



## PLANNING COMMISSION

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Regular Meeting Minutes  
December 14, 2022

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

### **Minutes**

Commissioner Kirkpatrick moved and Commissioner Fialka seconded to approve the minutes of the November 9, 2022, regular meeting. Motion passed unanimously.

### **Hearings- Major Variance Amazon Data Center 4N2824 Tax Lot 600- 994 E Penney Ave**

The planning commission is holding hearing to consider a request for a variance. The request must be approved by the planning commission subject to the criteria established in §157.225 of the Hermiston Code of Ordinances. The applicant wishes to obtain a variance from §157.176 of the Hermiston Code of Ordinances which establishes the required number of parking spaces for warehouse use. The applicant, Leif Van Acker, requests the number of required spaces be reduced from 861 to 213. The property is described as 4N 28 24 Tax Lot 600 and is located at 994 E Penney Ave.

As there were no conflicts of interest, Chairman Saylor opened the hearing at 7:01PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. Hermiston's parking standards are conservative compared to other cities. This variance is similar to the one granted to Meyer Distributing last year. At that time, the Planning Commission had requested staff to consider revising the parking standards, however the project was cut from this year's budget.

Commissioners discussed occupancy changes and how that would trigger different parking ratios, employee counts and visitor parking.

### **Testimony**

Leif Van Acker 920 SW 6<sup>th</sup> Ave Portland- Mr. Acker is representing Amazon Data Services. The 213 spaces accommodate 50 spaces per warehouse building and an additional 13 spaces for visitors outside of the security perimeter. The project covers approximately 80% of the lot. The additional 600 required spaces may fit on the site, but they do not feel that is the best option. Shift change overlap is accounted for in the proposed number of spaces. Mr. Van Acker clarified that the 30 employee per building is the maximum. The site is securely enclosed and there is not a chance of excess vehicles from non-employees to enter and use the parking.

Chairman Saylor closed the hearing at 7:20PM.

### **Findings of Fact**



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**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 proposed development has four proposed buildings totaling 861,200 square feet at buildout. Each building is 214,850 square feet.
2. Required parking for the development is 861 spaces per Section 157.176 of the Hermiston Code of Ordinances which requires one space per 1,000 square feet of building area for industrial use.
3. The total employee count for each building is projected at 30 employees maximum per shift. The site is secure and not open to the public.
4. The only users of the facility will be data center employees and a limited number of authorized visitors.
5. The required parking is higher than needed to service the employee and visitor count and higher than the number of parking spaces provided for data centers in the region, as well as higher parking counts than required for industrial uses in general.
6. Strict application of the parking standard for the proposed distribution center will result in an unused impervious surface of approximately 3.5 acres, requiring additional storm water facilities and creating an unnecessary environmental impact.

**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.**

7. Approval of the variance allows for economic and smart development of the parcel as a datacenter with an appropriate parking standard necessary to accommodate the projected employment of 120 employees maximum per shift.
8. Approval of the variance allows the development of the property as a data center in a heavy industrial zone as a use permitted in this zone.
9. Other data centers in the region have developed with a parking ratio of less than one space per 1,000 square feet. Typically, the overall parking ratio is calculated based on employee count.
10. Requiring review of each variance request through a public hearing and public notice process ensures the right of adjoining property owners to participate in the deliberation process, protecting the rights of neighboring property owners.

**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.**

11. The development will provide parking adequate to accommodate the employees on-site each shift, plus visitors.



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12. Maintaining land in a vegetated state rather than improving for unneeded parking minimizes urban heat island effects and minimizes potential storm water contamination.

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

13. The current parking requirement is appropriate for traditional industrial uses which have a high employee count and a smaller floor area.
14. Data centers have a very large building footprint but low employee count and thus, a low parking demand.
15. Requiring excess parking above what is necessary to accommodate the estimated 120 employees creates an undue economic hardship on the development.
16. The 213 proposed spaces are adequate to handle employee demand, overlap during shift changes, and visitors and deliveries.

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

17. The proposed 213 spaces are similar to that provided at other data centers for the owner.
18. Since employee counts per shift and expected visitor counts are known, the requested variance is the minimum that will alleviate the hardship, accommodate necessary parking, and limit unnecessary impervious area.

Commissioner Fialka moved, and Commissioner Sargent seconded to make the project file part of the record. Motion passed unanimously. Commissioner Fialka moved to adopt the Findings of Fact. The motion had not received a second and Commissioner Fialka retracted his motion. After some discussion, Commissioner Sargent moved, and Commissioner Doherty seconded to approve the Findings of Fact as amended (#3 & #7). Motion passed unanimously. Commissioner Sargent moved, and Commissioner Fialka seconded to approve the variance. Motion passed unanimously.

### **Final Plat Gettman Hill Estates Phase 1 4N2815 Tax Lot 200- 1307 SW 3<sup>rd</sup> St**

Planning Director Spencer presented the staff report. The public improvements have been installed and inspections are being conducted. The City will not release the plat until the improvements have been accepted by the City.

### **Testimony**

Jeff Newman 29411 Feedville Rd – Mr. Newman stated the inspections are being performed and they are trying to follow all the new regulations and the goal posts seem to be changing. The contractor was unaware of some items regarding the concrete around the sewer drains. This has been cut in and poured, they are hoping for the final blessing so they can continue.

Commissioner Fialka moved, and Commissioner Caplinger seconded to approve the final plat subject to the conditions of approval. Motion passed unanimously.



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## **Planner Comments and Unscheduled Communication**

Three hearings are scheduled for the January meeting.

Season's Greetings were expressed to all.

## **Adjournment**

Chairman Saylor adjourned the meeting at 7:32PM.