



Where Life is Sweet

Planning Department

180 NE 2nd Street
Hermiston, OR 97838
Phone: (541)567-5521
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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:

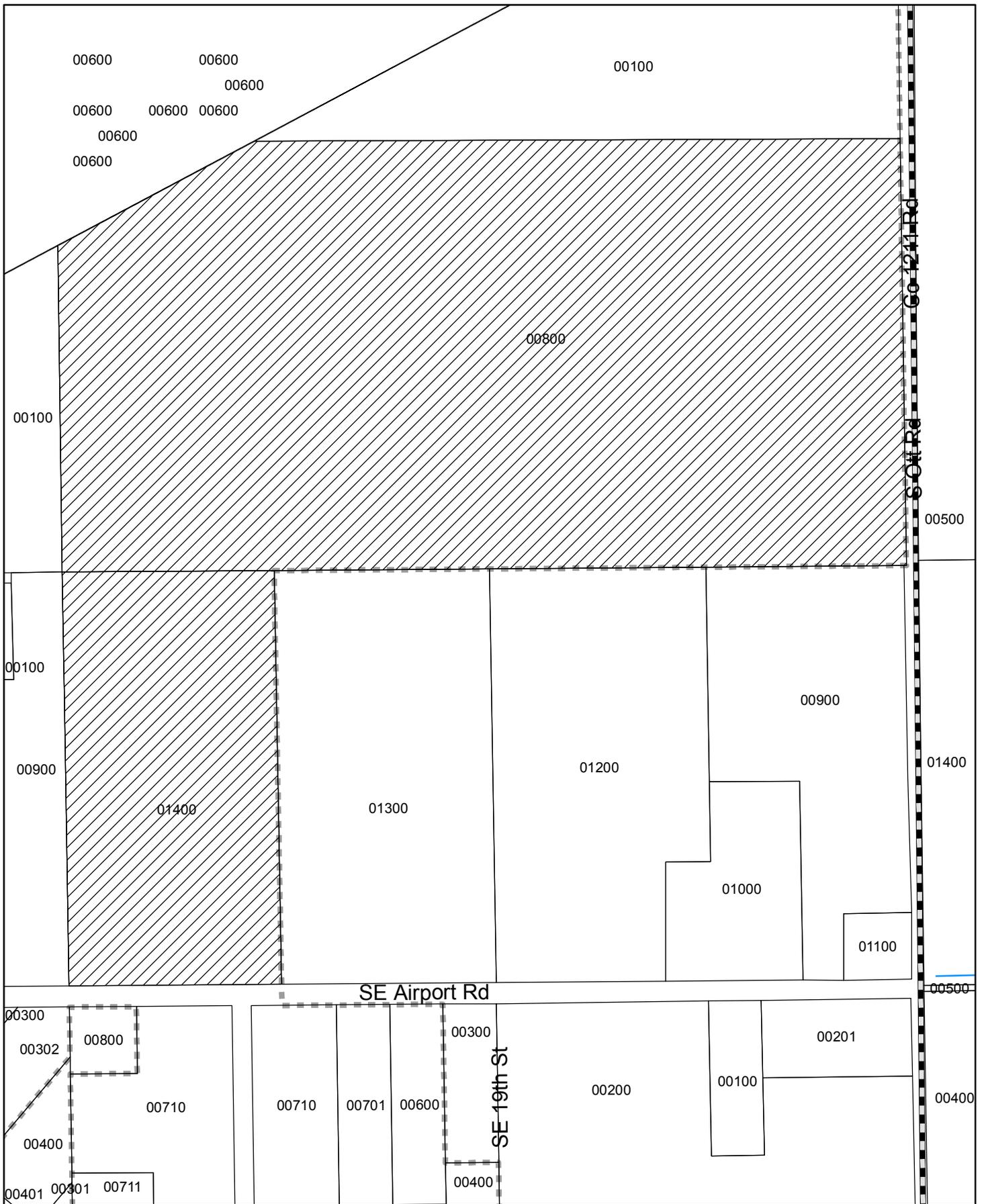
- EOTEC will submit an annual report of events to the planning commission. This report will highlight each event with an attendance in excess of 2,700 and delineate what steps were taken to accommodate the excess attendees and mitigate their impact. The planning commission will review the report at the 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.

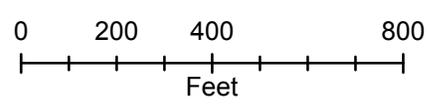
Planning Commission Action

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 2nd 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 2nd Street

Hermiston, OR 97838

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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.

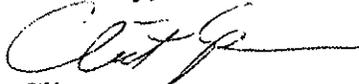
6. The event management plan prepared by Lancaster Engineering shall be used for events generating more than 1,000 trips per hour. A copy of the event management plan is attached to this letter for reference.
7. The Hermiston Irrigation District must approve the site plan prior to issuance of a building 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.

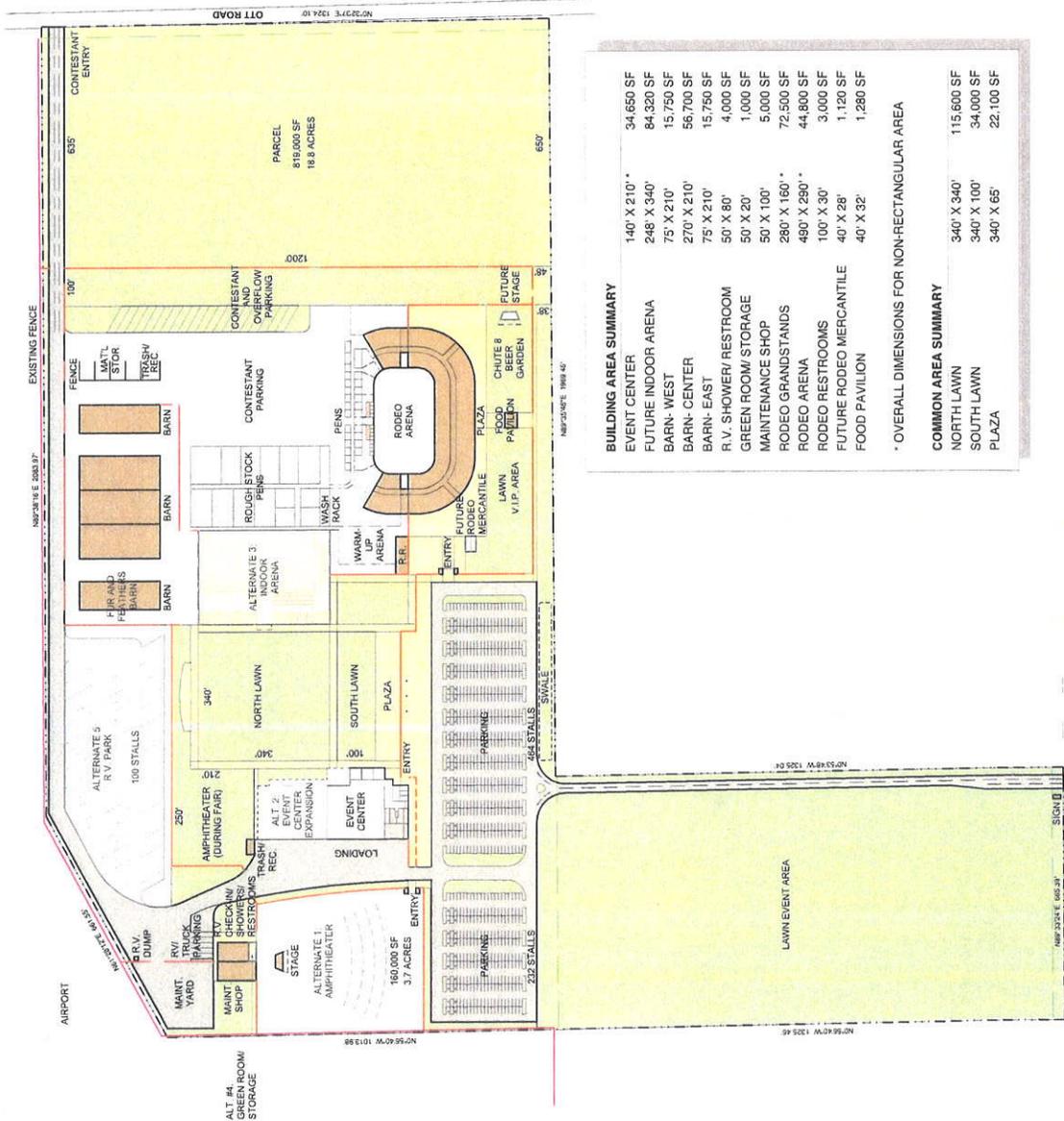
If you have any questions, please feel free to contact me at (541)567-5521.

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

