



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of October 8, 2025

Title/Subject

Continued from September 10, 2025

Major Variance Request – Eastern Oregon Development LLC, 579 E Elm Ave 4N 28 02CD Tax Lot 500

Summary and Background

The planning commission opened a public hearing on September 10, 2025 to consider a request for a major variance for the existing Hermiston Mini Storage located at 579 E Elm Ave. The request was to deviate from the city's hard surface requirement for parking lot construction. The applicant seeks to utilize an existing compacted gravel surface for RV parking rather than install additional paving. The applicant presented evidence at the September meeting that civil engineers may consider compacted gravel an acceptable hard or impervious surface and therefore should be allowed under the city's hard surface requirements.

In light of new evidence being presented at the hearing, the planning commission moved to continue the hearing and solicit additional evidence from the city engineer. Attached to this memo is the supplemental memo from Anderson Perry, the city's consulting engineers, considering additional definitions of hard surface and considering the long term maintenance expectations for compacted gravel versus asphalt or concrete.

In summary, the memo states that impervious and hard surfaces are terms of art which are often clearly defined in codes. However, the two terms are not generally considered equivalent. An impervious surface is considered a hard surface for purposes of considering stormwater runoff. However, a compacted gravel surface will require more intermittent maintenance and be shorter lived than the asphalt, concrete, or chip-seal surfaces required by the city.

It is important to note that city requirements serve more purposes than stormwater. The city also considers long-term maintenance, aesthetics, urban form, dust control, and other factors. A compacted gravel surface offers a lower initial cost but does not contribute to the urban form considered in the city's adopted code, developed through a public process. A compacted gravel surface is unsuited for regular vehicular traffic and will require regular grading and weed control if used in areas accessible to the public. It falls to the planning commission to consider if the type of use under consideration in this hearing, RV storage, is of a level of infrequent use that compacted gravel is acceptable in this instance. It is the staff opinion that although this

use will see infrequent trips, the aesthetic and design considerations are of such import that the burden of proof for all variance criteria must be considered with a strict eye to compliance. Staff cannot find evidence that special or unusual circumstances apply to this property that do not apply generally to other properties in the same zone or vicinity (§157.225(A)(1)(a)) nor that the granting of the variance would not be materially detrimental to the purpose of the ordinance... or the objectives of any other development pattern or policy (§157.225(A)(1)(c)).

Attached to this report are the report from Anderson Perry and the existing materials from the September 10 meeting. There is no change to the staff recommendation.

Tie-In to Council Goals

See September 10, 2025 report

Fiscal Information

See September 10, 2025 report

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

Staff recommends that the planning commission make the following motions:

- Motion to approve findings of fact contained in Exhibit A.2
- Motion to deny variance request

Should the motion to approve the findings of fact in Exhibit A.2 fail, the planning commission should make a motion to adopt the findings of fact contained in Exhibit A.1 and render a decision to approve the variance request.

Submitted By:

Clinton Spencer, Planning Director