

Exhibit A.2
Findings of Fact - Denial
Eastern Oregon Development Major Variance
579 E Elm Ave
September 10, 2024

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 site is generally flat and well-suited for commercial development.
2. The site is improved with paved surfaces for all vehicle travel areas and RV storage within phase one of the development as required by the conditional use approval from the planning commission issued March 10, 2021.
3. Existing paved surfaces are designed to accommodate all storm water within the site boundary and have sufficient capacity to accommodate a 25-year storm event.
4. Based upon the current site operations and approved civil engineering for the site, there is no evidence to demonstrate that there is insufficient drainage capacity necessitating gravel rather than pavement improvements for parking.
5. The existing site topography and drainage conditions do not demonstrate that exceptional circumstances exist on the site preventing installation of paving improvements.

The variance is 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.

6. The city has authorized RV storage on this site through the conditional use process in 2021 and required installation of paved parking for RV storage.
7. The city has authorized RV storage on a site located at 705 S 1st Street through the conditional use process in 2015 and required installation of paved parking for RV storage.
8. Each site authorized for RV storage is zoned Outlying Commercial and the subject site has the Neighborhood Commercial Overlay added to the C-2 zoning.
9. The city allows exercise of property rights for RV storage in commercial zones in compliance with the parking standards contained in §157.197(A).
10. The city approved the requested variance area for mini-storage use through the conditional use process in 2021. The applicant has not yet constructed the second phase of the mini-storage structures. However, evidence in the record demonstrates that the existing gravel within the subject has been placed in preparation for the second phase of construction and the applicant's approval for the second phase of storage is a vested right based upon the time limit standards

in §157.228(B). Therefore, denial of the variance does not preclude the applicant's exercise of property rights to construct the approved storage units.

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.

11. The City has interpreted §157.179(A) as defining "hard surface" as concrete, chip seal, and asphalt.
12. The parking lot design standards in Chapter 157 have been adopted by the city council through a participatory, representative process and implemented equally on all development throughout the city where applicable.
13. Compliance with the hard surface requirement is uniform across all commercial and residential development and compliance often requires a significant investment.
14. It is injurious to the rights of previous compliers with the requirement and to the objectives of the zoning ordinance to grant waivers from this requirement for storage use. RVs, even if moved infrequently, are standing vehicles as identified in §157.179(A).

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

15. The application identifies that the area of requested variance is traversed by vehicles using the storage facility. The evidence in the record therefore demonstrates that it is not impractical to use the area.
16. The area cannot be used for RV storage under the municipal code unless it is improved with a hard surface. However, nothing in the code prevents other uses on the site. Such use may include construction of the three approved storage buildings in the 2021 conditional use permit, or separation of the area for commercial development.
17. Evidence in the record demonstrates that it is impractical financially to improve the area with a hard surface. However, cost alone is not the determining factor in deciding which provisions of the zoning ordinance are applicable to development and the site is suitable for improvement with structures or with paving.

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

18. Improve of the site with gravel parking is the minimum variance from the provisions and standards of the zoning ordinance. An alternative such as returning the surface to natural conditions would be more injurious in terms of dust and noise.