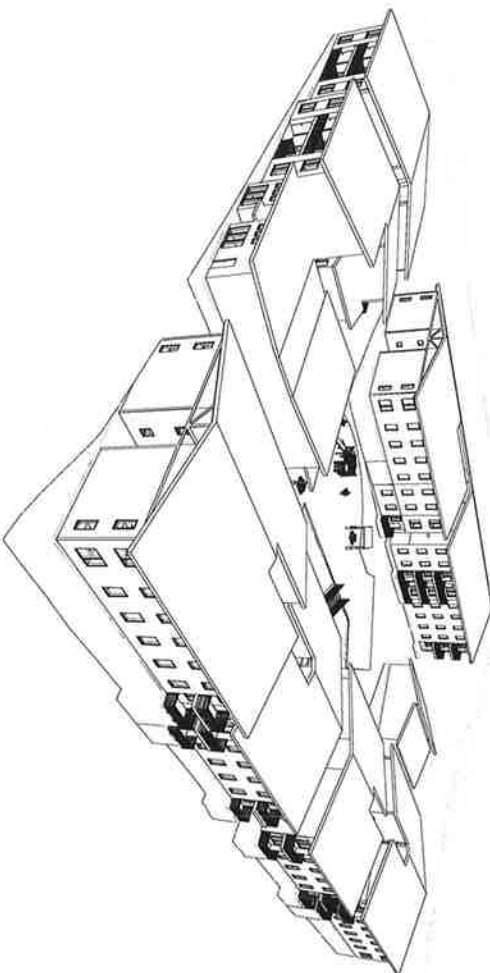
C1.20



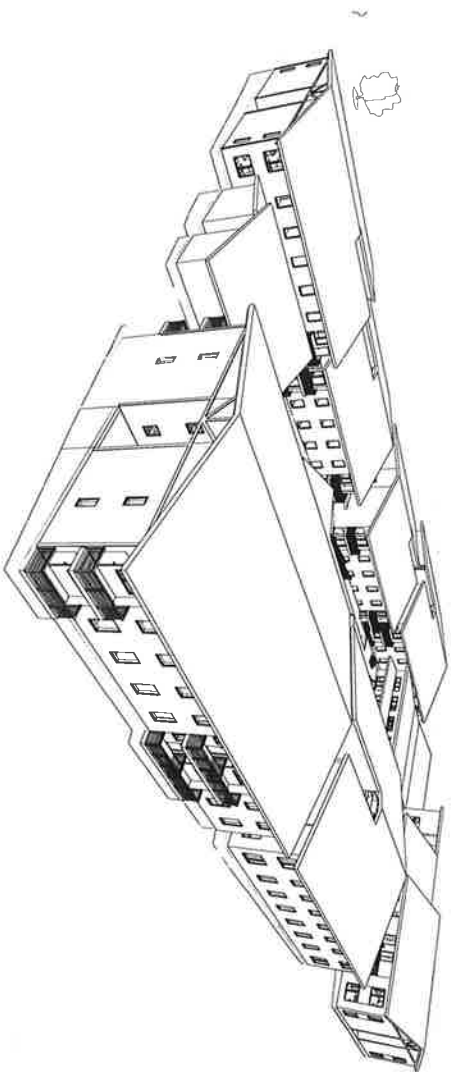
SOUTH HILL COMMONS
PENDLETON, OREGON

PERSPECTIVE
PROJECT NO.
DATE

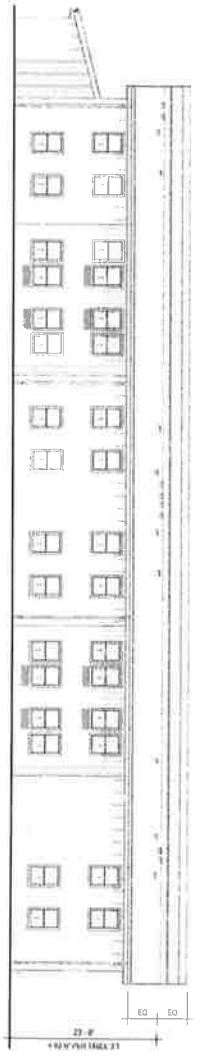
REVISIONS



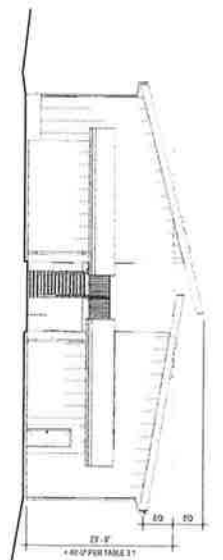
2 VIEW FROM NORTHEAST
SCALE



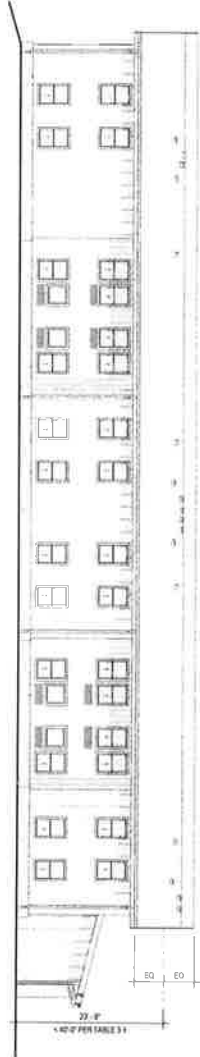
1 VIEW FROM SOUTHWEST
SCALE



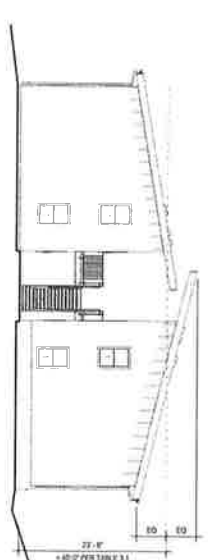
1 BUILDING A - NORTH ELEVATION
SCALE: 1" = 20'-0"



2 BUILDING A - EAST ELEVATION
SCALE: 1" = 20'-0"



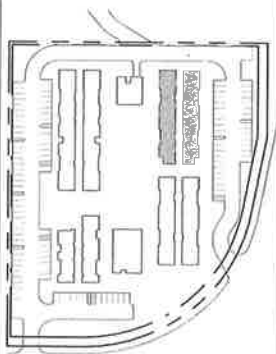
3 BUILDING A - SOUTH ELEVATION
SCALE: 1" = 20'-0"



4 BUILDING A - WEST ELEVATION
SCALE: 1" = 20'-0"

- PAINTED 24" BOARD & BATTEN SIDING
- PAINTED 12" BOARD & BATTEN SIDING
- PAINTED 7" FIBER CEMENT LAP SIDING
- 4" TONGUE AND GROOVE CEDAR SIDING

SITE KEY:



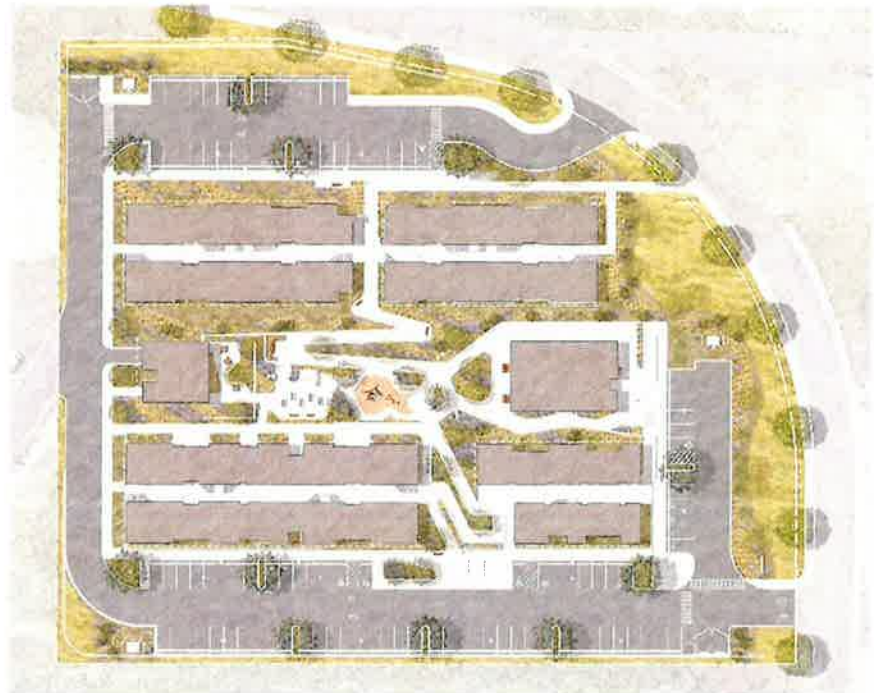
BUILDING ELEVATIONS - BUILDING A



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

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

I. SUMMARY OF PROPOSAL

Project Name:	South Hill Commons	Project no:	20008
Representative:	Jennifer Hoffman, Project Manager Carleton Hart Architecture 830 SW 10 th Ave #200 Portland, Oregon 97205 (503) 206-3043 jennifer.hoffman@carletonhart.com		
Applicant:	Terry Silvis, PhD, Executive Director Horizon Project, Inc 608 N. Russell Milton-Freewater, Oregon 97862 (541) 938-5658 terri.silvis@horizonprojectinc.org		
Request	<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">• Construct 70 units of affordable housing in four buildings centrally located within the site.• Construct a single residential care home for residents utilizing HPI's supportive services.• 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.• Provide on-site shared improvements including a community plaza, play structure, community garden area, pedestrian amenities, and surface parking. <p>This request is interdependent with the approval of two concurrent Land Use processes, currently underway:</p> <ul style="list-style-type: none">• 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.• Type III Land Division-Replat of the subject site, which will:<ul style="list-style-type: none">○ 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.○ Minor partition a parcel for a residential care home from the consolidated multifamily "parent" parcel.○ Create a legal easement for a Master Reciprocal Use / Public Access (Regress) agreement between all parties – Umatilla County, South Hill Commons		

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

- 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 13th St and full 60 ft width of SE 14th 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

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

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

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

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

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

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

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

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

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:

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

- 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.

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

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

LAND USE APPLICATION TYPE III: CONDITIONAL USE SOUTH HILL COMMONS

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 10th 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 10th 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.

SOUTH HILL COMMONS
CONDITIONAL USE APPLICATION



SITE AERIAL



EXISTING SITE - NTS



① VIEW LOOKING NORTH



② VIEW LOOKING SOUTHWEST



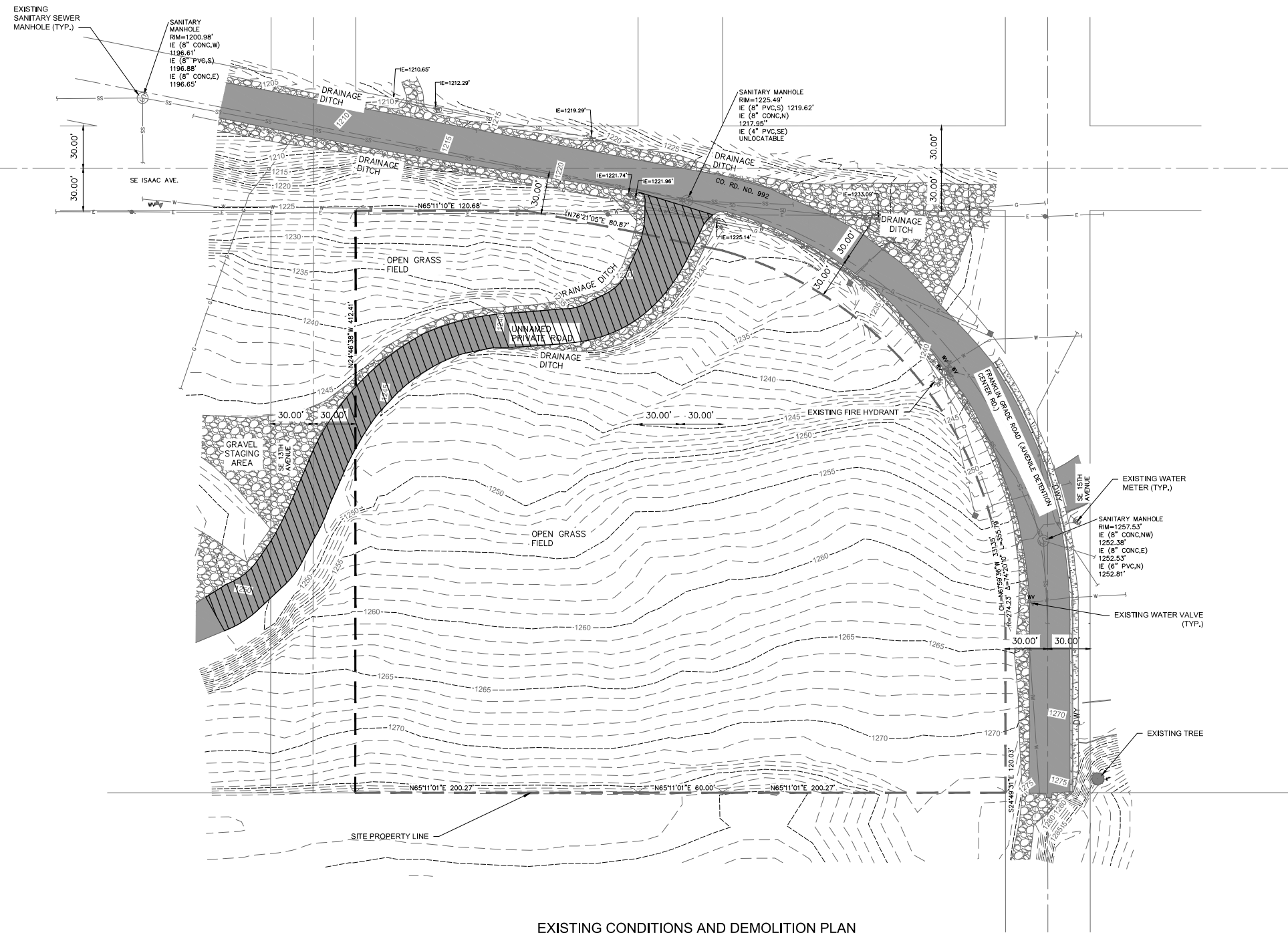
③ VIEW LOOKING SOUTHEAST



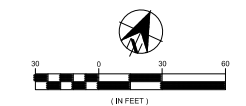
④ VIEW LOOKING SOUTH



⑤ VIEW LOOKING WEST



EXISTING CONDITIONS AND DEMOLITION PLAN



NOT FOR CONSTRUCTION

GENERAL NOTES:

KEYNOTES: ◆

LEGEND:

WATER LINE	— W — W —
SANITARY SEWER	— SS — SS —
GAS LINE	— G — G —
PROPERTY BOUNDARY	— — — — —
SANITARY MANHOLE	⊙
STORM SEWER	— SD — SD —
WATER VALVE	⊕
FIRE HYDRANT	⊕
COMMUNICATION RISER	⊕
TELEPHONE	— T — T —
POWER	— P — P —
POWER POLE	⊕
SIGN	⊕
EXISTING ASPHALT PAVEMENT	▒
EXISTING SIDEWALK	▒
EXISTING GRAVEL	▒
DEMO EXISTING ASPHALT - 12,740 SF	▒

GENERAL NOTES:

PRELIMINARY NOT FOR CONSTRUCTION

AKANA
 Plan / Design / Engineer / Manager
 6400 SE Lake Road, Ste. 270
 Portland, Oregon 97222
 Voice (503) 652-9590

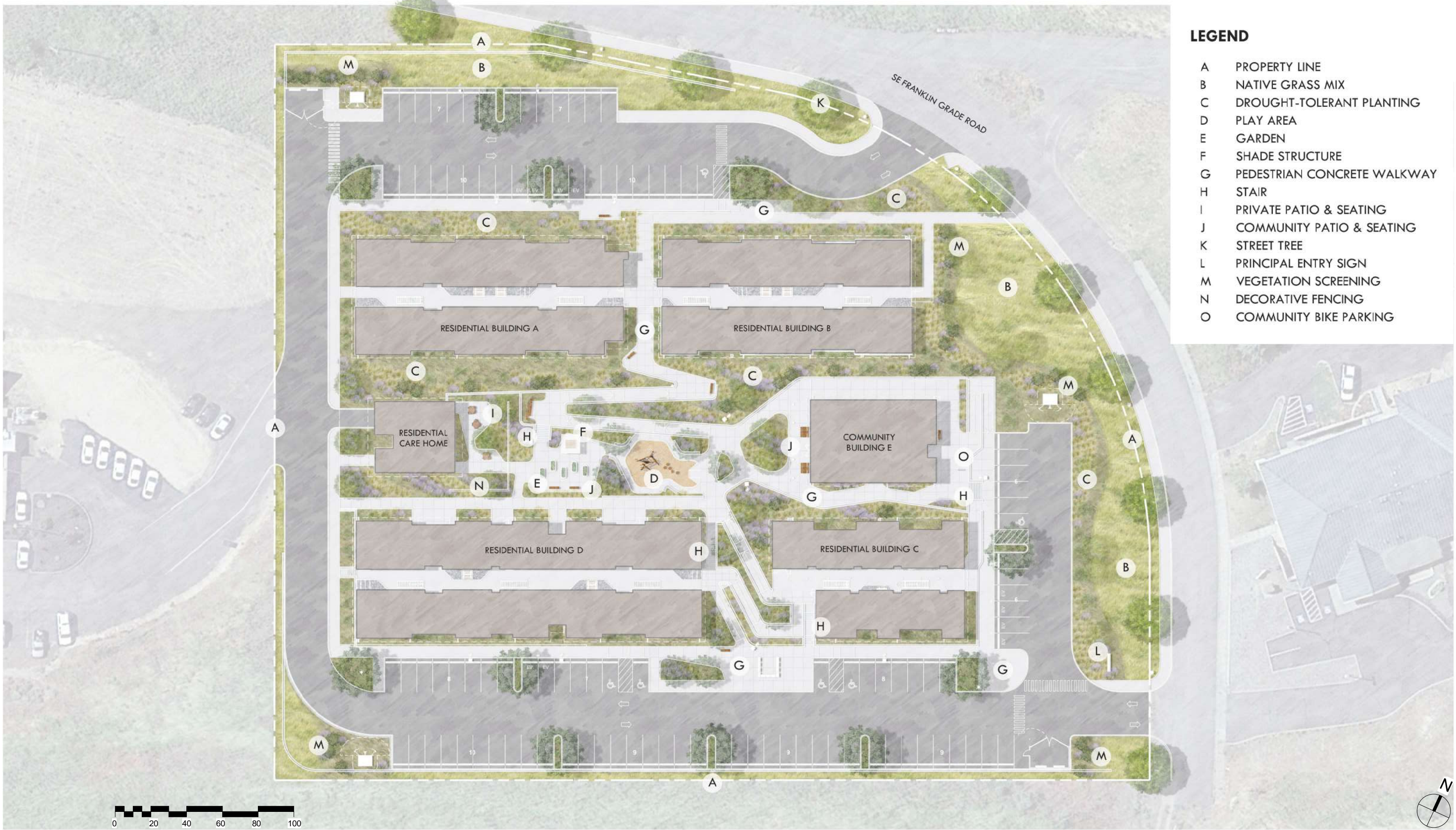
CARLETON HART ARCHITECTURE P.C.
 850 SW 10th Avenue, #2700
 Portland, Oregon 97205
 503.243.2282 | www.carletonhart.com

SOUTH HILL COMMONS
 HORIZON PROJECT
 PENDELTON, OREGON
 DESIGN DEVELOPMENT

EXISTING CONDITIONS AND DEMOLITION PLAN
 PROJECT NO. CHA: 20008
 AKANA: 21-049

REVISIONS:

C1.10



LEGEND

A	PROPERTY LINE
B	NATIVE GRASS MIX
C	DROUGHT-TOLERANT PLANTING
D	PLAY AREA
E	GARDEN
F	SHADE STRUCTURE
G	PEDESTRIAN CONCRETE WALKWAY
H	STAIR
I	PRIVATE PATIO & SEATING
J	COMMUNITY PATIO & SEATING
K	STREET TREE
L	PRINCIPAL ENTRY SIGN
M	VEGETATION SCREENING
N	DECORATIVE FENCING
O	COMMUNITY BIKE PARKING



GRAPHIC SCALE



ILLUSTRATIVE LANDSCAPE PLAN

R-2 MULTI-FAMILY DWELLING PARCEL: 172,202 SF
(3.95 ACRES)

R-2 RESIDENTIAL CARE HOME PARCEL: 8,585 SF
(0.2 ACRES)

TOTAL SOUTH HILL COMMONS PROPERTY: 180,787 SF
(4.15 ACRES)


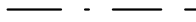
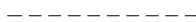










TOTAL PARKING SPACES: 106

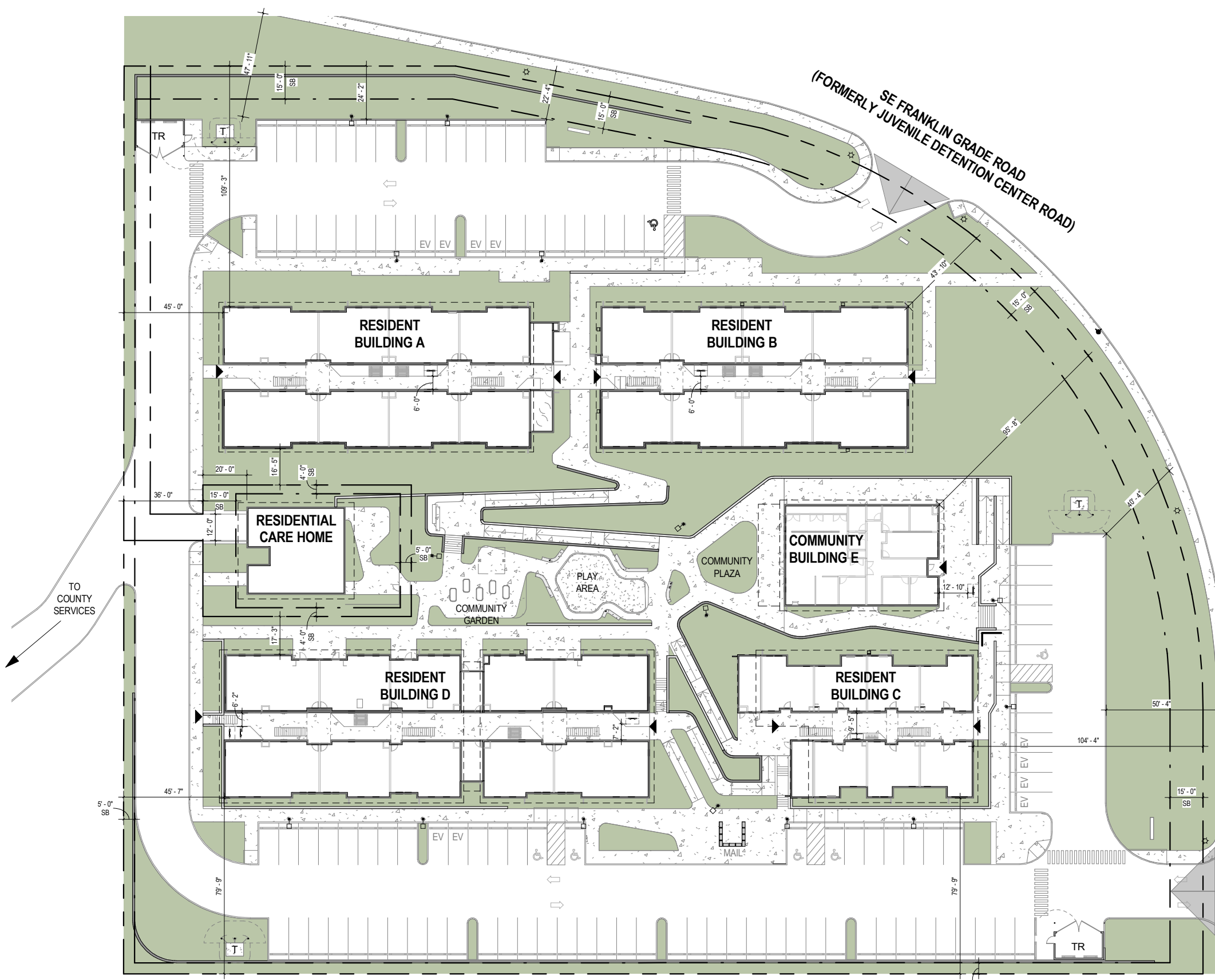
TOTAL LANDSCAPE AREA: 56,707 SF
> (40) SF PER REQUIRED OFF STREET PARKING SPACE

SITE PLAN ABBREVIATIONS:

T - TRANSFORMER
TR - TRASH ENCLOSURE
EV - EV READY PARKING STALLS

SITE PLAN LEGEND:

-  PROPERTY LINE
-  MINIMUM REQUIRED SETBACK (SB)
-  ROOF EDGE ABOVE
-  ENTRY
-  EXISTING FIRE HYDRANT
-  BIKE RACKS
30" x 72" CLEARANCE
-  WHEEL STOPS
-  ADA COMPLIANT PARKING
-  CROSSWALK STRIPING
-  CLEAR VISION AREA
20'-0"
20'-0"
-  LANDSCAPE AREA
-  PRIMARY ENTRY SIGN
-  COUNTY SERVICES SIGN

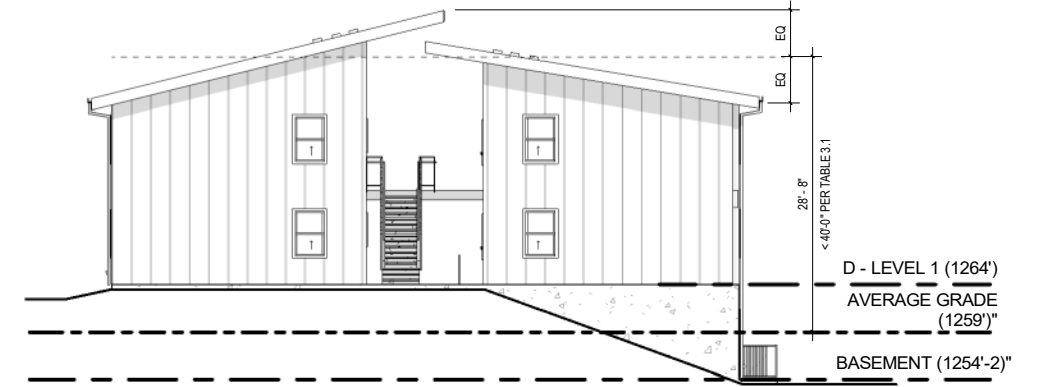


SITE PLAN - ARCHITECTURAL



1 BUILDING D - NORTH ELEVATION

SCALE: 1" = 20'-0"



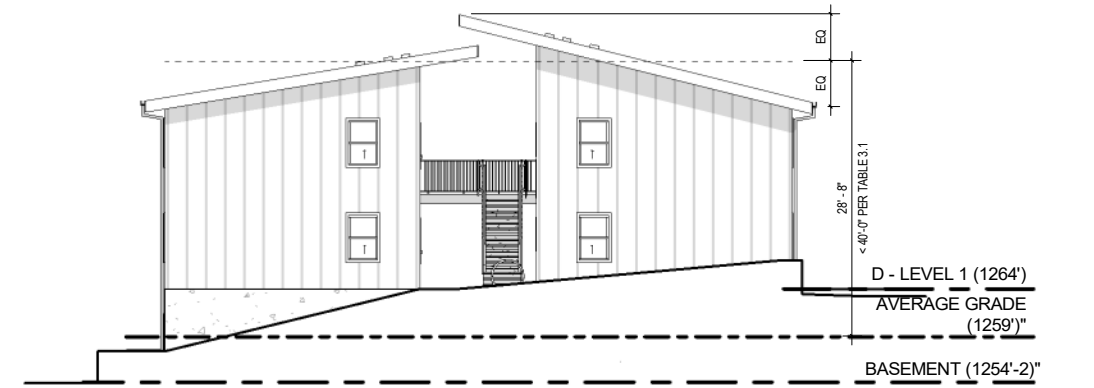
2 BUILDING D - EAST ELEVATION

SCALE: 1" = 20'-0"



3 BUILDING D - SOUTH ELEVATION

SCALE: 1" = 20'-0"

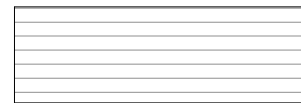


4 BUILDING D - WEST ELEVATION

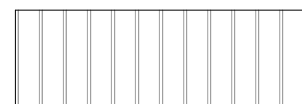
SCALE: 1" = 20'-0"



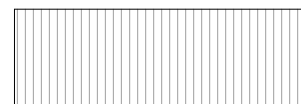
PAINTED 24" BOARD & BATTEN SIDING



PAINTED 7" FIBER CEMENT LAP SIDING

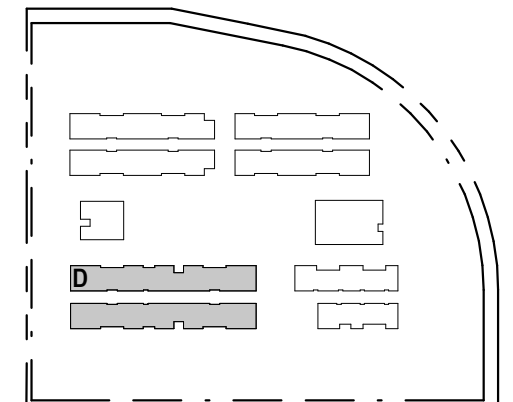


PAINTED 12" BOARD & BATTEN SIDING



4" TONGUE AND GROOVE CEDAR SIDING

SITE KEY:



BUILDING ELEVATIONS - BUILDING D