



PLANNING COMMISSION

Regular Meeting Minutes

March 8, 2023

Chairman Saylor called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Sargent, Burns, Hamm, Collins and Caplinger. Commissioners Fialka and Kirkpatrick were excused. Staff in attendance included Planning Director Clint Spencer, City Attorney Richard Tovey, and Heather La Beau. Youth Advisory Member Elizabeth Doherty was absent.

Minutes

Commissioner Sargent moved and Commissioner Burns seconded to approve the minutes of the February 8, 2023, regular meeting. Motion passed unanimously.

Major Partition- 4N2823 Tax Lot 200 Amazon Data Services 908 E Penney Ave

Commissioner Hamm declared a potential conflict of interest as UEC will serve the property. Chairman Saylor asked if it would influence his decision, he responded it would not and remained at the dais.

Planning Director Spencer presented the staff report. This partition proposes to create two lots and one street extension. The applicant has requested amendments to the proposed conditions of approval, specifically to #2. E Penney Ave improvements are to be for Lot 2 only as Lot 1 does not abut E Penney Ave. The required street improvements are to be tied to the frontage of the development site, not the property frontage. The improvements are triggered in phases as the buildings are built out. A building of the fence would not trigger the improvements.

Commissioners discussed their concern that the developer be responsible for the cost of paving the newly dedicated road, not the general taxpayers. The county did not request a street improvement agreement for Feedville Road. Development that is an outright use is reviewed at the staff level with public notice and not brought before the planning commission.

The question was posed how this type of development impacts a possible beltway at Feedville Road. Grant funds are being pursued to redo the City's Transportation System Plan. This work would include beltway concepts. While reviewing the site plan for the first data center in the city, ODOT requested a holistic traffic impact analysis (TIA) for the impacts of all the proposed data centers. This will directly relate to Feedville Road. The railroad crossings would need to be upgraded but will remain at their current locations.

Testimony

Ryan Thomas of Perkins Coie 1120 NW Couch St 10th Floor Portland OR 97209-4128-(via Zoom) Mr. Thomas thanked the commissioners for their time. The proposed changes to the conditions of approval are a timing question. This is a partition application only. The appropriate time to impose the street improvements is at the time of application of development when the impacts of the proposal can be evaluated. Amazon wants to be a good neighbor and build the street consistent with the impacts of development and agrees the taxpayers should not unnecessarily foot the bill. Mr. Thomas wished to make clear that the proposed amendments are not an attempt to avoid constructing the improvements. Not knowing what the development would look like, it is more



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appropriate to have the improvement requirement be conditioned at the time of development application, not with this partition application.

Findings of Fact

I. INTRODUCTION

Amazon Data Services, Inc., a Delaware corporation (“Applicant”), submits this application (“Application”) to the City of Hermiston (“City”) requesting approval to partition real property described as Lot 1 of the “Stahl Replat” in the City limits (“Property”) into two parcels, plus right-of-way dedication, as depicted on the proposed tentative partition plan in Exhibit 1. This narrative explains how the Application satisfies the applicable requirements of the Hermiston City Code (“HCC”) and ORS Chapter 92. Accordingly, the City Planning Commission (“Commission”) should approve the Application.

II. DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

Applicant is the owner of the Property, which is approximately 199.99 acres in size and located north of Feedville Road, south of E. Penney Ave., east of Hermiston-Hinkle Rd., and west of SE Kelli Boulevard in the City. The Property is described as Lot 1 of the “Stahl Replat,” Map No. 4N282300, Tax Lot 200. An aerial photo of the Property and the surrounding vicinity is attached as Exhibit 2. A tax lot map that identifies the Property is attached as Exhibit 3. A copy of the “Stahl Replat” is attached as Exhibit 4. The Property is zoned C-2 and M-2. It is vacant.

Surrounding properties are zoned and utilized as follows:

ADJACENT PROPERTY ZONING USE

To North C-2/M-2 Warehouse; Vacant

To South EFU/FI Vacant; Railroad

To East C-2/M-2 Vacant; Warehouse

To West C-2/M-2; M1; OS Vacant; Warehouse; OSU Experiment Station

Exhibit A

Findings of Fact for AWS Major Partition

March 8, 2023

908 E Penney Ave

III. DETAILS OF REQUEST

The proposal would partition the Property into two parcels—Parcel 1 and Parcel 2—and dedicate right-of-way to the City to connect SE Ninth Street from E. Penney Avenue to Feedville Road. Parcel 1 is proposed to be approximately 151.62 acres and has frontage on Feedville Road. Parcel 2 is proposed to be approximately 44.42 acres in size and would be located in the eastern side of the Property, with frontage on E. Penney Avenue and the SE Ninth Street extension. The dedicated right-of-way for SE Ninth Street would be 66’ wide (approximately 3.95 acres). The two parcels and the right-of-way dedication are depicted and described on the tentative partition plan attached as Exhibit 1.



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The purpose of the partition is to divide the Property into two separate parcels, which will ultimately be under separate ownership, and to dedicate right-of-way to the City. The location of the parcels is planned to coincide with the proposed development of the Property, which will feature light industrial campuses on Parcels 1 and Parcel 2.

IV. THE APPLICATION COMPLIES WITH THE CITY'S CRITERIA FOR A MAJOR PARTITION

The City's Planning Department website lists the criteria for approving a preliminary plat for a major partition. Those criteria are listed and responded to in this Section IV. Note that the majority of the criteria listed here are from the Hermiston City Code provisions that are addressed in Section V of this Application.

A. The proposed preliminary plat is in [] conformance with the Hermiston Comprehensive Plan.

RESPONSE: The Application requests approval of a tentative partition plan, which is a "limited land use decision" pursuant to ORS 197.015(12). As a result, the Application is only subject to comprehensive plan policies that are incorporated into the City's land use regulations. ORS 197.195(1). Incorporation is not achieved by a general statement in a land use regulation that an application must show "compliance with" the comprehensive plan and no specific comprehensive plan goals or policies are identified in the land use regulation. *Paterson v. City of Bend*, 201 Or App 344, 350-351, 118 P3d 842 (2005). Item A of Hermiston's CRITERIA FOR A MAJOR/MINOR PARTITION consists of a general statement requiring compliance with the City's comprehensive plan. It does not expressly incorporate any specific comprehensive plan provisions into the City's land use regulations. Therefore, the City is not permitted to review the Application for compliance with any specific comprehensive plan provision. Moreover, the City's adopted and acknowledged land use regulations are consistent with and implement the City's comprehensive plan. Therefore, compliance with these land use regulations will ensure that the Application is necessarily also consistent with the City's comprehensive plan.

B. The proposed preliminary plat is in conformance with all applicable provisions of this code, other city codes and ordinances, and Oregon law.

RESPONSE: The City has adopted land use regulations that implement these various requirements. For the reasons addressed in Section V below, the Application is consistent with these regulations. The Application complies with this criterion.

C. For a minor partition, no creation of a street or road is required.

RESPONSE: The Application is for a major partition, so this criterion does not apply.

D. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.

RESPONSE: See sections below addressing the extension of S.E. Ninth Street. The Application complies with this criterion.

E. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.

RESPONSE: The Application complies with this criterion. See Exhibit 1.

F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.

RESPONSE: The Application complies with this criterion. See Exhibit 1.



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G. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

RESPONSE: See section below addressing lot size requirements. The Application does not propose any development of the land. The Application complies with this criterion. See Exhibit 1.

H. The existing sewer and water facilities are adequate to serve the proposed development.

RESPONSE: This Application does not propose any development of the land. A future application to develop either parcel will address necessary services, including sewer and water.

I. The resulting lots will conform to the minimum size standards required in that zone.

RESPONSE: See sections below addressing the minimum size standards required in M-2 and C-2. The Application complies with this criterion.

J. Separate water and sewer service will be provided to each parcel as it develops.

RESPONSE: This Application does not propose any development of the land. A future application to develop either parcel will address necessary services, including sewer and water.

V. THE APPLICATION COMPLIES WITH THE HERMISTON CITY CODE

HCC Chapter 154 establishes the application requirements, review procedures, and approval standards for the Application. As explained below, the Application satisfies the applicable provisions and should be approved.

154.02: PRELIMINARY ACTIONS:

Each subdivider of land shall confer with the city staff before preparing a preliminary subdivision plat or map in order to become thoroughly familiar with the subdivision requirements and with the proposals of the Comprehensive Plan affecting the territory in which the proposed subdivision lies.

RESPONSE: Applicant had a preliminary meeting with City staff, including Hermiston Planning Director Spencer, on January 24, 2023. The Application is responsive to the preapplication discussion with the City.

154.04: JURISDICTION AND PROCEDURE

(A) It shall be unlawful for any person being the owner, agent or person having control of any land within the city to divide land by a major or minor partition not in accordance with the laws of the state and the regulations contained herein. The proposed partition shall first be submitted to the Planning Commission for approval or disapproval. After report and approval of the Planning Commission is made and filed, all minor partitions shall be permitted, but all major partitions shall be submitted to the City Council for its approval or disapproval. No plat or map shall be recorded and no lots shall be sold from a plat or map until approved by the City Council and recorded with the county.

RESPONSE: Applicant is seeking approval pursuant to HCC of the proposed major partition to the Planning Commission. The Application complies with the laws of the state of Oregon. After report and approval by the Planning Commission is made and filed, Applicant will submit the proposed major partition to the City Council for approval.

(B) The design and layout of all subdivisions shall conform with the requirements of §§ 154.15 through 154.21. The subdivider shall submit a preliminary plat or map in accordance with the specifications of § 154.35 hereof. The final plat or map shall be submitted in accordance with the provisions of §§ 154.45 and 154.46 hereof.



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RESPONSE: Applicant addresses the specific provisions of §§ 154.15 through 154.21, and HCC 154.35. Based upon those responses, the Commission should find that the Application complies with this requirement.

154.15: RELATION TO ADJOINING STREET SYSTEM

(A) The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision. The right-of-way to be dedicated as part of this Application was considered in relation to the existing streets, topography, public convenience, safety, and proposed land use.

(B) The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents, and curves appropriated for the traffic to be carried, considering the terrain.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision. The only street created is the dedication of land for the extension of SE Ninth Street.

(C) Off-set streets should be avoided.

RESPONSE: Applicant's tentative plan does not create any off-set streets. See Exhibit 1.

(D) The angle of intersection between minor streets and major streets should not vary by more than 10 degrees from a right angle unless special intersection design is provided.

RESPONSE: This Application extends existing SE Ninth St. from E. Penney Avenue to Feedville Road from the existing intersection. No intersection affected by the partition will vary by more than 10 degrees from a right angle. See Exhibit 1.

(E) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.

RESPONSE: The proposed dedicated right-of-way will be named "S.E. Ninth Street" in conjunction with the aligned existing street. See Exhibit 1.

(F) If the subdivision abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street may be required.

RESPONSE: The Property does not abut a present or proposed major arterial street. Therefore, this criterion is not applicable to the Application.

(G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall be allowed only when one or more of the following conditions exist:

RESPONSE: The proposed dedicated right-of-way is the continuation of existing SE Ninth Street. The Application complies with this criterion.

(1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.



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(2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(3) Where street connection would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

(5) Cul-de-sac streets shall be as short as possible and should not exceed a length of 400 feet. A cul-de-sac shall terminate with a turn-around.

RESPONSE: The Application does not propose a cul-de-sac, so this criterion is not applicable to the Application.

154.16: STREET AND ALLEY WIDTH

(A) The width of streets and alleys shall be adequate to fulfill city standards as provided for in the Transportation System Plan (TSP). The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:

Table 1: Urban Arterial Cross Sections

Table 2: Urban Collector Cross Sections

Table 3: Urban Local Street Cross Sections

Table 4: Rural Arterial/Collector/Local Road Cross Sections

RESPONSE: The TSP requires local streets to have a minimum right-of-way width of 50 to 60 feet and minimum street widths of 30 to 32 feet. TSP at 7-1. Applicant's proposed dedication of a 66-foot right-of-way fulfills this standard. See Exhibit 1.

(B) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

RESPONSE: The Property is not in a residential block and does not include an alley. Therefore, this criterion is not applicable to the Application.

154.17: EASEMENTS

(A) Width requirements. Easements of at least six feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.



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RESPONSE: The Property includes various easements, as shown on Exhibit 1. The Application does not propose development that may require additional easements. Therefore, this criterion is satisfied.

(B) Along streams. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

RESPONSE: The Property is not located along a stream. Therefore, this criterion is not applicable to the Application.

(C) For irrigation. Whenever any irrigation system is located and/or proposed to be created in an area which is being subdivided, the subdivider shall provide an adequate easement as approved by the Planning Commission and the Hermiston Irrigation District.

RESPONSE: The Application does not include nor propose an irrigation easement. Therefore, this criterion is not applicable to the Application.

154.18: BLOCKS

(A) In residential zones, block lengths shall not exceed 600 feet in length between intersecting through streets, except where topography or existing development creates conditions requiring longer blocks.

RESPONSE: The Property is not in a residential zone. Therefore, this criterion is not applicable to the Application.

(B) Where block lengths exceed 600 feet, the Planning Commission may require a six- to ten foot-wide paved bicycle/pedestrian access way through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations.

RESPONSE: The Property is not in a residential zone, and through block connections on the Property would not enhance bicycle or pedestrian circulation due to the existing and surrounding uses of the Property and lack of connections. Therefore, the Application satisfies this criterion.

154.19: LOTS

(A) The lot arrangement and design shall be such that all lots will be properly related to topography and existing development patterns.

RESPONSE: The proposed lots are properly related to the topography and existing development patterns, aligning with the existing street network and extending existing SE Ninth Street. The Application satisfies this criterion.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless prevented by environmental or topographical constraints, existing development patterns, or to comply with other standards in this code. Lots with double frontage shall be avoided.

RESPONSE: The proposed parcel lines are at right angles to existing streets. The Application satisfies this criterion.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. Where zero lot



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line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.

RESPONSE: The Property is not a residential lot. Additionally, there is no minimum lot size for areas zoned to C-2 and M-2. HCC 157.056(D), 157.041; see HCC 157.055(D). Therefore, Application satisfies this criterion.

(D) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

RESPONSE: This provision does not apply to the proposed parcels in this Application, but Applicant acknowledges the requirements of this provision.

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

RESPONSE: Applicant does not anticipate that the Planning Commission will deem its corner lots as dangerous to traffic movement. Adequate right-of-way is being dedicated to create a safe intersection. Therefore, the Application satisfies this criterion.

(F) Where a flag lot is proposed, the following design standards shall apply:

(1) The access portion shall be at least 25 feet wide.

(2) Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.

(a) When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.

(b) No fencing shall be installed in a shared access which inhibits the right of access for either parcel.

(3) The access portion of an access lane shall be paved to a width of at least 20 feet.

(4) The access shall include sufficient easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles.

(5) The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.

(a) When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.

(b) When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.

(c) The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.

(d) The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.

(6) No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street must be created.

RESPONSE: Neither Parcel 1 nor Parcel 2 is a flag lot. The Application satisfies this standard.

154.20: CHARACTER OF DEVELOPMENT



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(A) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

RESPONSE: The lot does not contain sewers, sewage treatment plants, water supply systems, park areas, streets, trees, or other physical facilities necessary or desirable for the welfare of the area and are not or cannot be satisfactorily maintained by an existing public agency. Therefore, the Application satisfied this criterion.

154.21: ACCESS MANAGEMENT

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendation of the City Comprehensive Plan. Any provision for schools, parks and **playgrounds should be** indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

RESPONSE: The Application considers the recommendations of the Comprehensive Plan and satisfies this criterion. As a limited land use decision under ORS 197.015(12), the Application is only subject to the comprehensive plan policies that are incorporated into the City's land use regulations. ORS 197.195(1). Notwithstanding the foregoing, the Application given consideration to the HCC 154.21 and is consistent with the criterion.

154.35: PRELIMINARY PLAT REQUIREMENTS

(A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat.

RESPONSE: Applicant submits the required preliminary plat, conforming with the requirements of HCC 154.15 through 154.21 as detailed above, as Exhibit 1 as well as three additional copies attached to the application.

(B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section.

RESPONSE: This provision does not include any substantive approval criteria that must be met in order for the Commission to approve the Application, but Applicant acknowledges the requirements of this provision.

(C) The preliminary plat shall show:

(1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;

RESPONSE: Applicant's preliminary plat, attached as Exhibit 1, satisfies the requirements of this criterion.



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(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;
RESPONSE: The Application satisfies this criterion.

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;

RESPONSE: The preliminary plat shows the existing sanitary and storm sewers, water mains, culverts, and other underground structures to the extent on or adjacent to the Property.

(4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;

RESPONSE: The Application does not propose to change the title of the Stahl Replat. The subdivider and owner is Amazon Data Services, Inc., which is noted on the preliminary plat. See Exhibit 1.

(5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;

RESPONSE: The Application complies with this criterion.

(6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;

RESPONSE: The Application satisfies this criterion. See Exhibit 1.

(7) North point, scale and date;

RESPONSE: The plan includes the date, north point, and scale of drawing. See Exhibit 1.

(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and

RESPONSE: This Application dedicates land for City right-of-way and does not include a proposal for development that would require development details. The Applicant acknowledges the requirements of this criterion.

(9) All the above information unless waived by the Planning Commission.

RESPONSE: See above responses.

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof.

RESPONSE: Applicant intends to submit a final plat to the City Planner after approval of this Application by the Planning Commission. The final plat will comply with the provisions of HCC 154.45-154.46.

VI. CONCLUSION

For the reasons set forth in this narrative and on the basis of evidence included with this Application, the Commission should approve the Application.



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Conditions of Approval

1. Portions of the property lie within an area subject to potential groundwater pollution hazards due to excessively well-drained soils. Therefore, the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuels are prohibited per §157.101(B) of the Hermiston Code of Ordinances. Per §157.101(D) of the Hermiston Code of Ordinances, a developer may receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.
2. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site to minor collector status using city standards ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department. As a condition of approval of a permit to develop Lot 1 or Lot 2, the owner of the lot being developed shall enter a street improvement agreement agreeing to participate in future improvements to E Feedville Road frontage of the Development Site to urban major collector status. Such agreement shall run with the land.
 - c. SE 9th Street is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 1 or 2, the owner of the lot being developed shall improve the SE 9th Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.
3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.

Commissioner Burns moved and Commissioner Hamm seconded to make the project file a part of the record. Motion passed. Commissioner Sargent moved and Commissioner Hamm seconded to impose the conditions of approval as amended. The motion was tabled. After discussion, Commissioner Burns moved and Commissioner Hamm seconded to adopt the findings of fact as amended. Motion passed. There was additional discussion on the approval conditions and Commissioner Sargent reinserted his motion to impose the conditions of approval as amended with Commissioner Hamm's second. Motion passed. Commissioner Sargent moved and Commissioner Collins seconded to



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approve the preliminary plat and direct the applicant to proceed to final plat preparation. Motion passed.

Planner Comments and Unscheduled Communication

Commissioners discussed rough proportionality, Nollan Dolan rules, and Street Improvement Agreements.

The City is preparing a UGB amendment to expand the urban growth boundary to add larger tracts of industrially zoned land. The expansion process is expected to take over a year.

Adjournment

Chairman Saylor adjourned the meeting at 8:10PM.

HERMISTON IRRIGATION DISTRICT



East Hurlburt Avenue
Hermiston, OR 97838-2445
Office: 541-567-3024
E-mail: Office@HermistonID.org

March 6, 2023

City of Hermiston
Planning Director Clinton Spencer
180 NE 2nd St
Hermiston, OR 97838

**RE: Notice of Land Use Action
Map & Tax Lot 4N2823 200**

Dear Mr. Spencer,

The Hermiston Irrigation District has reviewed the Tentative Partition Plan as submitted by Parametrix on behalf of Amazon Data Services Inc for a major land partition on the parcel listed above.

Review of this parcel revealed that there are no water rights allocated for this land through the HID delivery system, nor is it expected that irrigation water will ever be served to these lands.

The Bureau of Reclamation owns federal land that encompasses the Feed Canal adjacent to the western boundary of this parcel. We do not believe that the major land partition will interfere with HID's operations and maintenance of the Feed Canal. The District has no objection to the major land partition.

Thank you for the opportunity to coordinate with the City of Hermiston on such land use matters. As always, please contact our office if you need additional information.

Respectfully,

A handwritten signature in cursive script that reads "Annette Kirkpatrick".

Annette Kirkpatrick
District Manager

Clinton Spencer

From: Thomas, Ryan C. (BEL) <RThomas@perkinscoie.com>
Sent: Wednesday, March 8, 2023 8:45 AM
To: Mark Morgan; Clinton Spencer
Cc: Garg, Abhishek; Costa, Daniel
Subject: ADS Major Partition 4N2823 TL 200 | Proposed Conditions of Approval
Attachments: 2023.03.08 Ex. B Conditions of Approval (amended).docx; 2023.03.08 Ex. B Conditions of Approval (amended clean).docx

Mark and Clint,

Thanks for the informative and productive call yesterday regarding the proposed conditions of approval of the Amazon Data Services Major Partition of 4N2823 TL 200 that will be considered tonight at the Planning Commission meeting. It was helpful to discuss the intent of the conditions and get alignment regarding street improvements that would be triggered by future development on the lots. As we discussed, we prepared some minor revisions to the proposed conditions (Ex. B to new business item A on the March 8 agenda) to clarify the condition language and to align the conditions with the scope of the partition. The proposed amendment (in redline and clean) is attached to this email, and pasted below are the modified conditions in legislative format. As amended, Amazon Data Services can accept the proposed conditions.

Please reach out with any questions about the revisions or considerations about process for tonight's meeting, which I'll be joining virtually.

Best,
Ryan

Proposed Amendments to Ex. B:

2. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. ~~As a condition of approval of a permit to such time that development occurs on Lot 1 or 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site~~ the respective lot shall be improved to minor collector status using city standard ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department. ~~A street improvement agreement is required for Lots 1 and 2 agreeing to participate in future improvements to E Feedville Road to urban major collector status. Such agreement shall run with the land.~~
 - c. SE 9th Street is classified as an urban minor collector. ~~As a condition of approval of a permit to such time that development occurs on Lot 1 or 2, the owner of the lot being developed shall improve the SE 9th Street frontage of the respective Development Site~~ lot shall be improved to minor collector status using city standard ST10 in the standard specifications.

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Exhibit B**Conditions of Approval for AWS Major Partition****March 8, 2023****908 E Penney Ave**

Subject to the public hearing and testimony presented to the planning commission, the following conditions of approval are proposed:

1. Portions of the property lie within an area subject to potential groundwater pollution hazards due to excessively well-drained soils. Therefore, the outdoor storage of hazardous chemicals and the underground storage of gasoline and diesel fuels are prohibited per §157.101(B) of the Hermiston Code of Ordinances. Per §157.101(D) of the Hermiston Code of Ordinances, a developer may receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.
2. The site is bounded by E Penney Ave and E Feedville Road. SE 9th Street is proposed as a new street separating Lots 1 and 2.
 - a. E Penney Avenue is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 2, the owner of Lot 2 shall improve the E Penney Avenue frontage of the Development Site to minor collector status using city standard ST10 in the standard specifications.
 - b. E Feedville Road is classified as an urban major collector and is a county road. All points of access to E Feedville Road will require an access permit from the Umatilla County Road Department.
 - c. SE 9th Street is classified as an urban minor collector. As a condition of approval of a permit to develop Lot 1 or 2, the owner of the lot being developed shall improve the SE 9th Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.
3. A final plat shall be prepared and submitted to the planning commission for review in accordance with §154.46 of the Hermiston Code of Ordinances.