



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of September 10, 2025

Title/Subject

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

Summary and Background

Steve Richards of Eastern Oregon Development LLC has submitted a request for a major variance for property located at 579 E Elm Ave. The property is described as 4N 28 02CD Tax Lot 500 and is zoned Outlying Commercial (C-2) with a Neighborhood Commercial overlay (NCO). The property is developed with Hermiston Mini Storage, which received conditional use approval from the planning commission in 2021.

The applicant is requesting a variance from §157.179(A) of the Hermiston Code of Ordinances in order to add additional RV parking. This section of the zoning code requires hard surfaces for parking areas. The relevant section states:

157.179 DESIGN REQUIREMENTS.

(A) Hard surfaces required; maintenance. Areas used for standing and maneuvering of vehicles shall have a hard surface and be maintained adequately for all-weather use and so drained as to avoid flow of water across a property line.

The applicant is requesting to use the existing gravel which has been laid down on the property as the parking surface for RV storage rather than using concrete or asphalt as the required hard surface. The area proposed for the variance also has an approved site plan and conditional use permit for the construction of additional mini-storage buildings on the proposed parking area in the future. The existing conditional use permit considered construction of the mini-storage buildings in two phases, the unbuilt portion under consideration is part of phase two on the plans.

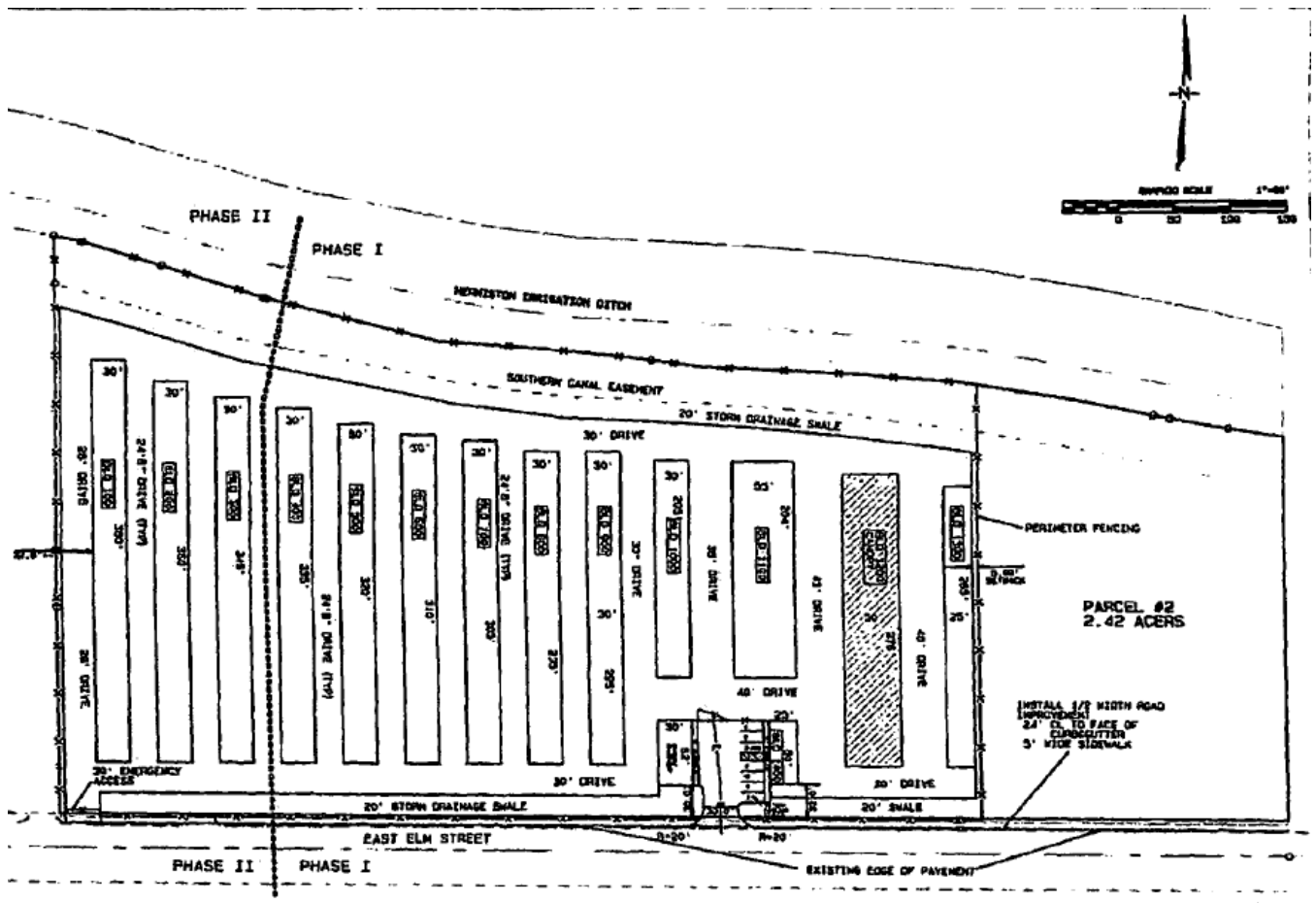


Figure 1 Approved Phase I and II Plan



Figure 2 Proposed Gravel RV Storage

The applicant contends that the existing gravel area has been prepared for Phase II usage and is adequate for RV storage as-is. The gravel was installed as part of the construction of Phase I and is functioning adequately as dust control and is seeing vehicle crossings with no significant dust issues.

The planning commission has considered a similar issue in the past. In 2015, the planning commission approved a conditional use permit from Preferred Properties for RV storage near the intersection of E Highland Ave and S 1st St. At the time of approval for that storage development, the city imposed a condition of approval requiring paving for the storage of RVs. The planning commission imposed a condition of approval on the Preferred Property RV storage stating:

All parking areas and travel lanes must be paved or finished with concrete prior to use for storage. Paving may be installed in phases, but vehicles may not be stored in any unpaved paved unless and until paving is installed and verified by city staff.

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.

The specific criteria relied upon by the planning commission are contained in §157.225(A) 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 this chapter, 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 requested is the minimum variance from the provisions and standards of this chapter 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.

Public notice was provided to all property owners within 300 feet by direct mail on August 27, 2025. A sign was physically posted on the property on August 27, 2025. A notice of hearing was also published in the East Oregonian on August 27, 2025.

The property operates under an existing land use approval from the city which was subject to sixteen conditions of approval. The applicant has met or is complying with all of the approval conditions. No additional conditions of approval are recommended.

The applicant has provided findings of fact in support of the application. Staff has also drafted findings of fact in denial of the application. The planning commission should make a motion to adopt the preferred set of findings and make a final decision on the variance based on the adopted findings. Hard surfaced parking areas are a foundational policy of the city wherever possible. Staff does not support the variance request and recommends denial of the application.

Tie-In to Council Goals

N/A

Fiscal Information

The property has an assessed value of \$2.6 million and generates approximately \$16,000 in city property tax revenue annually.

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