



**5. HEARING**- at or after 7:00PM.

The hearing is to consider a request from the Rob Dreier, representing Frew Development, LLC for a variance from §157.057 (D)(3) of the Hermiston Code of Ordinances which establishes parking requirements in the Fairgrounds Overlay zone. The applicant requests 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 4N2813 Tax Lots 800 and 1400 and is located at 1705 E Airport Rd.

- 1) Declaration of potential conflict of interest
- 2) Hearing Guidelines
- 3) Open hearing
- 4) Public testimony (people wishing to speak are asked to come to the microphone and state their name and mailing addresses)
  - a. Proponents
  - b. Opponents
- 5) Close hearing
- 6) Findings of Fact  
Action – Motion to Approve
- 7) Decision  
Action – Motion to Approve

**6. NEW BUSINESS**

**7. UNFINISHED BUSINESS**

**8. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATIONS**

- A. Planner comments
- B. Unscheduled communications and general discussion

**9. ADJOURN**

## HERMISTON PLANNING COMMISSION

### Regular Meeting

June 8, 2016

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

### Minutes

Minutes of the May 11, 2016 Planning Commission meeting were approved. Commissioner Fialka abstained.

### New Business- Major Variances and Conditional Use Hearing

The hearing is to consider a request from the City of Hermiston for a variance from §157.026 (D)(1) of the Hermiston Code of Ordinances which establishes front yard setback requirements in a (R-2) Duplex Residential zone and from §157.137 which establishes building projection requirements. The applicant proposes to construct an 11,000 square foot building with a two foot front yard setback and with an architectural feature which will project more than two feet into the required yard. The Planning Commission will also consider a request for a conditional use permit to allow the proposed building to be used as a community center located in a (R-2) zone. The property is described as 4N2811BC Tax Lots 13900 and 13901 and 4N2811CB Tax Lot 1700 and is located at 255 NE 2<sup>nd</sup> St.

Chairman Saylor asked if any commissioners had a conflict of interest. Hearing none, she read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the variances are contained in §155.225 and the applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

City Planner Spencer presented the staff report. He recommended the Planning Commission waive the screening requirement of the parking lot. A six foot fence would block the apartment resident's windows.

### **Findings of Fact**

#### **157.208 – Conditional Use Permit Approval Criteria**

*(1) The proposal is in conformance with the Comprehensive Plan and Zoning Code.*

**Response:** The building site is currently zoned R-2 and is designated Low Density Residential (R-1 & R-2) on the 2013 Comprehensive Plan Map. The parking site is currently zoned C-1 and is designated Commercial (C-1 & C-2) on the 2013 Comprehensive Plan Map. The proposed project is permitted as a conditional use in both the Comprehensive Plan and the current Zoning Code.

157.150 (C) Notice and Coordinated Review. *If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provide to the Oregon Department of Transportation (ODOT) and Umatilla County.*

**Response:** Project is bordered by Highway 395 to the West. Applicant does not propose any vehicular access from Highway 395. Applicant will notify AHJs upon completion of Conditional Use Permitting process.

157.150 (E) Traffic Impact Study. *The applicant for a zone change, or a development or subdivision to the Development Standards of 157.160 et.seq, shall submit a traffic study when the proposal affects a transportation facility if it:(1) Changes the functional classification of an existing or planned transportation facility;(2) Changes standards implementing a functional classification system;(3) Allows types of levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or (4) Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation Plan.*

**Response:** A TIS is not required because the specific conditions listed above do not apply to this project. The existing street infrastructure is classified as a local residential street. The proposed development will not change this classification. Two-way emergency vehicle access is maintained in the proposed development.

157.150 (L) Internal Connections and Bicycle Parking: *Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. Bicycle parking shall be provided for new commercial, office, institutional and multifamily developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of 6 feet in length, two feet in width and have an overhead clearance of 6 feet. Bicycle parking spaces should be located as near as possible to the building entrances used by automobile occupants.*

**Response:** On-site pedestrian walkways connect to the existing off-site sidewalks. On-site walkways will be paved and five feet in width. Bicycle parking for eight bikes is provided near the main entrance to the proposed activity center.

157.175 Off-Street Parking Requirements: Community buildings / activity centers are not listed in the City's parking requirements. Per discussions the City Planner, applicant will use a ratio of 1 vehicle space per every 4 occupants. Occupants are based on discussion with the Building Official: 250 occupants based on the Great Hall size within the proposed building. Calculation: 250 occupants / 4 occs per space = 62.5 = 63 required spaces.

**Response:** Proposed Parking Spaces Provided = 64 spaces

157.177 (B) Off-Street Loading: *Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.*

**Response:** The proposed activity center receives occasional food deliveries for its senior meal program. The activity center also prepares meals for deliveries to those who cannot attend the meal program in person. A loading area to handle these activities has been designed on the South side of the proposed building with access off NE 2nd Street. It is a single stall, measuring 15' x 45'.

157.178 (E) Off-Street Parking Additional Requirements – Location of Spaces: *Off-street parking spaces shall be located on the same lot with the building. However, nonresidential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.*

**Response:** Proposed Parking Location = 341.5' feet from building to East edge of existing, upper parking lot.

157.179 Off-Street Design Requirements: (A) *Hard surfaces required;* (B) *Minimal resident disturbance;* (C) *Extension beyond property line prohibited;* (D) *Glare from lighting prohibited;* (E) *Access Aisles;* (F) *Driveways required;* (G) *Safety for traffic and pedestrians required.*

**Response:** Proposed off-street parking is in existing, hard-surfaced parking lots. Proposed project will re-stripe lower lot, upgrade accessible parking stalls to current code requirements and upgrade accessible route from accessible parking stalls to the activity center. All other existing conditions will remain as is.

157.210 (A) Setbacks: *In a residential zone, front, side and rear yards shall be at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed. Height is the vertical distance of a structure measured from the average elevation of the finished grade within 20-feet of the structure to the highest point.*

Calculations: Required Setbacks per Building Height: North Elevation: 23'-2" (34'-7" \* 2/3) measurement take from basement patio level East Elevation: 15'-2" (22'-7" \* 2/3 South Elevation: 15'-2" (22'-7" \* 2/3 West Elevation: 23'-2" (34'-7" \* 2/3) measurement take from basement patio level

**Response:** Proposed Setbacks

o North: 70'-0"

o East: 2'-0" Variance required

o South: 20'-0"

o West: 183'-0"

**(2) *The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission.***

**Response:** The building site is ~ 51,727 sf with dimensions of approximately 170' x 300'. This is an adequate size and shape to accommodate the proposed activity center and other applicable zoning requirements.

**(3) *Public facilities are of adequate size and quality to serve the proposed use.***

**Response:** Applicant met with Roy Bicknell, Water Superintendent, and Bill Schmittle, Recycled Water Superintendent in late May to review project and public utilities. Water and sanitary sewer services are adequate to serve the proposed activity center. If plumbing fixtures are installed in the basement level, a sewage lift station will be required to move the sanitary sewer products up to the public sanitary sewer main located along the South property line. Storm water for the building site will be handled with onsite facilities sized appropriately by the project's Civil Engineer. No changes will be made to the existing parking lot storm water system.

**(4) *The proposed use will prove reasonably compatible with surrounding properties.***

**Response:** The proposed activity center is reasonably compatible with the surrounding properties. The subject property is immediately adjacent to the downtown commercial district. Adjacent properties include the Hermiston Public Library, Sunset Elementary School, the City of Hermiston Building Department and the First United Methodist Church. The proposed activity center does not provide any services or activities that would be a nuisance to the surrounding properties.

**Major Variance Criteria:**

1. *Explain what 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, topography or other circumstances over which the applicant has not control. (Note: These exceptional circumstance should relate to the land rather than persons.)*

**Response:** The existing topography of the building site slopes away from the NE 2<sup>nd</sup> Street property line with an elevation change of ~6-feet below street level. The elevation change occurs within the first ~40-feet of the site, measured perpendicular to the street property line. This places the majority of the site below the street. In order to minimize the amount of fill and associated costs needed to place the main floor and covered dropoff area at street level, the building needs to be located as close to the property line as possible and the porte-cochere needs to be located within the setback and extend over a portion of the right-of-way.

2. *Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?*

**Response:** Property owners generally desire their developments to be visible and have easy access to the street front. This is easily accomplished on sites that are relatively level or have a gradual slope across the entire property. The requested variance is necessary for this conditional use because of the nature of the site and project. As mentioned above, the site has a significant change in topography close the street front. The project is an activity center for seniors, which is a vital service to the community. As such, the center, and most importantly, the entry needs to be visible to the users to assist in their way finding. Seniors need easy access to the facility: minimal elevation changes to enter the building so access is easy for all users. The activity center also requires a covered drop off at the entry. Given the topography, the variance would make the development substantially similar to other property owners in the vicinity, where buildings have small setbacks.

3. *Explain why the authorization of the variance would 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 otherwise detrimental to the objectives of any development pattern or policy.*

**Response:** The authorization of the variance would not be detrimental because it is project & site specific. The immediate vicinity does not have the typical low-density residential development pattern of single-family houses on modest lots setback from the street. The site is a large area of land in the R-2 zone that is surrounded on 3 sides (West, East & South) by commercial zones and bordered at the North by Sunset Elementary School, another conditional use within the R-2 zone. The variance request applies only to the East property line, which borders a public street and is adjacent to the C-1 zone and downtown. The C-1 zone and downtown typically do not have setback requirements, so authorization of the setback and projection variance along the East property line would not be detrimental to the objectives of the development in this area.

4. *Explain why it is impossible to maintain zoning ordinance requirements and, at the same time, build, erect or use the structure.*

**Response:** To maintain the zoning requirements for setbacks and building projections, the building and porte-cochere structure would need to be located 20'-0" feet from the East property line. This would place the building and covered drop-off area at an elevation roughly 4.5-feet to 5-feet below street level without a significant amount of fill to maintain the building floor elevation at street level. Without the fill, the site would require significant ramping and stair systems to get pedestrians from the sidewalk level to the building in addition to additional paving and grading to meet the requirements for vehicle access to the covered drop off area at the building entry.

5. *Explain why the variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate hardship.*

**Response:** At the R-2 zone required setback of 20', the elevation of the site is 4.5-feet to 5 feet below the sidewalk elevation. The topography slopes down from the street at a fairly consistent slope starting almost immediately from the back side of the sidewalk. In order to place the building within a standard

development pattern of entry at street level and minimize the amount of fill required to achieve this desired result, the requested variance is the minimum needed to alleviate this hardship.

### **Staff Recommendation**

Staff recommends that the planning commission consider the design of the Harkenrider Center, the public testimony presented at the hearing, and the evidence presented by Ascent Architecture and Parks and Recreation staff. After the consideration of the evidence, staff recommends that the planning commission approve the findings of fact for the conditional use permit and variance requests, approve a variance from the 20 foot front yard setback requirement in the R-2 zone and approving a two foot front yard setback, approve a variance from the two foot yard encroachment allowance and allow the construction of a *porte cochere* or covered loading/unloading area within the right-of-way for NE 2<sup>nd</sup> Street and approve a conditional use permit for the construction of a new senior center at 255 NE 2<sup>nd</sup> Street subject to the following conditions of approval:

1. The lower parking lot shall be striped as shown on the site plan prior to occupancy.
2. The site plan shall be revised to show the access and curb cut design for the loading/delivery area adjacent to the south wall of the building.
3. The design for the concrete island and NE 2<sup>nd</sup> Street around the *porte cochere* shall be amended as follows:
  - Narrow the concrete island by 4 feet so that there are two 12 foot travel lanes and a 2-foot shoulder on each side.
  - Striping on both the north and south ends of the island to delineate the traffic flow; yield markings on the south end and median/lane split markings on the north
  - Delineate the on-street parking spaces so that it is clear where no parking is allowed
  - Additional signage shall be added
4. The city shall comply with §92.12 of the Hermiston Code of Ordinances which relates to the control of blowing dust, during all phases of construction.
5. All stormwater shall be retained on-site in drainage areas as shown on the site plan.
6. Bicycle parking shall be installed in accordance with §157.150(L) of the Hermiston Code of Ordinances.
7. All signage shall comply with Chapter 155 of the Hermiston Code of Ordinances.
8. The applicant shall work with the Fire Marshall prior to issuance of a building permit. No building permit shall be issued until the Fire Marshall has approved the site plan.
9. Landscaping shall be installed in all areas as shown on the site plan. Final determination of specific plantings shall be submitted to the city prior to occupancy.
10. A security plan shall be submitted to the city police department for review and comment prior to issuance of a building permit.
11. Exterior site and parking lot lighting shall be designed to avoid interference with adjacent properties.

### **Testimony**

Proponents: Larry Fetter, Angus Ave, Director of Parks and Recreation. Mr. Fetter gave the background of the project and its funding process. The grant requirements have specific rules. For the first five years, the seniors may only have activities directed at the 60 plus year old age range. A Powerpoint presentation was used to show the Commissioners the design details and layout of the building and parking lots. Mr. Fetter explained the purpose for the two different designs and the need to design the parking lot in a separate phase.

Dennis Doherty, 1045 SW 9<sup>th</sup> Place- Mr. Doherty is a supporter of the seniors and believes in the importance of this project for the City. He confirmed the lease with the school district is for 50 years.

Mr. Doherty feels the center will be lovely to have in the City, a great thing for the seniors and will provide a persona for the downtown area. He fully supports the staff recommendation for this project.

Willard Fordice, 78642 Agnew Road- Mr. Fordice is on the Senior Center board and is the Center's bus driver. He feels most seniors are on the same page now, and they can't wait to see this happen.

Opponents: None present.

Chairman Saylor closed the hearing at 8:10PM.

Commissioner Erz moved and Commissioner Flaiz seconded to approve the findings of both the Conditional Use and the Variances as written. Motion passed unanimously. Commissioner Doherty moved and Commissioner Fialka seconded to approve the variance for the two foot front yard setback. Motion passed unanimously. Commissioner Erz moved and Commissioner Doherty seconded to approve the variance for the two foot yard encroachment and allow the construction of the port cochere in the right of way. Motion passed unanimously. Commissioner Fialka moved and Commissioner Flaiz seconded to approve the Conditional Use application with the 11 conditions of approval. Motion passed unanimously.

#### **Planner Comments and Unscheduled Communications**

A site plan was submitted for review of a pet store to be located next to Big 5.

Meeting adjourned at 8:25PM.



*Where Life is Sweet*

## *Planning Department*

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

**To:** Planning Commission  
**From:** Clinton Spencer, City Planner  
**Subject:** Otnes Variance Request – 1035 SW Judith Pl  
**Date:** July 6, 2016

Dave Otnes has requested a variance from the 10 foot rear yard setback requirement for property located at 1035 SW Judith Pl. The applicant requests that the 10 foot rear yard setback requirement be reduced to 7 feet in order to build a shop in the rear yard. If approved, the applicant proposes to build a 12' x 28' (336 square feet) shop 7 feet from the side lot line and 7 feet from the rear lot line.

The property is described as 4N 28 15AB Tax Lot 10500. The site is zoned Single Family Residential (R-1). The property is entirely surrounded by low density, single family dwellings.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

### **Criteria**

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. 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.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. 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 patterns or policy.

4. It is impractical to maintain the zoning ordinance and at the same time, build, erect or use the structure.
5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### **Draft Findings**

**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. The property is an unusual configuration with few right-angle lot line intersections and no straight front lot line. This configuration creates few buildable areas which can meet setbacks and not interfere with existing buildings.
2. The property contains a 25 foot irrigation easement for a buried irrigation pipe. This irrigation easement renders a large portion of the rear yard unbuildable.
3. Areas not constrained by existing buildings, irrigation easements, or odd lot line angles are limited.
4. Construction of the shop at the standard 10 foot setback line will require moving an existing patio or constructing a smaller shop.

**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.**

5. The variance is necessary to build the structure and make full use of the property.
6. The majority of the shop will be located outside of the setback area with only a portion of the northeast corner of the building encroaching.

**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.**

7. The variance will allow only a small portion (roughly 24 square feet) to encroach into the setback area and not allow an entire wall of the structure to encroach.
8. Any variance approved is vetted by the planning commission through the public hearing process and duly noticed to neighboring property owners and the public at large. This

process guarantees an opportunity that all public concerns will be voiced to the planning commission.

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

9. The variance is necessary for the construction of a 12' x 28' shop.
10. The applicant considers the 12' x 28' size to be optimal for workshop purposes. A smaller size which fits within the zoning requirements is not practical for some shop related uses.

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

11. As stated in Finding #10, the applicant considers the 12' x 28' size to be optimal for workshop purposes. A smaller size which fits within the zoning requirements is not practical for some shop related uses.

### **Draft Conditions**

Should the planning commission approve the variance request, staff does not recommend any conditions of approval to mitigate potential impacts.

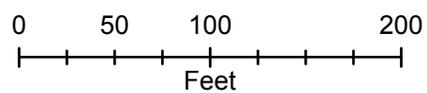
### **Planning Commission Action**

The planning commission may choose to approve or deny the variance request.



**Legend**

-  Area of Proposed Variance
-  Property Line
-  City Limits



# CITY OF HERMISTON

## APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: Dave Otnes Phone: 541-567-9258

Mailing Address: 1035 West Judith Pl. Hermiston OR 97838

Name of Owner (If Different): Phone:

Mailing Address:

Legal Description: Assessor's Map No: 4N2815AB Tax Lot No: 10500

Subdivision (If Applicable):

**Please Attach a Metes and Bounds Legal Description**

Street Address: 1035 West Judith Pl.

Current Zoning Designation: R-1

Variance Requested: Would like to build a work shop and to better make use of property, we would like to move east property line setback from 10 feet to 7 feet - only on the South East section of property

**IMPORTANT!** Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. Explain what 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, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

The South East property line has a 70 degree angle - not a 90 degree angle so the shop will have to be built on that angle. If North East corner of shop could be positioned 3 feet into the 10 setback it would better make use of that area of land. Without the exception the shop would have to be moved 3 feet to the West which would require moving existing patio or constructing a smaller shop. See figures 1-3.

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

The variance is necessary to better make use of the property. The variance should not affect utility easement and the North East corner of shop would be the only part to enter the existing 10 foot side yard setback the rest of the east side of shop would still meet the setback..Other property owners should not be affected.

3. Explain why the authorization of the variance would 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.

Would not think it would be detrimental to the zoning ordinance as only a small portion of North East corner of shop would enter the side yard easement. Figure 3.

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

It really is not impossible to maintain the zoning ordinance requirements, it would require me to build a smaller shop which the 12 foot by 28 foot shop is basically the smallest that would meet my needs while still fitting on the property.

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

Again without the variance change we would have to build a smaller shop and like was mentioned only the North East corner of shop would be the only part to enter the 10 foot easement to the 7 foot requested. The South side yard set back is already set at 7 foot.

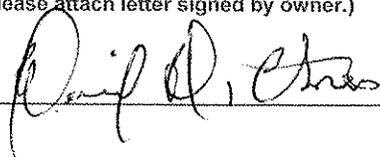
**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the  owner/  owner's authorized representative  
(If authorized representative, please attach letter signed by owner.)

Signature of Application: \_\_\_\_\_



Date: \_\_\_\_\_

6/6/16

**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER**

**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

---

---

Date Filed:	6/27/16	Received By:	<i>Wkppl</i>	Meeting Date:	7/13/16
Fee: \$420.00		Date Paid:	6/27/16	Receipt No:	1-098210

To whom it may concern,

Along with the Major Variance forms, attached diagrams, and other required documents. I wanted to include my detailed description of what we are trying to accomplish. The variance may not totally explain to you my intentions.

I recently retired and want to build a 12' X 28" shop to stay busy,. The reason for the variance is that the area we want to build on the South East corner of the lot has a 70 degree angle not a 90 degree angle, so the shop will be at an angle on the East property line.(see figure 1) using the 10 foot set back on the East property line would make the South East corner of the shop out 15 feet, leaving that area a waste.(see figure 2)

By moving to a 7 foot setback the South East corner would diminish to 11 feet. allowing more useable property.(see figure 3)

Looking at figure 3 only the North East corner of the shop would be out of the original 10 foot setback, so most of the building will still meet the 10 foot setback.

I talked with Clint at City Hall Planning Department and he gave me the Major Variance forms and some advice, I also talked to Heidi in the Building Permits Department and she helped me to calculate that the lot coverage would not be exceeding the lot coverage of 30%

The lot is 11647 sq/ft.

The house is approximately 2700 sq/ft.

The patio is 308 sq/ft

Total sq/ft 3008

30% of 11624 (lot size) is 3882 minus 3008 (lot coverage) equals 874 sq/ft - this would be the largest building that could build.

The 12' X 28' would be 336 sq/ft well within the 874 sq/ft limit.

If variance is approved we have a licensed contractor who is willing to build shop. He would supply the prints for approval and obtain all proper permits and locates.

Thanks, Dave Otnes





*Where Life is Sweet*

## *Planning Department*

*180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
planning@hermiston.or.us*

**To:** Planning Commission  
**From:** Clinton Spencer, City Planner  
**Subject:** Jones Variance Request – 40 NE Alora Drive  
**Date:** July 6, 2016

Bruce Jones has requested a variance from the 7 foot side yard setback requirement for property located at 40 NE Alora Drive. The applicant requests that the 7 foot side yard setback requirement be reduced to 5.5 feet in order to expand the existing garage. If approved, the applicant proposes to build a third garage bay 5.5 feet from the side lot line.

The property is described as 4N 28 02BD Tax Lot 1800. The site is zoned Single-Family Residential (R-1). The property is entirely surrounded by low density, single family dwellings.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

### **Criteria**

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. 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.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. 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 patterns or policy.

4. It is impractical to maintain the zoning ordinance and at the same time, build, erect or use the structure.
5. The variance requested is the minimum variance from the provisions and standards of the zoning ordinance which will alleviate the hardship.

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### **Draft Findings**

**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. The house is constructed approximately 15 feet from the side lot line. It is not possible to add a 10 foot wide garage bay to the existing garage without encroaching into the 7 foot side yard setback.

**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.**

2. The variance is necessary to build the structure and make full use of the property.
3. A 10' x 20' garage is the smallest size a single car garage can be constructed at. A minimum of 8 feet is needed just to accommodate the garage door.

**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.**

4. The variance will still provide a 5.5 foot side yard which is adequate to allow access to the rear yard and maintain spacing from neighboring properties.
5. Any variance approved is vetted by the planning commission through the public hearing process and duly noticed to neighboring property owners and the public at large. This process guarantees an opportunity that all public concerns will be voiced to the planning commission.

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

6. The variance is necessary for the construction of a 10' x 20' garage bay.

7. A variance of 1.5 feet is needed to allow the construction of a 10 foot wide garage bay. A width of less than 10 feet is impossible to open a car door and exit a vehicle in the garage.

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

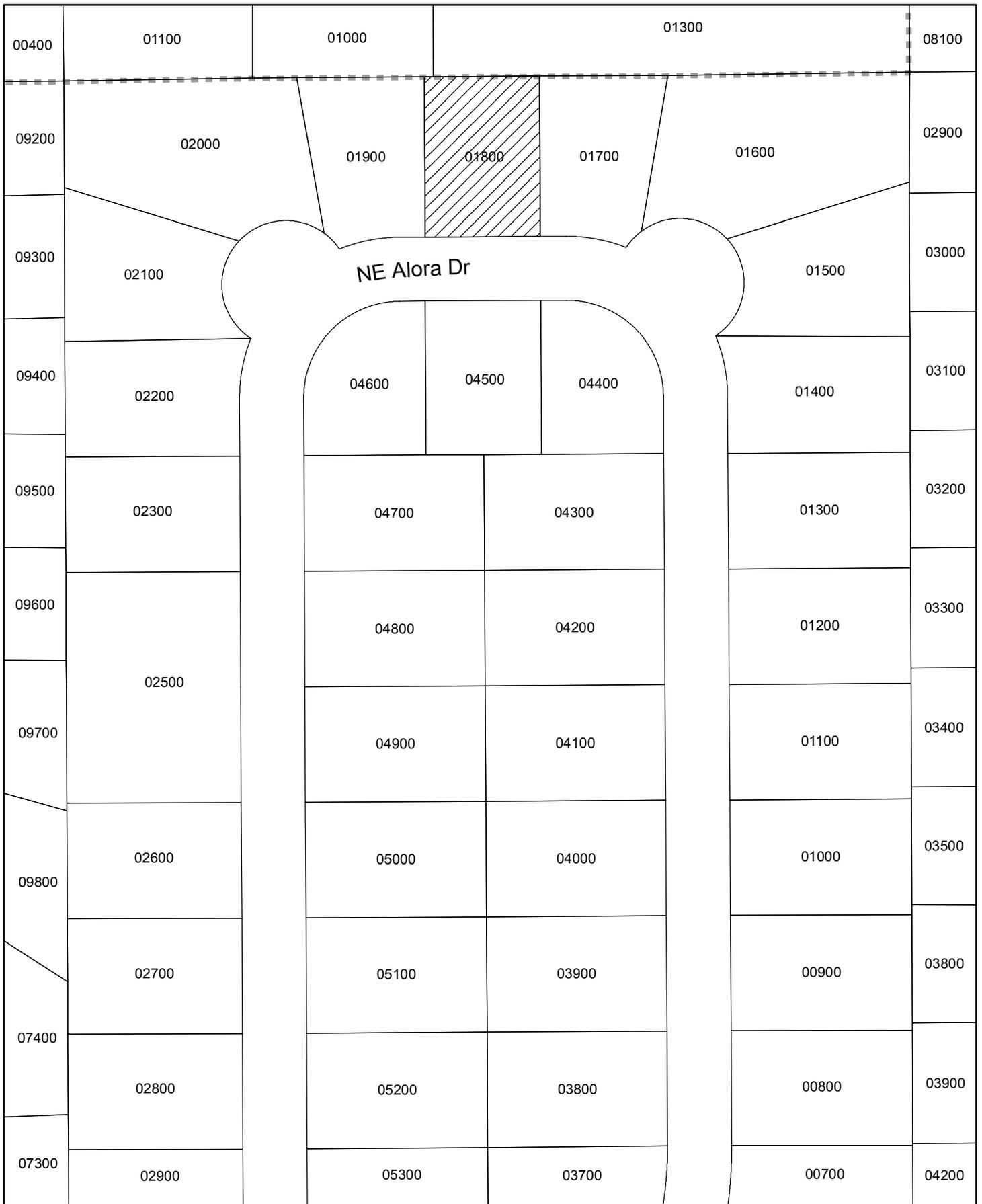
8. As stated in Finding #3 and #7, the 1.5 foot variance is the minimum variance that will allow a third garage bay to be added to existing garage and still be functional as a garage with a standard 8 foot door.

### **Draft Conditions**

Should the planning commission approve the variance request, staff does not recommend any conditions of approval to mitigate potential impacts.

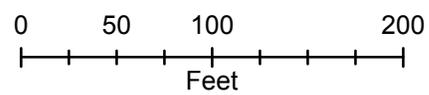
### **Planning Commission Action**

The planning commission may choose to approve or deny the variance request.



**Legend**

-  Area of Proposed Variance
-  Property Line
-  City Limits



# CITY OF HERMISTON

## APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: Bruce & Susan Jones Phone: 541 567 3100

Mailing Address: 40 NE Alora Drive Hermiston Or 97838

Name of Owner (If Different): \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Legal Description: Assessor's Map No: 4N2<sup>0</sup>02BD Tax Lot No: 1800

Subdivision (If Applicable): Alora Heights

### Please Attach a Metes and Bounds Legal Description

Street Address: 40 NE Alora Drive Hermiston Or 97838

Current Zoning Designation: Low Density

Variance Requested: 

Reduce building side setback to 5.5 feet from 7 foot code requirement. East side of property
--

**IMPORTANT!** Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. Explain what 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, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

The house was sited 15 feet from the east property line to provide room on the west side for an addition. Constructing a 1 bay garage on the east side of the house for a 3rd vehicle, in addition to our 2 car garage.
---

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

To be able to construct a 10 X 20 single car garage is the least width to be able to use a 8 foot garage door and have room for walls and room to exit vehicle.
---

3. Explain why the authorization of the variance would 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.

A 5.5 foot side setback will still provide access along the east side property line and not infringe on other property owners.

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

With the siting of the house on the east side of the lot, we need a variance of 1.5 feet to have room to construct the single car garage of 10 X 20

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

Using a 10 X 20 garage plan allows for only needing a change of 1.5 feet to the variance.

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the X owner/ \_\_\_\_\_ owner's authorized representative  
(If authorized representative, please attach letter signed by owner.)

Signature of Application: \_\_\_\_\_

*Bruce Jones*

Date: 06/08/2016

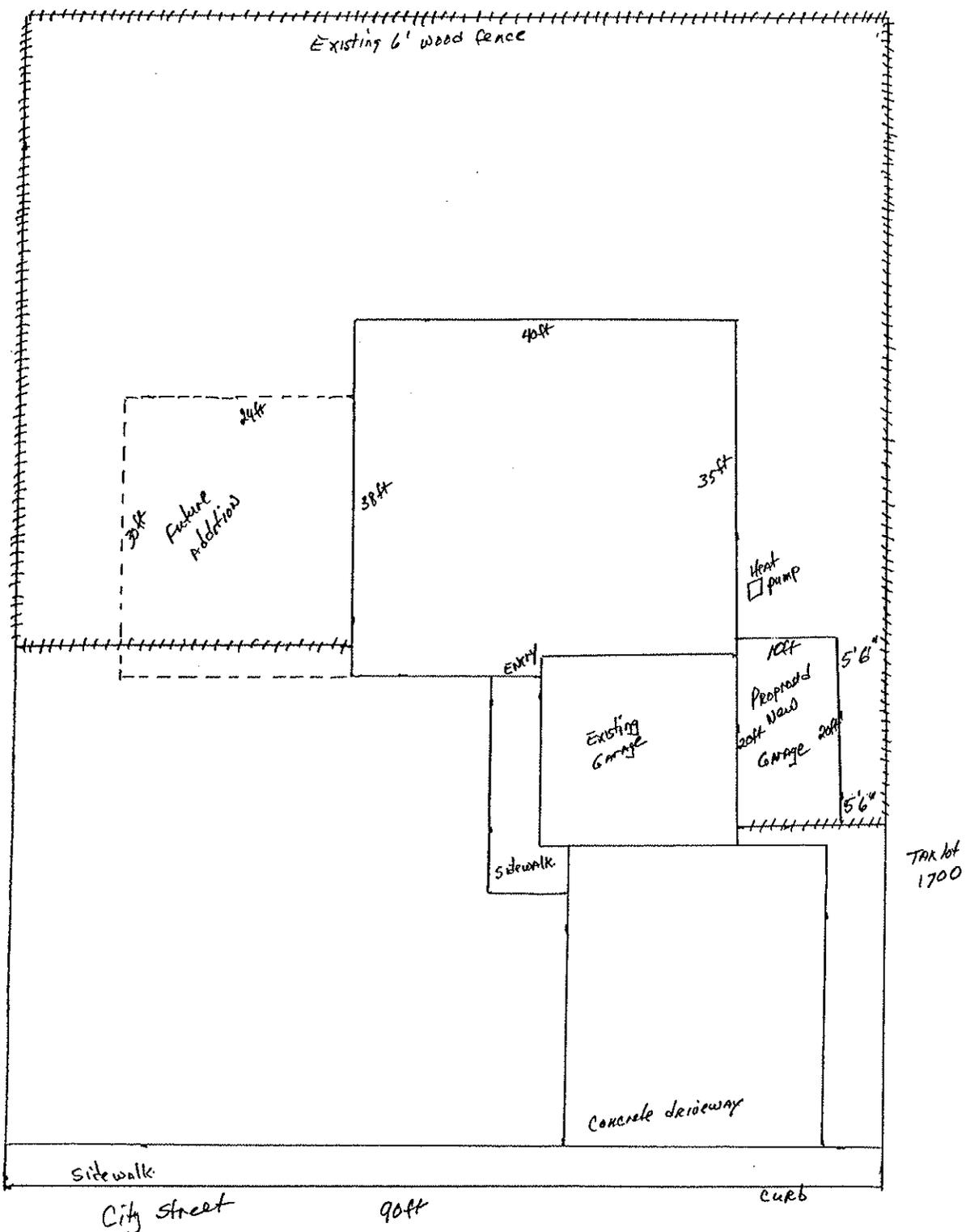
**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER**

**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

---

**Office Use Only**

Date Filed: 6/9/16 Received By: WCP Meeting Date: 7/13/16  
Fee: \$420.00 Date Paid: 6/18/16 Receipt No: Xbp C# 18294281



4N2802 BD  
 TAX lot 1800  
 40 NE ALORA DRIVE  
 HERMISTON OR 97838





*Where Life is Sweet*

## *Planning Department*

180 NE 2<sup>nd</sup> Street  
Hermiston, OR 97838  
Phone: (541)567-5521  
Fax: (541)567-5530  
[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

**To:** Planning Commission  
**From:** Clinton Spencer, City Planner  
**Subject:** EOTEC Variance Request  
**Date:** July 6, 2016

Rob Drier of Frew Development has requested a variance from 157.057(D)(3) of the Hermiston Code of Ordinances as part of the construction of the EOTEC development at 1705 E Airport Road. The property is described as 4N 28 13 Tax Lots 800 and 1400. The city has placed a zoning designation of Fairgrounds Overlay on the property. The requested variance is from the overall parking requirement for the development.

The city administratively approved the site plan for the convention center, fairgrounds, and rodeo grounds in September of 2014. A copy of the city's approval is attached to this report for reference. The approval condition specifically at issue in the variance request is:

5. There are 2,000 seats proposed for the rodeo arena, requiring 500 parking spaces and 34,650 square feet of event center floor area, requiring 346 parking spaces. Six hundred ninety six spaces are provided. Per 157.057 of the Hermiston Code of Ordinances, parking must be sufficient for all public buildings. The required parking is 846 spaces or 150 spaces more than are provided. Therefore, as a condition of approval the city will require the event center and rodeo arena not be used simultaneously for events. For example, a typical weekend could not see a rock and gem show in the event center and simultaneously hold a rodeo. However, if the event hours do not overlap, then events could be held on the same day. In order to accommodate exceptionally large events like the county fair or open air festivals, overflow parking may be utilized in accordance with the standards of 157.057 of the Hermiston code of ordinances.

The EOTEC authority hopes to reinterpret this condition to cap the occupancy of the facility at a set number rather than build an extensive parking lot which would potentially be relatively unused for the majority of events. An occupancy cap would be similar to the notion in the city's parking standard that one parking space is needed for every four seats in a theater, auditorium, church, etc. Using this standard, the 675 parking spaces installed at EOTEC would cap occupancy at the rodeo grounds or convention center at 2,700 attendees. Larger events like the county fair would still be allowed to use the overflow parking standard in the FO zone.

At the time of the site plan approval in 2014, the rodeo arena was still under design. The number of seats evidenced in the site plan was stated as 2,000. The original number of parking spaces

proposed was 696. Subsequent construction and design revisions reduced the total number of parking spaces to 675. Further design revisions changed the potential full capacity of the rodeo arena. Using temporary seating and other seating amenities designed only for the Farm City Rodeo the maximum capacity of the rodeo arena increases to 9,500 seats. EOTEC contends that this potential maximum capacity is intended only for the Farm City Pro Rodeo and similar large rodeo events and not for other day to day use.

The fairgrounds overlay parking standard requires that parking be established sufficient for all public buildings on the property. For the purposes of developing the site, the event center and rodeo grounds were considered as public buildings but smaller buildings such as livestock barns were not considered as public buildings due to the unlikelihood of their use at an event not in conjunction with either the event center or rodeo grounds. Budget constraints on the EOTEC authority made it difficult to provide a full complement of parking for the rodeo and event center at 846 parking spaces. Due to this limitation, the city established that either the event center or rodeo grounds could be used for an event, but not both at the same time, except during the county fair. The EOTEC authority's variance request is to reinterpret the parking standard to allow both facilities to be used at the same time, but that the combined occupancy of both buildings be limited to a maximum of 2,700 attendees.

Per §157.225(A) of the Hermiston Code of Ordinances, the planning commission may grant variances where it can be shown that, owing to special and unusual circumstances, literal interpretation of the zoning code would cause an undue or unnecessary hardship.

### **Criteria**

The specific criteria relied upon by the planning commission are contained in §157.225(A)(1) of the Hermiston Code of Ordinances. In granting a variance, the applicant must demonstrate that all of the following criteria have been met:

1. 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.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same zone or vicinity.
3. 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 patterns or policy.
4. It is impractical to maintain the zoning ordinance and at the same time, build, erect or use the structure.

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

It is not necessary to restate other ordinances and statutory requirements of the variance as part of the proceedings. The granting or denial of the variance will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### **Draft Findings**

The applicant has prepared draft findings in support of the variance request. The findings as prepared by EOTEC are incorporated into the staff report below.

**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. The requirement to provide sufficient parking is based upon the occupancy of each venue, each having large occupant capacity to support the Umatilla Country Fair and Pro City Rodeo. Section 157.057.D addresses the method parking for large events but does not adequately address parking requirements for small events with venues of large occupancy. The current code would require vast parking that will seldom be used, that will increase the impervious surface area, reduce the natural vegetation, and create more maintenance.

**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.**

2. The EOTEC site is a unique facility within the City of Hermiston with unique uses. This variance will allow the EOTEC site to provide multiple services to the community limited to the number of parking spaces.

**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.**

3. The authorization of the variance will have no negative effects on the objectives of any development pattern or policy and would not be detrimental to the purposes of zoning ordinance but will allow the development of parking on the EOTEC site that will closely match the expected normal use of the property and will limit the visual blight of a large seldom used parking lot. For these reasons the variance would enhance the area with more natural use of the land and therefore would not be detrimental or injurious to property in the zone or vicinity in which EOTEC is located.

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

4. The current implementation of the zoning ordinance limits the use of the site to one venue at a time regardless of the number of occupants utilizing the venue. The application of the variance will allow for the effective use of the EOTEC site by limiting the number of occupants to the site versus limiting the number of occupants per venue.

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

5. The implementation of this variance limits the number of occupants to the site. It is the most minimal variance to accomplish the desired outcome. And it does not change the intent of the zoning but changes how the zoning is implemented.

### **Draft Conditions**

EOTEC and the city have worked to develop a plan for mitigation of the potential shortcomings from the parking situation. Each event utilizing the rodeo grounds will require a review by the city and the planning commission will annually review the performance of the EOTEC facility and recommend changes as needed to lessen the impact on the surrounding area.

In order to adequately address the impacts of the parking situation should the planning commission approve the variance, staff recommends the planning commission approve the following plan:

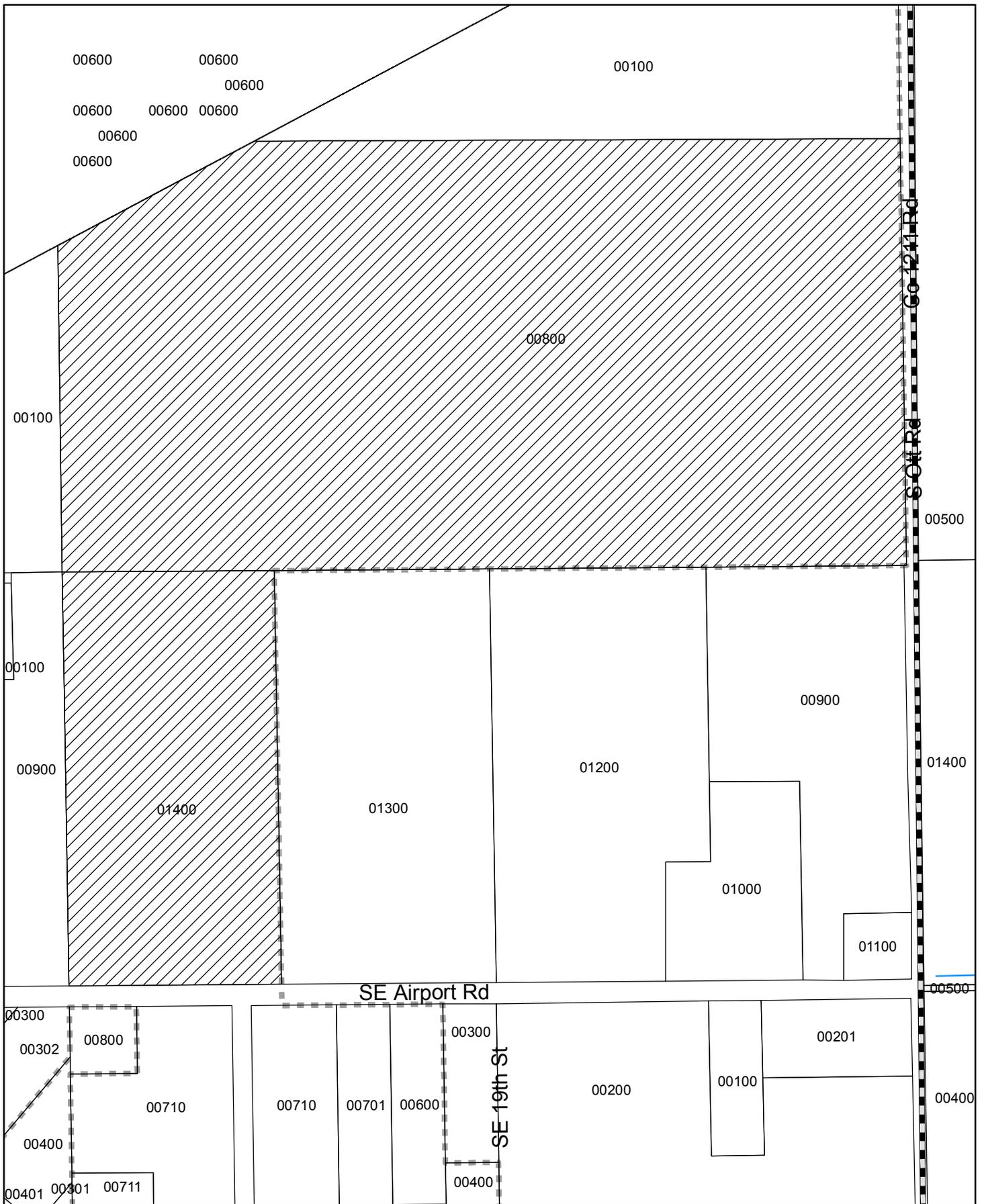
- EOTEC will submit an annual report of events to the planning commission. This report will highlight each event with an attendance in excess of 2,700 and delineate what steps were taken to accommodate the excess attendees and mitigate their impact. The planning commission will review the report at the regular meeting each January for the first five years of operations. 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.
- All events with an anticipated attendance in excess of 2,700 shall submit a plan for approval at least three weeks in advance to the planning department. The plan shall include:
  - 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.
  - A traffic control plan in accordance with the event management plan developed by Lancaster Engineering and reviewed by the police department.
  - 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.
  - Evidence of notice to neighboring property owners in advance of large events.

EOTEC requested in their application to obtain permission from Umatilla County to utilize Ott Road for large events if it is not paved. Ott Road is a county road. However, when the city approved the application of the Fairgrounds Overlay zone on the property, access to Ott Road was permanently restricted until the road is fully paved. The city's approval for Ott Road access

is limited to fire and emergency vehicles and contestants or vendors accessing the property. Additionally, the event management plan prohibits use of Ott Road northbound from the site entirely due to inadequate capacity and design at the intersection of W Highland and Loop roads. Therefore, staff recommends that the Ott Road restrictions remain in place as originally approved.

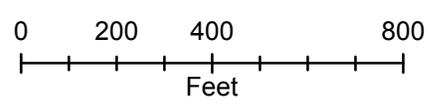
### **Planning Commission Action**

The planning commission may choose to approve or deny the variance request. Approval of the variance will change the city's original approval of the EOTEC site plan and allow both the event center and rodeo grounds to be used simultaneously. However, EOTEC will be required to follow the event approval process outlined above and the planning commission will annually review the impacts of the operations.



**Legend**

-  Property Line
-  Area of Proposed Variance
-  City Limits



# FREW DEVELOPMENT GROUP, LLC

June 28, 2016

Clint Spencer  
City Planner  
City of Hermiston  
180 NE 2<sup>nd</sup> Street  
Hermiston, Oregon 97838

Dear Mr. Spencer:

The Site Plan for the Eastern Oregon Trade and Event Center (“EOTEC”) was approved via a letter from you to Gary Winsand of Frew Development Group, LLC (“FDG”), date September 30, 2014. The Site Plan was approved subject to certain conditions as detailed in that letter. This letter provides support for EOTEC’s pending request for variance to Condition #5 as it relates to Section 157.057.D(3) of the Hermiston Code of Ordinances.

EOTEC is a unique site within the city limits of Hermiston. When completed, it will have the capacity to accommodate large occupant loads in excess of 9,500 people during special events such as the annual Umatilla County Fair and Pro City Rodeo, but it also has facilities design to accommodate smaller occupant loads of 2000 or less throughout the year.

Section 157.057.D(3) reads as follows:

*“Paved parking shall be provided in accordance with the provisions of § [157.175](#) through [157.179](#) and shall be adequate to provide parking sufficient for all public assembly buildings on the property. Additional overflow parking for use during the Umatilla County Fair or other large festival may be grass or gravel; provided, that dust control is provided during the event;”*

The rodeo facility is designed to accommodate a large crowd on a limited number of times during the year, most notably during the annual August Farm City Pro Rodeo. Ordinance 157.057.D(3) requires “parking sufficient for all public assembly buildings on the property.” The rodeo’s maximum capacity of 9,500 people would require 2,375 parking spaces for this event one week of the year. This very large parking lot would create burdens to the community. First the initial cost to construct the parking lot would be in excess of \$1.5 million and would require regular maintenance. Second this large parking lot would increase pervious area increasing the environmental impact. The remaining events scheduled for the rodeo have a much smaller attendance and would not need a large parking lot.

As the code allows for overflow parking on unpaved areas with conditions specifically for the fair and other large festival events the applicant is requesting that the planning commission grant a variance to 157.057.D(3) allowing for the development of venues on the EOTEC site but limiting the occupancy of the site for small events. Small events would be defined as the number of occupants based on the number of valid parking spaces multiplied by four. For example, if there are 500 parking spaces the number of occupants allowed on the site would be 2000.

If the planning commission grants the variance requested, the applicant is requesting that Condition #5 be removed from the Site Plan Approval. The Applicant would suggest the following to make the use of the site as compatible as possible and to mitigate possible concerns.

- 1) Require EOTEC to provide an annual report to the planning commission showing the schedule of events from the previous year, including the number of occupants for each event. This requirement would allow the planning commission to review the operations of EOTEC as it evolves and would allow the public to provide perspective.
- 2) Require EOTEC to submit an application for approval to the planning department to hold large events including the fair and rodeo with the following conditions:
  - a) Provide a detailed plan approved by the fire department showing the location of parking, the fire lanes, and any other requirement of the fire department for a safe event.
  - b) Provide a detailed traffic control plan approved by the police department.
  - c) Provide a detailed plan approved by the building official showing the location of the proposed event on site, the expected number of occupants, the number and location of temporary restroom facilities, and accommodations for ADA.
  - d) Provide evidence of a notice to neighbors of large events.
  - e) Obtain permission from Umatilla County Commission to use Ott road if unpaved.

Sincerely



Robert Dreier  
VP – Pacific Northwest Division  
Cell 503.805.1236

CITY OF HERMISTON

APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: Frew Development LLC, Att: Robert Dreier Phone: 503-805-1236

Mailing Address: P.O. Box 912, Hermiston, OR 97838

Name of Owner (If Different): Eastern Oregon Trade and Event Center Phone: 541-289-9800

Mailing Address: P.O. Box 912, Hermiston, OR 97838

Legal Description: Assessor's Map No: 4N281300 Tax Lot No: 800 & 1400

Subdivision (If Applicable):

Please Attach a Metes and Bounds Legal Description

Street Address: 1705 East Airport Road, Hermiston, OR 97838

Current Zoning Designation: FO

Variance Requested: Please see attached.

IMPORTANT!: Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

- 1. Explain what 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, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

Please see attached.

- 2. Why is the variance necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity?

Please see attached.

3. Explain why the authorization of the variance would 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.

Please see attached.

4. Explain why it is impossible to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

Please see attached.

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

Please see attached.

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital copy) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the \_\_\_\_\_ owner/  owner's authorized representative  
(If authorized representative, please attach letter signed by owner.)

Signature of Application: \_\_\_\_\_

Date: June 7, 2016

**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COST WILL BE BILLED LATER**

**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

---

---

**Office Use Only**

Date Filed: 7/13/16 Received By: [Signature] Meeting Date: 7.13.16  
Fee: \$420.00 Date Paid: N/A Receipt No: ✓

**Variance Requested:**

The applicant is requesting a variance to section 157.057.D of the Hermiston Code of Ordinances. Specifically the applicant is requesting to change the requirement from "...to provide parking sufficient for all public assembly buildings on the property." to the applicant is limited to the number of occupants on the property equal to the number of allowed persons per parking space.

**Question #1**

The requirement to provide sufficient parking is based upon the occupancy of each venue, each having large occupant capacity to support the Umatilla Country Fair and Pro City Rodeo. Section 157.057.D addresses the method parking for large events but does not adequately address parking requirements for small events with venues of large occupancy. The current code would require vast parking that will seldom be used, that will increase the impervious surface area, reduce the natural vegetation, and create more maintenance.

**Question #2**

The EOTEC site is a unique facility within the City of Hermiston with unique uses. This variance will allow the EOTEC site to provide multiple services to the community limited to the number of parking spaces.

**Question #3**

The authorization of the variance will have no negative effects on the objectives of any development pattern or policy and would not be detrimental to the purposes of zoning ordinance but will allow the development of parking on the EOTEC site that will closely match the expected normal use of the property and will limit the visual blight of a large seldom used parking lot. For these reasons the variance would enhance the area with more natural use of the land and therefore would not be detrimental or injurious to property in the zone or vicinity in which EOTEC is located.

**Question #4**

The current implementation of the zoning ordinance limits the use of the site to one venue at a time regardless of the number of occupants utilizing the venue. The application of the variance will allow for the effective use of the EOTEC site by limiting the number of occupants to the site versus limiting the number of occupants per venue.

**Question #5**

The implementation of this variance limits the number of occupants to the site. It is the most minimal variance to accomplish the desired outcome. And it does not change the intent of the zoning but changes how the zoning is implemented.



*Planning Department*

180 NE 2<sup>nd</sup> Street

Hermiston, OR 97838

Phone: (541)567-5521

Fax: (541)567-5530

[planning@hermiston.or.us](mailto:planning@hermiston.or.us)

September 30, 2014

Gary Winsand  
Frew Development Group  
917 SE Columbia Drive  
PO Box 912  
Hermiston, OR 97838

Re: Site Plan Approval – Eastern Oregon Trade and Event Center 1705 E Airport Road

Dear Mr. Winsand:

This is your official notification that the city has reviewed and approved the site plan for the EOTEC facility on E Airport Road. In approving the site plan, the city has placed the following conditions on the project:

1. In approving the Fairgrounds Overlay zoning for the property in 2013, the city conditioned that the Ott Road access would be used for fire and emergency access only. The site plan submitted proposes to use this access for contestant access as well as emergency access. The event management plan prepared by Lancaster Engineering and paving plan for Ott Road justify amending this access to allow for contestant use. However, this access may be used contestants only when the paving improvements to Ott Road are installed adjacent to the site and extending southward to E Airport Road.
2. Driveway access to E Airport Road and Ott Road shall require access permits from the Umatilla County road department prior to construction. Driveways shall be constructed in accordance with county approach standards.
3. Testimony submitted on the proposed site plan requested that the intersection of E Airport Road and Ott Road be changed to a 4-way stop and a speed study be done. Following improvement of Ott Road, the city and EOTEC will contact Umatilla County to review the functionality of the intersection and determine if a stop sign will improve the intersection.
4. In accordance with 157.057(D) of the Hermiston Code of Ordinances, the perimeter of the site will be fenced with a six-foot chain link fence.
5. There are 2,000 seats proposed for the rodeo arena, requiring 500 parking spaces and 34,650 square feet of event center floor area, requiring 346 parking spaces. Six hundred ninety six spaces are provided. Per 157.057 of the Hermiston Code of Ordinances, parking must be sufficient for all public buildings. The required parking is 846 spaces or 150 spaces more than are provided. Therefore, as a condition of approval the city will

require the event center and rodeo arena not be used simultaneously for events. For example, a typical weekend could not see a rock and gem show in the event center and simultaneously hold a rodeo. However, if the event hours do not overlap, then events could be held on the same day. In order to accommodate exceptionally large events like the county fair or open air festivals, overflow parking may be utilized in accordance with the standards of 157.057 of the Hermiston code of ordinances.

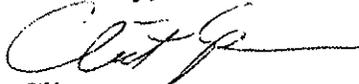
6. The event management plan prepared by Lancaster Engineering shall be used for events generating more than 1,000 trips per hour. A copy of the event management plan is attached to this letter for reference.
7. The Hermiston Irrigation District must approve the site plan prior to issuance of a building permit.
8. Parking shall be installed and paved in conformance with the site plan.
9. The access driveway to airport road shall be paved.
10. Site grading will require a 1200C permit from the building department.

You may now submit your plans to the building department for review and to obtain the necessary permits to begin construction of your facility.

Under the provisions of 157.166 of the Hermiston Code of Ordinances, a limited land use decision such as this approval is appealable to the Hermiston city council within 10 days of issuance of a decision. There was testimony on the site plan submitted by neighboring property owners and those owners and the EOTEC authority have standing to appeal the city's decision. The deadline for submission of an appeal is October 10, 2014 at 5 pm.

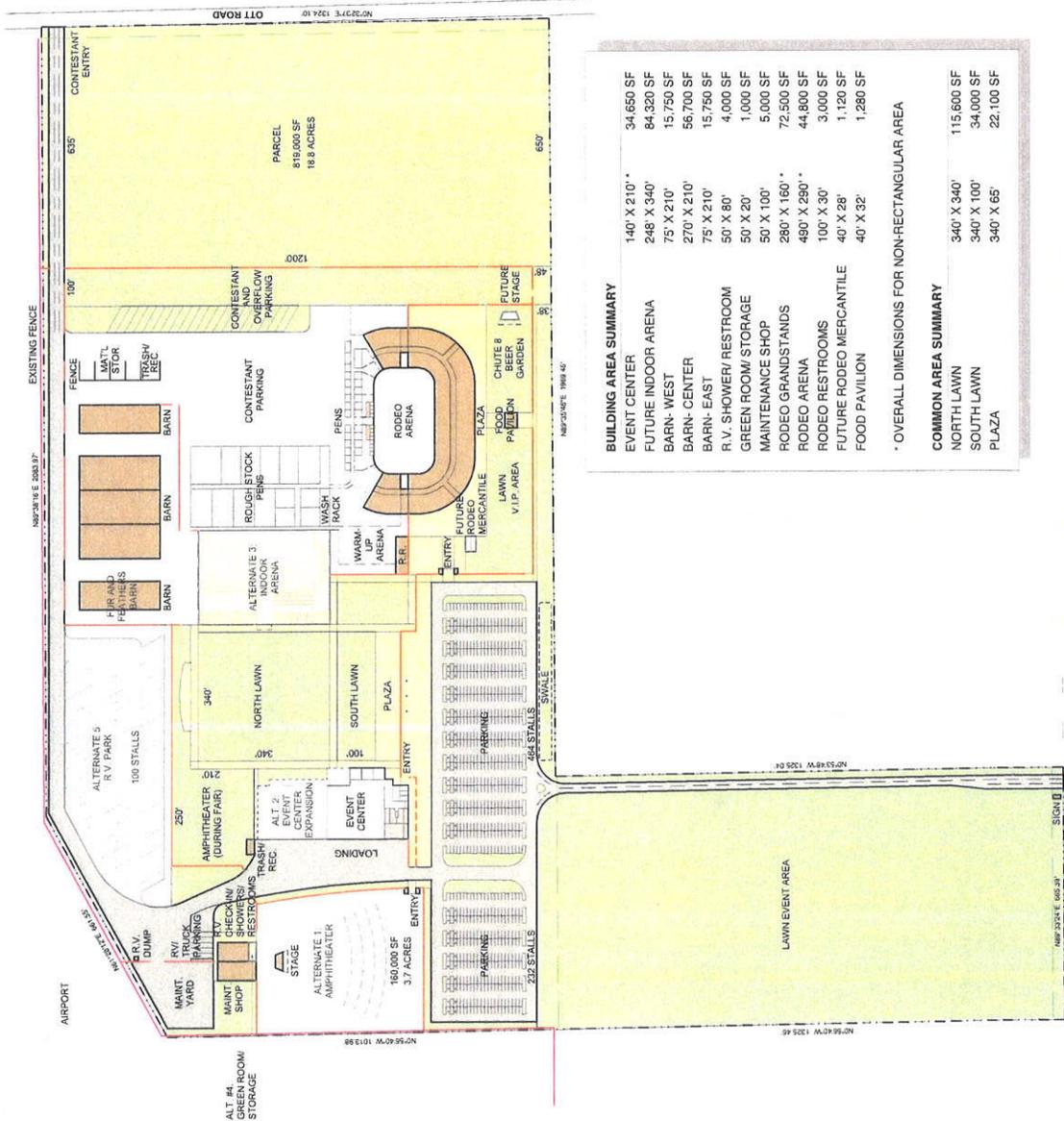
If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



Clinton Spencer  
City Planner

C: Byron Smith  
Chuck Woolsey  
Development Staff



**ALTERNATE SUMMARY**

ALTERNATE 1	AMPHITHEATER
ALTERNATE 2	EVENT CENTER EXPANSION
ALTERNATE 3	INDOOR ARENA
ALTERNATE 4	GREEN ROOM
ALTERNATE 5	R.V. PARK

**BUILDING AREA SUMMARY**

EVENT CENTER	140' X 210'	34,650 SF
FUTURE INDOOR ARENA	248' X 340'	84,320 SF
BARN- WEST	75' X 210'	15,750 SF
BARN- CENTER	270' X 210'	56,700 SF
BARN- EAST	75' X 210'	15,750 SF
R.V. SHOWER/ RESTROOM	50' X 80'	4,000 SF
GREEN ROOM/ STORAGE	50' X 20'	1,000 SF
MAINTENANCE SHOP	50' X 100'	5,000 SF
RODEO GRANDSTANDS	280' X 160'	72,500 SF
RODEO ARENA	490' X 290'	44,800 SF
RODEO RESTROOMS	100' X 30'	3,000 SF
FUTURE RODEO MERCANTILE	40' X 28'	1,120 SF
FOOD PAVILION	40' X 32'	1,280 SF

\* OVERALL DIMENSIONS FOR NON-RECTANGULAR AREA

**COMMON AREA SUMMARY**

NORTH LAWN	340' X 340'	115,600 SF
SOUTH LAWN	340' X 100'	34,000 SF
PLAZA	340' X 65'	22,100 SF



**CONCEPT SITE PLAN N**

SCALE: 1" = 300'

**EASTERN OREGON TRADE AND EVENT CENTER**

LRs PROJECT NO. 2114001

