

HERMISTON PLANNING COMMISSION

Regular Meeting

September 14, 2016

Chairman Saylor called the meeting to order at 7:00 PM. Commissioners Doherty, Flaiz, Caplinger, Fialka, Hamm, Erz and Medelez were present. Commissioner Rebman was absent.

Minutes

Minutes of the July 13, 2016 regular Planning Commission meeting were approved.

Hearing-Major Variance-Continued from July 13, 2016

The planning commission is continuing the hearing to consider a request for a major variance. The request must be approved by the planning commission subject to the criteria established in §157.225 of the Hermiston Code of Ordinances. The applicant wishes to obtain a variance from §157.057 (D) 3 of the Hermiston Code of Ordinances which establishes parking requirements in the Fairgrounds Overlay zone. The applicant, Eastern Oregon Trade & Event Center (EOTEC), is requesting that the City grant a variance thereby allowing the number of occupants on the property equal to the number of allowed persons per parking space. The property is described as 4N 28 13 Tax Lots 800 and 1400 and is located at 1705 E Airport Rd.

There were no conflicts of interest or ex parte contacts declared. As this is a continued hearing, the guidelines were previously read.

City Planner Spencer presented the staff report and answered questions from the commissioners.

Testimony

George Anderson, 475 E Main St- Mr. Anderson stated that he has 33 years interest in moving the fair and forming EOTEC. He feels this is a win-win. He is concerned that the Planning Commission is seeking to strangle the project with conditions. Mr. Anderson thinks condition number three has major problems. He feels the permitting process is a major proposal. He also thinks that grassing the overflow parking area is not reasonable.

Byron Smith, Chairman of the Board for EOTEC- The conditions have been reviewed and they appreciate the flexibility of allowing the first fair and rodeo to be held prior to grassing the overflow parking lot. It would be great to have the option of gravel or irrigated grass for the overflow parking lot. The board is open to using a shuttle service for attendees. They would like to see the number of attendees before the event management plan is required be a little higher.

Dan Dorran, Vice-Chair of EOTEC board and member of the County Fair Board- The irrigation and rutting is something the fair has addressed for many years and have a good handle on these issues. He also would like to thank the commissioners for their flexibility. Handicap parking is currently addressed by the fair. They use designated golf carts to shuttle people from the handicap spaces to the fair entrance.

Dennis Doherty, 1045 S 9th Place- Mr. Doherty stated he thinks people would like to see the public facility built completely and built right. He would like to see all the improvements that the money is available for. He has attended many different fairs and has never parked on anything but grass or gravel. Mr. Doherty read from the Inter-Governmental Agreement signed by the City and County. Provisions in the agreement state that the EOTEC authority is appointed by, responsible to and acting on behalf of Umatilla County and the City of Hermiston. The board is accountable to the people represented. The Board's books and records are to be made available for review. He would like to encourage the commissioners to be as generous as

they can in establishing the conditions, but put in what is needed and trust the governing bodies to do what is right.

Kim Puzey, 970 SE 5th St, member of the EOTEC board- Mr. Puzey's primary role on the board is to raise public money. He would like to ask the commissioner for flexibility so there is greater latitude to access public dollars.

Mike Kay, 1002 SE Banker Drive- Mr. Kay spoke on his own behalf. He has worked on many of these projects. He encouraged the commissioner's to look at fire suppression and dust control in the overflow parking lot. He suggested that the condition state that adequate pathways be provided from the parking lot to the event center and to trust the board and EOTEC committee to interpret it. He stated that 1,000 people is not that many and would encourage the commissioners to increase that number to 2,000 or 3,000 people.

Larry Givens, 84462 Ringer Road, Milton-Freewater- Mr. Givens is the chair of North East Area Commission on Transportation. Improvements and additions to Ott Road have been discussed. They are aware of the added needs at the intersection.

The hearing was closed at 8:07 PM.

Findings of Fact

Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

1. EOTEC is a unique facility within the city and county and one of a limited number statewide. The facility is designed to accommodate both small events and large regional events. Operation of EOTEC is bound by an existing Inter-Governmental Agreement between the City of Hermiston and Umatilla County.
2. The economics of developing a community event center and a regional trade and event center or fairgrounds are not equivalent. A community event center will generally have a daily use that is smaller and locally focused on small scale events. Regional trade shows or county fairs are rarer events which shall be specifically planned on a case by case basis depending upon the size and type of crowd anticipated.
3. The impact of developing paved parking sufficient to accommodate 2,808 paved parking spaces is fiscally prohibitive and environmentally unsound due to the need for large stormwater storage and treatment facilities for nearly 20 acres of paved surface.
4. The public benefit of 2,808 paved parking spaces is not proportional to the construction cost and ongoing maintenance costs associated with creating 20+ acres of paving when only a small fraction is used in conjunction with most events.
5. Alternative design scenarios proposed by the city such as gravel access paths, irrigated grass parking for overflow, and the potential use of the grass area for recreation purposes provide a better public benefit by lowering construction cost while simultaneously providing an opportunity for community use during otherwise passive times.

The variance is necessary for the preservation of a property right of the applicant that is substantially the same as is possessed by owners of other property in the same zone or vicinity.

6. The Hermiston Conference Center is a 21,000 square foot building which was constructed with 152 parking spaces on-site. This is a similar facility to the event center as both the event center and the

existing conference center require a one space per 100 square feet parking ratio. The existing conference center also makes use of overflow parking for very large events.

7. The two developments are not entirely equivalent due to the existing conference center's geographically constrained setting and repurposing of an existing building during development rather than greenfield development in EOTEC's case. However, the basic property right at issue is the same in both cases where a smaller economically feasible parking lot is used for daily operations and overflow is used for much larger events.

The authorization of the variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

8. The city establishes parking requirements in §157.176 of the Hermiston Code of Ordinances. These parking standards are designed to provide a reasonable number of parking spaces to accommodate what is considered the likely typical heavy use scenario. The space requirement is not intended to accommodate a "worst-case" scenario. A worst-case scenario cannot be adequately planned for and accommodated unless excessive land is developed and significant financial investment in infrastructure is made. The return on investment for a worst-case parking lot development results in rarely used parking which must be lit, maintained, drained, sealed, and periodically resurfaced, even though it might see no more than seven days of use per year.
9. The planning commission finds that the 675 spaces installed are sufficient for most typical uses of EOTEC, even in heavy use scenarios when the event center and rodeo grounds are both in use. The additional overflow area will provide sufficient worst-case scenario parking during the Umatilla County Fair or other regionally significant events provided the permitting requirements are applied to each event with attendance in excess of 2,000 and the overflow parking is designed in compliance with the conditions of approval.
10. The planning commission finds that the issuance of a variance has been publicly vetted through public hearings on July 13 and September 14, 2016. Furthermore, the planning commission finds that each issuance of a variance is considered on a case by case basis and no precedent is established through the issuance of a variance and the variance does not materially harm the purpose of the zoning ordinance.
11. The planning commission finds that the conditions of approval as adopted will prevent injury to properties in the vicinity of EOTEC.

It is impractical to maintain the zoning ordinance requirements and at the same time build, erect or use the structure.

12. Construction of the site with 2,808 paved parking spaces presents an impractical barrier to the use of the facility. Creation of 2,808 paved parking spaces is not financially feasible for EOTEC while simultaneously constructing a useable fairgrounds facility and rodeo arena.
13. The planning commission finds that the 675 proposed paved parking spaces are sufficient to accommodate the majority of uses on the site. The 675 spaces are sufficient to meet the occupancy requirement of the event center (346 spaces) and the rodeo grounds (329 spaces) during most activities. As noted in Finding #9, the event permit process and construction of overflow parking will mitigate parking issues associated with exceptionally large events.

The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

14. There is sufficient paved parking on the site to accommodate any event in the event center. There is sufficient paved parking on the site to accommodate typical uses in the rodeo arena. There is sufficient paved parking to accommodate any use in the barns and 4-H center. The planning commission finds that it is acceptable to provide 675 paved parking spaces and 2,200 overflow parking spaces to accommodate typical EOTEC operations. Constructing additional paved parking is not merited at this time.
15. The planning commission will require EOTEC to submit event reports for an annual review by the planning commission each January beginning in January 2018. If as a result of the annual review, the planning commission determines that additional paved parking is warranted, EOTEC will be responsible for constructing additional paved parking in the overflow area as directed by the planning commission prior to the next Umatilla County Fair.

Conditions of Approval

1. Approval of the variance is effective only for the site plan attached to this report as Exhibit C. The site plan consists of 675 paved parking spaces, the event center as constructed and occupied in May of 2016, three proposed animal barns, two restroom buildings, and one rodeo arena. Any additional public buildings, except for additional free-standing restrooms or similar non-display or event space, shall require a new variance application.
2. The planning commission will review the operations of EOTEC at the regular meeting each January for the first five years of operations beginning in January of 2018. The public will be invited to provide testimony. The planning commission will reserve the right to extend the five-year review period as deemed appropriate by the planning commission. At the annual review session, the planning commission shall review an annual report to be prepared by EOTEC which shall contain the following information:
 - a. A comprehensive list of all events at ETOEC during the previous calendar year.
 - b. A supplemental report of each event with an attendance of 2,000 or more. Reporting of events with an attendance of 2,000 or more shall be made on the report form attached to this report as Exhibit D.
3. All events which have an anticipated attendance of 2,000 or more shall submit a permit application on the form attached as Exhibit E and event management plan to be reviewed by the city. The permit application must be submitted at least three weeks in advance of the proposed event. Each application shall include:
 - a. A parking plan approved by the fire marshal detailing the overflow parking layout, location of fire lanes, and other items required by the fire district for fire and life safety access.
 - b. A traffic control plan in accordance with the event management plan developed by Lancaster Engineering and reviewed by the police department.
 - c. A site plan for each event which shows location of temporary structures, temporary restrooms, and ADA facilities. The site plan shall be reviewed and approved by the building official.
 - d. Evidence of notice to neighboring property owners in advance of large events.
4. EOTEC shall provide off-site parking and shuttle service for the 2017 county fair. An estimate of ridership shall be submitted to the planning commission for review at the January 2018 review session. The planning commission and EOTEC shall collaboratively determine if it is necessary to provide an off-site shuttle for future events.
5. When events utilizing the overflow parking are anticipated to extend more than 30 minutes after dusk, temporary lighting shall be provided for the overflow lot. A lighting plan for the spacing of the mobile light towers shall be included as part of the large event permit and the use of mobile lighting shall be documented in the event report.

6. EOTEC shall submit a plan and timeline for a permanent overflow parking lot construction for review at the January 2018 Planning Commission meeting. The final design of the overflow parking lot shall include pedestrian circulation.

Commissioner Caplinger moved and Commissioner Doherty seconded to approve the Findings of Fact as amended. Motion passed unanimously.

Commissioner Hamm moved and Commissioner Erz seconded to approve the variance with the revised conditions. Motion passed unanimously.

New Business

Replat-The City of Hermiston has received an application for a replat of property located on SE Fifth Street approximately 190 feet north of E Highland Ave. The property is approximately 1.58 acres and is presently vacant. The proposal will replat 5 existing lots into one new lot. The replatted lot will be approximately 1.58 acres. NW Housing Alternatives has purchased the property and is applying for the replat. The property is zoned Multi-Family Residential (R-3) and is described as a 4N 28 11CD Tax Lots 1800, 25100, 25200, 25300, and 25400.

City Planner Spencer presented the staff report. The criteria that are applicable to the decision to accept the proposed replat are contained in §154.15 through §154.46, §154.60 through §154.66, §157.027 and §157.101 of the Hermiston Code of Ordinances.

Staff received a letter from nearby property owners opposed to the building of apartments on the property. The letter stated instances of criminal activity and has been forwarded to the Chief of Police.

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is bordered by SE 5th Street. No new street connections are proposed.

§154.16 Street and Alley Width.

No new streets are proposed as part of this subdivision. The existing right-of-way for SE 5th Street is 50 feet in accordance with city standards.

§154.17 Easements.

A fifteen-foot drainage and utility easement shall be dedicated on the final plat along the entire frontage of the parcel. It is not clear from the proposed plat if the existing irrigation ditch is protected by an easement. It is typical for facilities of the Hermiston Irrigation District to be protected by an easement. The survey shall clarify if an easement exists prior to the city signing the plat and it shall be shown on the plat. Any development on the property will be required to respect and preserve the easement.

§154.18 Blocks.

The proposed subdivision sits at a mid-block point. There is an existing alley along the north boundary of the replat. The city requires new street connections when blocks exceed 600 feet. The property is approximately 360 feet in width. No cross street is required and the block design standards are satisfied.

§154.19 Lots.

The minimum lot size in the R-3 zone is 6,000 square feet. There is no maximum size in the R-3 zone. Multi-family lots require at least 2,000 square feet of lot area for each dwelling unit. The lot will be approximately 1.58 acres or 68,824 square feet. The parcel abuts a public street for at least 25 feet.

§154.20 Character of Development.

The property is presently vacant. It may be developed with single-family, duplex, or multi-family dwellings in the future.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any parks or schools in the vicinity of the proposed development.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

154.61 General Improvements

The site is adjacent to SE 5th Street. SE 5th Street is currently improved with a chip seal surface and no other street improvements. As a condition of approval the property owner will be required to sign a street improvement agreement for SE 5th Street. The street improvement agreement will bind the property to participate in or install half street paving, curbing, drainage, and sidewalk improvements along the property frontage. In addition, should the property develop in the intervening time, installation of these improvements will automatically be required under the provisions of §157.164 of the Hermiston Code of Ordinances.

§154.62 Water Lines.

All lots are served or can be served in the future by an existing municipal water line in SE 5th Street. Depending on the scope of potential future development, the water department will assess the capacity of the water line at the time a development application is made.

§154.63 Sanitary Sewer System.

All lots are served or can be served in the future by an existing municipal sanitary sewer line in SE 5th Street.

Preliminary Plat

Staff has reviewed the preliminary plat and determined the plat is prepared in accordance with §154.35(B) of the Hermiston Code of Ordinances.

Chapter 157: Zoning

§157.027 Multi-Family Residential Zone (R-3)

The minimum lot size in the R-3 zone is 6,000 square feet. There is no maximum size in the R-3 zone. Multi-family lots require at least 2,000 square feet of lot area for each dwelling unit. The lot will be approximately 1.58 acres or 68,824 square feet. The parcel abuts a public street for at least 25 feet.

§157.101 Development Hazard Overlay Zone (DH)

Comprehensive Plan Figure 12 shows the northern portion of this property as an area subject to development hazards due to a high water table. In accordance with §157.101 of the Hermiston Code of Ordinances, the city will prohibit the outdoor storage of hazardous chemicals or the underground storage of gasoline and diesel fuels unless an evaluation by a registered engineer is presented stating that the development will not contribute to groundwater pollution.

Testimony

Annette Kirkpatrick, Hermiston Irrigation District Manager, 366 E Hurlburt Ave- Federal Bureau of Reclamation easements of 50 feet from the centerline exists on the irrigation ditch. Buildings would be positioned on the diagonal to fit within the lot, without building in the easement. The district is hopeful the drain would be piped for the portion on lot 1800. It is currently an open drainage ditch and it would be an improvement to be piped.

Shari Humphrey, 451 SE 5th St- Ms. Humphrey has been working with neighbors with single family homes trying to keep the neighborhood clean and kept up. Her property receives foot traffic trespassing and committing vandalism. She does not want another complex. Ms. Humphrey frequently calls the abatement officer as the lots are not kept clean. She stated she does not want apartments there.

Renata Morgan, 610 SE 5th St- Ms. Morgan asked neighbors around her about this and the response was that they did not want apartments across the street or up the road from them. She stated it is horrible and bad enough that they are on 6th street. Ms. Morgan stated she recently built a big shop on her property and will have to move if apartments are across the street from her. She feels people want to build homes on the lot and are not interested when she tells them the lots are zoned R-3.

Staff Recommendation

Staff has reviewed the proposed partition plat and found that it is prepared in accordance with all requirements of the Code of Ordinances. Staff recommends the planning commission approve the replat subject to the following conditions:

1. The applicant shall work with and receive certification from the Hermiston Irrigation District. The city will not sign the final plat until the irrigation district is satisfied and signs the final plat.
2. The applicant shall sign a street improvement agreement for future improvements to SE 5th Street adjacent to the property. The street improvement agreement shall commit the property to participate in the future improvement of SE 5th Street, including half street paving, curbing, drainage, and sidewalks.
3. In accordance with §157.101 of the Hermiston Code of Ordinances, the property shall not be used for the outdoor storage of hazardous chemicals or the underground storage of gasoline and diesel fuel.

4. An easement of 15 feet in width shall be added to the west property line of the property. This easement shall be for drainage, sidewalk, and utilities.
5. The existing drainage canal on the property shall be amended to reflect any existing easements on the property unless the irrigation district and surveyor present evidence that no easement protects the canal.

Commissioners discussed the stated concerns and issues regarding the neighborhood compatibility.

Commissioner Hamm moved to deny the preliminary replat based on insufficient evidence submitted in support of Hermiston Code of Ordinances 154.20. Commissioner Flaiz seconded the motion. Motion passed unanimously.

Planner Comments and Unscheduled Communications

The Holiday Inn Express is on schedule to open in November of 2016.

Meeting adjourned at 9:25PM.