



# PLANNING COMMISSION

HERMISTON CITY HALL 180 NE 2ND ST

*Where Life is Sweet*

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**July 12, 2023 at 7:00 PM**

## **AGENDA**

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*Other ways of viewing or participating in live meetings are available through:  
Zoom with Meeting ID: 839 4193 1958 Passcode: 616958 Telephone number to join is: 1 253  
215 8782; or submitting comments to meetings@hermiston.or.us*

**1. CALL TO ORDER - 7:00 PM**

**2. MINUTES**

A. Minutes of the June 14, 2023 regular planning commission meeting

**3. HEARINGS**

A. CONTINUED- Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA  
TL 2700- 945 E Newport Ave

B. Major Variance- Amazon Data Services, Inc 4N2823 Tax Lot 200 - 908 E Penney Ave

**4. NEW BUSINESS**

A. Popeye's Louisiana Kitchen Request extension of Site Plan & Variance approvals  
4N2802BC- 1680 N First St

B. Final Plat- Amazon Data Services Inc 4N2823 TL 200 - 908 E Penney Ave

C. Final Plat- Amazon Data Services Inc 4N2824 TL 600 - 994 E Penney Ave

**5. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION**

**6. ADJOURN**

**\*\* AMERICANS WITH DISABILITIES ACT NOTICE\*\***

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## PLANNING COMMISSION

Regular Meeting Minutes  
June 14, 2023

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

### Minutes

Commissioner Caplinger moved, and Commissioner Fialka seconded to approve the minutes of the May 10, 2023, regular meeting. Motion passed.

### Hearings- Conditional Use Permit Review- HHS Athletic Fields 4N2810DC TL 100 & 4N2810DD TL 300- 425/435 W Orchard Ave

There were no conflicts of interest and Chairman Saylor opened the hearing at 7:02PM and read the hearing guidelines.

Planning Director Spencer presented the staff report. Due to covid, the yearly review was delayed to the 2022-2023 playing season. The sewer easement and parking requirements have not yet been completed.

### Testimony

Dr. Tricia Mooney 1055 W Judith Place- Dr. Mooney stated the project is in Phase 2 and the parking along Orchard Ave will be constructed. The Weber Field parking will be completed this summer as well. The multi-use fields depicted on the site plan are proposed in the future and additional parking would be considered along Orchard Ave should those fields develop.

Jose Aparicio- 1713 Esther Way The Dalles- They are in the process of getting all the easements, including the sewer easement.

Commissioners discussed the location of the parking spaces, ADA accessibility, and the long-range plans for the additional fields.

### Conditions of Approval as Amended

1. The applicant shall dedicate a 20-foot public utility easement over the sanitary sewer line proposed for relocation as shown on Sheet C200. Said easement shall benefit the city and allow ingress, egress, and maintenance activities on the sewer line.
2. New parking spaces added as part of this conditional use permit and located south of the softball fields shall be prioritized for athletic field use and student parking discouraged until a full traffic impact analysis is completed as part of Phase 2 of the Hermiston High School upgrade conditional use permit.
3. All storm water drainage shall be retained on site.
4. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances relating to the control of blowing dust during all phases of construction.



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5. The Planning Commission will conduct a review of operations subject to the provisions for a conditional use permit in June of 2022.
6. A gravel fire lane satisfying the requirements of Umatilla County Fire District 1 shall be installed south of the new fields prior to use.

Chairman Saylor closed the hearing at 7:19PM. The planning commission determined the excess spaces constructed as part of the high school annex project fulfills the requirement of the original approval conditions. Commissioner Burns moved and Commissioner Collins seconded to continue operations with the conditions of approval as amended. Motion Passed 4-1.

### **Hearings- Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA TL 2700- 945 E Newport Ave**

There were no conflicts of interest declared and Chairman Saylor opened the hearing at 7:20PM and read the hearing guidelines.

Planning Director Spencer presented the staff report with visual aides. The infill designation would allow the development of the proposed 8 lots, with 6 of the lots having depths three times more than the widths. The existing topography, location of utilities, and condition of north side of property right-of-way are all contributing factors for granting the infill designation.

Commissioners expressed concern with the potential of unkept yard area in the rear of the deeper lots.

### **Testimony**

Gavin Gervais of Knutzen Engineering 5401 Ridgeline Dr Kennewick WA-Mr. Gervais represents the property owners, Phoenix Builders. Costly sewer lift stations would be required if developing conventional flag lots. Granting an infill designation allows an economically feasible development to a density standard more closely to that allowed in an R-1 zone, the improvement of E Newport Ave to current city standards; resulting in a safer, more aesthetically pleasing street, additional tax revenue, and provides additional needed single family housing units.

Brian Owens- 665 W Division Ave- Mr. Owens owns property on the north side of the ditch (Tax Lots 2400, 2500, & 2501). He feels Hurlburt Ave is very easily accessible and able to be widened and the City is trying to landlock his property. He is upset as he was told the city would put in a pipe and cover the ditch, which is not owned by anyone other than himself and his neighbor, so that he could develop his lots with Hurlburt access. He has worked with neighbors and sealed in the low-lying area and needs the city to remove the screened concrete weir, for greater accessibility. Mr. Owens says the weir is inefficient and not maintained, causing flooding on his property. He stated the alley access Hurlburt provides is the only way for fire trucks to get to the back of the roller rink and is also the only access for tax lot 2500. He is willing to give up "a chunk" of his property to extend Hurlburt to the cul-de-sac, as he spent over \$150,000 to clean up and raise the property level. He is upset that the City allowed the Newport developer to tie into the drain on his property and now refuses to fix



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and maintain the drainage ditch. He states he is the only one who cleans up and sprays the mosquitos, which are terrible.

Chairman Saylor inquired of the extension of Hurlburt as it would open five lots on the north side and a couple additional lots on the south side. Planning Director Spencer responded that the ditch and the steep drop off are factors. City administration is actively working with the city engineers on the piping of the ditch. The planning commission must determine if the extension of Hurlburt is desirable and if it represents a constraint to development. Additional street dedication would be required from the property on the south side of the ditch to extend Hurlburt Ave, making tax lot 2400 quite a bit smaller. Chairman Saylor stated it seems to be desirable as it allows the development of more lots than the number proposed with the infill designation.

Joshua Lott- city engineer with Anderson Perry & Associates- Mr. Lott confirmed that if the ditch were piped there is a possibility that the concrete structure could be removed. He cautioned that there is a lot of feasibility to go into the decision. One issue is the manhole currently in the Hurlburt cul-de-sac is only about 4 feet deep. Due to the topography, it may not be possible to install a city sewer main through the remaining length of Hurlburt to 9<sup>th</sup> St. The sewer line at Main St and 9<sup>th</sup> is 3.8 feet deep.

Gavin Gervais- Responding to a question, Mr. Gervais replied that not knowing if utilities could be installed, and the cost of installation if it were feasible, were factors in determining lot layout. If the City were considering extending Hurlburt in the future, then instead of the infill designation, the lots could be created with lots on the south being developed on Newport now and the north tracts facing Hurlburt Ave being developed in the future.

Anides Guerena-1500 W Court St Pasco WA - Mr. Guerena is an owner of Phoenix Builders Investment Group. He is willing to dedicate land for the street extension. As a business owner, he will take the opportunity to build more houses. He desires to work with everyone as a team to bring development to the city.

David Gonzales- 6855 W Clearwater Ave Ste A104 Kennewick WA- He is the real estate broker for Phoenix Builders and thinks that the road extension would attract more people, create a more livability neighborhood and additional economical homes for the city. He declined answering on behalf of the property owner if they would still be in favor of the extension if it delayed development.

Steve Barrows- PO Box 469- Mr. Barrows is the owner of tax lot 2601 & 2602. He states the alleyway is 20 feet and does not need any additional traffic on it. The existing alley surface is dirt with a small amount of gravel and 25 feet from his back door, making livability terrible. He stated he is closer to the ditch than Mr. Owens, who doesn't live on the property. He describes the ditch as having ducks, egrets, blue herons, and green herons, but no mosquito problem. Vector Control places a trap every year near 9<sup>th</sup> St. While his property may be within the side setback, Mr. Owens' roller rink building footings are on his property. He stated he does not have a problem with the infill designation and thinks all the proposed lots be serviced off Newport Ave.



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Commissioner Kirkpatrick clarified that an easement would be necessary along the north lot line to allow the city to access the ditch.

Mr. Owens- Stated there is a 16 foot easement for utilities off Main St to service his property. As the owner of the Roller Rink property, he feels he can bring utilities through that property to service the other lot, therefore getting water/sewer/power from Main St is not a problem. He says the roadway is level from 9<sup>th</sup> to about 8 feet west of the cul-de-sac. His neighbors all want the property cleared and the ditch filled in so they can develop the south portions of their lots with access from an extended Hurlburt. If Mr. Burrows doesn't want the road, he suggests putting in a cul-de-sac. With a cul-de-sac, he thinks he has enough room for five lots.

Stacey Stanek- 330 E Carter Drive- Ms. Stanek and her husband have owned their house for 20 years. Her street has little on street parking and the addition of 8 lots on Newport will add more people which will increase traffic and decrease available on street parking. She realizes the widening of Newport Ave and the installation of curbs, gutters, and sidewalks will be great, but feels there is not an area on the proposed lots to park vehicles.

Nicole Silver- 315 E Carter Drive- In addition to Stacey's comments, Ms. Silver is concerned with the "type of homes that are being put in". She always desired to live in the Highland Hills neighborhood and is afraid the types of homes being put in will take away from her property value. She states the two existing homes built are significantly smaller in size and do not fit with the rest of the neighborhood. She is concerned about the way it will look when she looks out her window and how it will affect selling her home. She feels the development will be detrimental to the neighborhood property values, as all the homes there are very nice and would like the new homes to keep in style with the neighborhood. She objects to having the homes directly on the street and eight driveways serviced from Newport Ave.

Randy Vietz- 930 E Newport Ave- His property is across the street from the subject property. He states accessing the property from anywhere other than Hurlburt is suicide. Pulling out of his driveway is dangerous due to cars speeding on Newport Ave between 7<sup>th</sup> & 10<sup>th</sup> Streets where the road drops. He has contacted the city and the police department on the matter and doesn't understand why the area is not patrolled. Children walk and skateboard down the street and it's difficult to see when pulling out of driveways. His wife pulled a child off a tricycle on Carter Drive a few years ago when a truck was speeding. A pick-up was totaled in his yard eight years ago. His family lost a granddaughter in 2008 and will stand with a kid that is killed in his front yard to sue the city.

Pam Vietz-930 E Newport Ave- Ms. Vietz says the street was very quiet when they moved there 18 years ago. The road is not currently wide enough for existing traffic. The same cars race on the road. The property hasn't been touched in the three years since Don sold it, with weeds over 15 inches tall. She states the two houses built are not conclusive(?) to the area they live in. There are really nice houses worth over 500k and other houses worth around 350k. Ms. Vietz recounted the wildlife that used to be on the property prior to the developer filling in the lot. She doesn't want to see the property



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filled in to bring the houses level. She was told that the lot would never be developed, or she would not have bought her house. She feels the street can not handle the traffic and doesn't want her driveway cut back further than it is.

Planning Director Spencer commented that if the planning commission feels that Hurlburt could be extended, even terminating to a cul-de-sac, then the infill designation probably is not justifiable. Also to consider, with a 60 foot minimum lot width, 8 lots are permissible onto the property with or without an infill designation unless there is some incredible safety issue. To date, no evidence of a safety issue has been received. The street is currently only partially built. With development the street will be fully developed with wider paving and sidewalks on the north side.

Brian Owens- In response to a comment from Commissioner Burns that it appeared Mr. Barrows house was too close to the property line to have a road pass by, Mr. Owens stated that he and Mr. Barrows paid to have a survey completed and there are survey stakes showing the house is located 25 feet off the property line. He feels a cul-de-sac could easily be built in the corner of tax lots 2400, 2500 and 2501.

Mr. Guerena- If he could do a cul-de-sac and face houses inside the cul-de-sac, he is willing to forgo the infill designation. He is making payments on the land and would like to be able to proceed with development. The plan is to build bigger houses on the larger lots.

Mr. Gervais- He has concerns as the sewer is extremely shallow and the sewer may not be able to be extended and it is not certain if Hurlburt can be extended. The water in the pipe would still need to be flowing downhill, not stagnant.

After discussing speeding and the feasibility to extend the road, including utilities, cul-de-sac standards, and lot configuration, Commissioner Fialka moved, and Commissioner Kirkpatrick seconded to continue the hearing to the July planning commission meeting. Motion passed.

Chairman Saylor called for a recess from 8:41 to 8:52PM.

### **North Hermiston Urban Renewal Area (NURA) Presentation**

Planning Director Spencer reviewed the purpose of the proposed urban renewal plan. The district is a small, concentrated area with a focused directive to add a light at the intersection of 395 and NE Aspen Drive, extend NE Aspen Drive from 395 to NE 4<sup>th</sup> St, with a water line extension, and extend NE North St to NE Aspen Drive. The intent is to add traffic calming measures and increase potential development opportunities. The plan has a maximum indebtedness of \$5,000,000 and a life span of 16 years.

Elaine Howard of Elaine Howard Consulting used PowerPoint slides (attached) to present additional details of the plan.



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After some discussion, Commissioner Collins moved, and Commissioner Burns seconded that the Hermiston Planning Commission finds, based upon information provided in the staff report and the provided attachments, that the North Hermiston Urban Renewal Plan conforms to the Hermiston Comprehensive Plan and further recommends that the Hermiston City Council adopt the proposed North Hermiston Urban Renewal Plan. Motion passed.

**New Business - Final Plat- Highland Meadows Phase 2 4N2814AA TL 102- 942 E Highland Ave**

Planning Director Spencer presented the staff report. The planning commission modified one of the original conditions of approval in February of 2022.

**Testimony**

Tyler Brandt 469 SW Cottonwood Dr- The recently installed drainpipe along the church frontage is solid and less likely to collapse than the previous perforated pipe that failed due to tree roots.

After discussion regarding the location and maintenance of the drainage pipe along the church property, Commissioner Fialka moved, and Commissioner Caplinger seconded to approve the final plat subject to the conditions of approval. Motion passed.

**New Business- Final Plat- View Wood Estates Phase 1 4N2814AD TL 902- 920 E View Drive**

Planning Director Spencer presented the staff report. This phase creates 11 single family lots and one oversized lot for future development.

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

**Planner Comments and Unscheduled Communication**

Commissioner Burns announced his resignation from Position #5 of the Planning Commission. The commissioners thanked him for his service.

**Adjournment**

Chairman Saylor adjourned the meeting at 9:22PM.



# HERMISTON PLANNING COMMISSION



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Johnson Economics

# TERMINOLOGY

1. UR – Urban Renewal
2. URA - Urban Renewal Area
3. URD - Urban Renewal District
4. TIF - Tax Increment Funds or Tax Increment Financing
5. MI - Maximum Indebtedness
6. AV - Assessed Value

# ROADMAP



Section 2, ItemA.

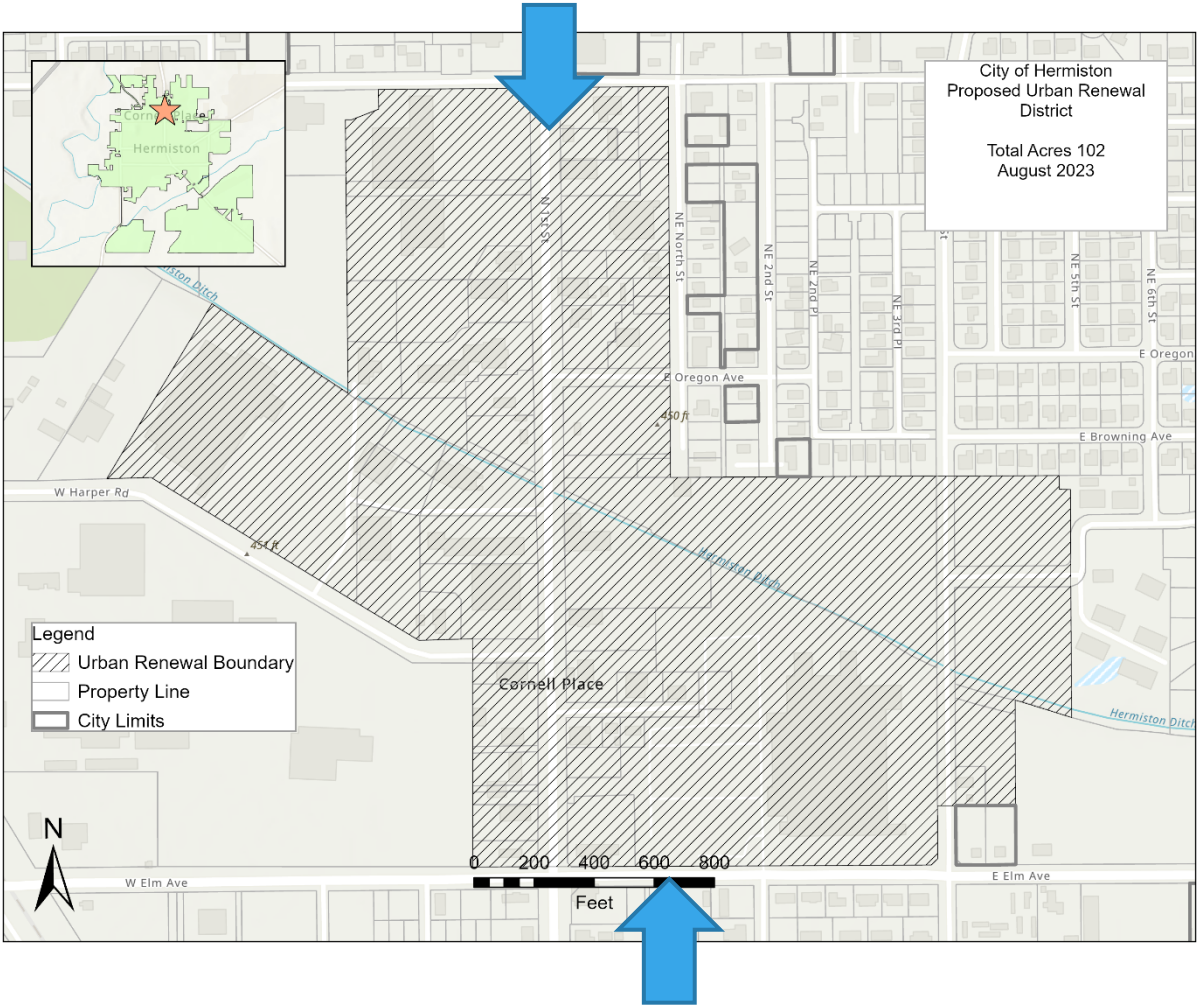
1. Role of Planning Commission
2. Background
3. Financial Capacity
4. Projects
5. Comprehensive Plan Categories
6. Process and Schedule

# ROLE OF PLANNING COMMISSION

To review the proposed North Hermiston Urban Renewal Plan for conformance with the Hermiston Comprehensive Plan and make a recommendation to the Hermiston City Council.

# BOUNDARY

1<sup>st</sup> Street (395)



City of Hermiston  
Proposed Urban Renewal  
District  
  
Total Acres 102  
August 2023

Legend  
Urban Renewal Boundary  
Property Line  
City Limits

Elm Avenue (Highway 207)

# STATUTORY LIMITATIONS

Section 2, Item A.

	Acres	Assessed Value
<b>A. City of Hermiston Downtown Urban Renewal District</b>	125.2	\$42,262,899
<b>B. Southwest Hermiston Urban Renewal District</b>	392.8	\$3,121,349
<b>C. North Hermiston Urban Renewal District</b>	102	\$57,095,267
<b>D. Total Acreage/Assessed Value in URDs</b>	620	\$102,479,515
<b>E. Excess Value</b>		\$16,832,001
<b>F. City of Hermiston</b>	5,402	\$1,262,014,564
<b>% of City Acreage =(D/F)</b>	11.48%	
<b>% of City Assessed Value =(D/(F-E))</b>		8.23%

# PROJECTS

- New East West Street: NE Aspen Drive
- Signal at N 1<sup>st</sup> Street/Aspen Drive
- Extension of NE North Street to NE Aspen Drive
- New water line along NE Aspen Drive
- ROW Acquisition

# ESTIMATED COSTS OF PROJECTS

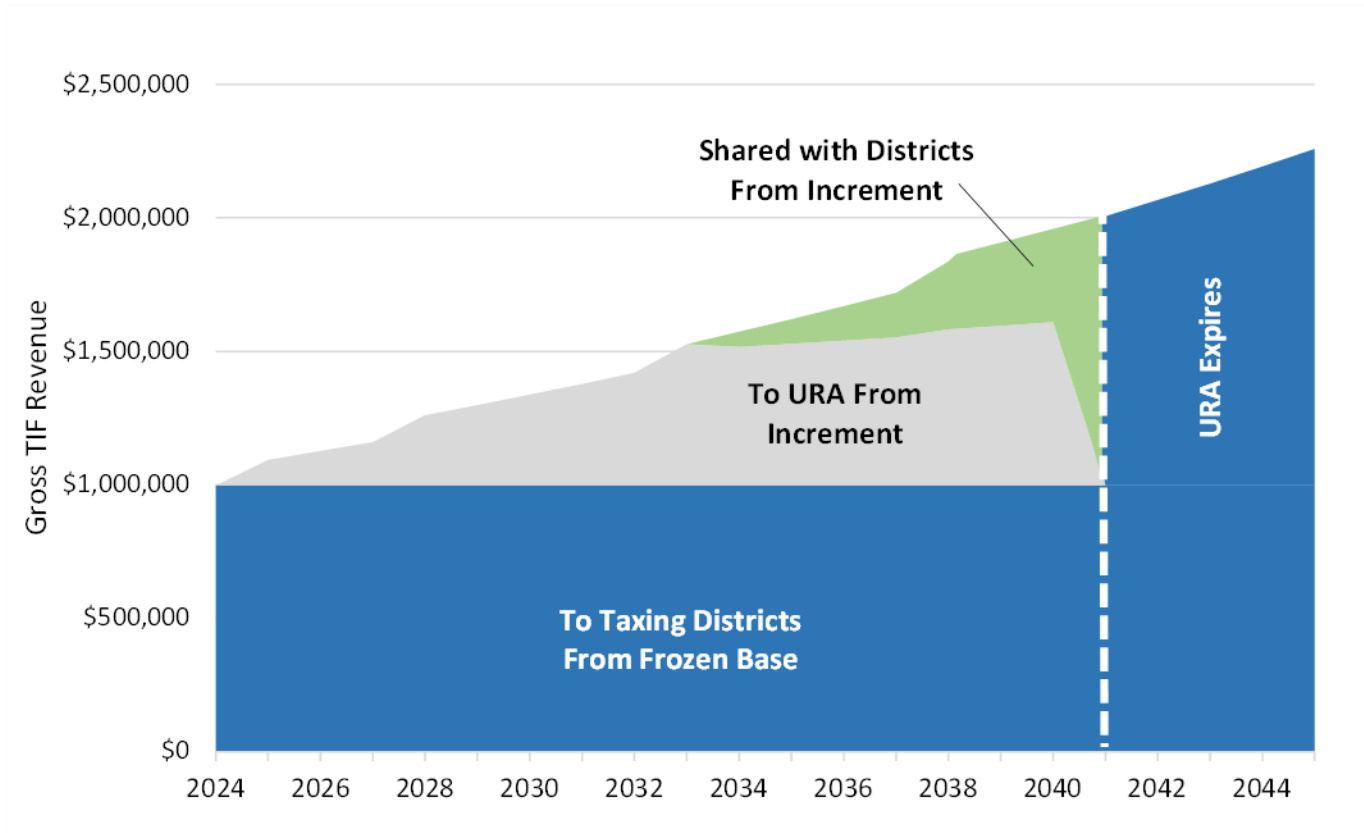
TIF District Projects	Constant FYE 2023 \$	Year of Expenditure \$ <sup>1</sup>
NE Aspen Drive & NE North St. Street Improvements	\$815,250	\$898,813
Water Line Improvements (NE Aspen Drive)	\$161,750	\$178,329
Traffic Signage and Signaling	\$1,608,000	\$1,772,820
Construction Contingencies	\$1,020,000	\$1,124,550
Property Acquisition	\$208,000	\$229,320
Administration	\$10,000	\$11,205
Project Contingency (15%)	\$561,950	\$619,550
<b>TOTAL:</b>	<b>\$4,384,950</b>	<b>\$4,834,407</b>



# FINANCIAL FORECASTING

<b>Total Net TIF</b>	<b>\$6,162,000</b>
<b>Maximum Indebtedness</b>	<b>\$5,000,000</b>
<b>Capacity (2023\$)</b>	\$4,385,000
<b>Years 1-5</b>	\$3,422,000
<b>Years 6-10</b>	\$937,000
<b>Years 11-15</b>	\$17,000
<b>Year 16</b>	\$11,000

# REVENUE SHARING



# GENERAL GOVERNMENT - Totals through FYE 2040

Section 2, Item A.

Umatilla County	(988,767)
City of Hermiston	(2,112,369)
Umatilla County Fire District	(607,409)
Port of Umatilla	(53,435)
County Radio	(59,028)
Cemetery District	(32,011)
Mosquito Control	(70,179)
Subtotal	(3,923,197)

# General Government

Section 2, Item A.

FYE	General County	City of Hermiston	Port of Umatilla	Umatilla County Fire District 1	County Radio District	Cemetery District 8	W. Umatilla Mosquito Control	Subtotal General Gov't
2024	-	-	-	-	-	-	-	-
2025	(14,594)	(31,178)	(789)	(8,965)	(871)	(472)	(1,036)	(57,905)
2026	(19,765)	(42,226)	(1,068)	(12,142)	(1,180)	(640)	(1,403)	(78,425)
2027	(24,941)	(53,283)	(1,348)	(15,321)	(1,489)	(807)	(1,770)	(98,959)
2028	(40,155)	(85,786)	(2,170)	(24,668)	(2,397)	(1,300)	(2,850)	(159,325)
2029	(46,090)	(98,466)	(2,491)	(28,314)	(2,752)	(1,492)	(3,271)	(182,876)
2030	(52,055)	(111,210)	(2,813)	(31,978)	(3,108)	(1,685)	(3,695)	(206,544)
2031	(58,199)	(124,335)	(3,145)	(35,752)	(3,474)	(1,884)	(4,131)	(230,922)
2032	(64,528)	(137,855)	(3,487)	(39,640)	(3,852)	(2,089)	(4,580)	(256,031)
2033	(80,930)	(172,895)	(4,374)	(49,716)	(4,831)	(2,620)	(5,744)	(321,110)
2034	(79,507)	(169,856)	(4,297)	(48,842)	(4,746)	(2,574)	(5,643)	(315,465)
2035	(81,262)	(173,606)	(4,392)	(49,920)	(4,851)	(2,631)	(5,768)	(322,429)
2036	(83,123)	(177,580)	(4,492)	(51,063)	(4,962)	(2,691)	(5,900)	(329,811)
2037	(85,039)	(181,674)	(4,596)	(52,240)	(5,077)	(2,753)	(6,036)	(337,414)
2038	(89,483)	(191,169)	(4,836)	(54,970)	(5,342)	(2,897)	(6,351)	(355,050)
2039	(91,628)	(195,750)	(4,952)	(56,288)	(5,470)	(2,966)	(6,503)	(363,557)
2040	(77,468)	(165,500)	(4,186)	(47,589)	(4,625)	(2,508)	(5,498)	(307,374)
TOTAL:	(988,767)	(2,112,369)	(53,435)	(607,409)	(59,028)	(32,011)	(70,179)	(3,923,197)

# EDUCATION – Totals through FYE 2040

Education Service District	(213,668)
Blue Mountain Community College	(229,462)
Hermiston School District 8	(1,695,130)
Subtotal	(2,138,260)
Total	(6,061,457)

Schools are funded through the State School Fund on a per pupil basis: Urban Renewal indirectly impacts them.

# EDUCATION – Totals

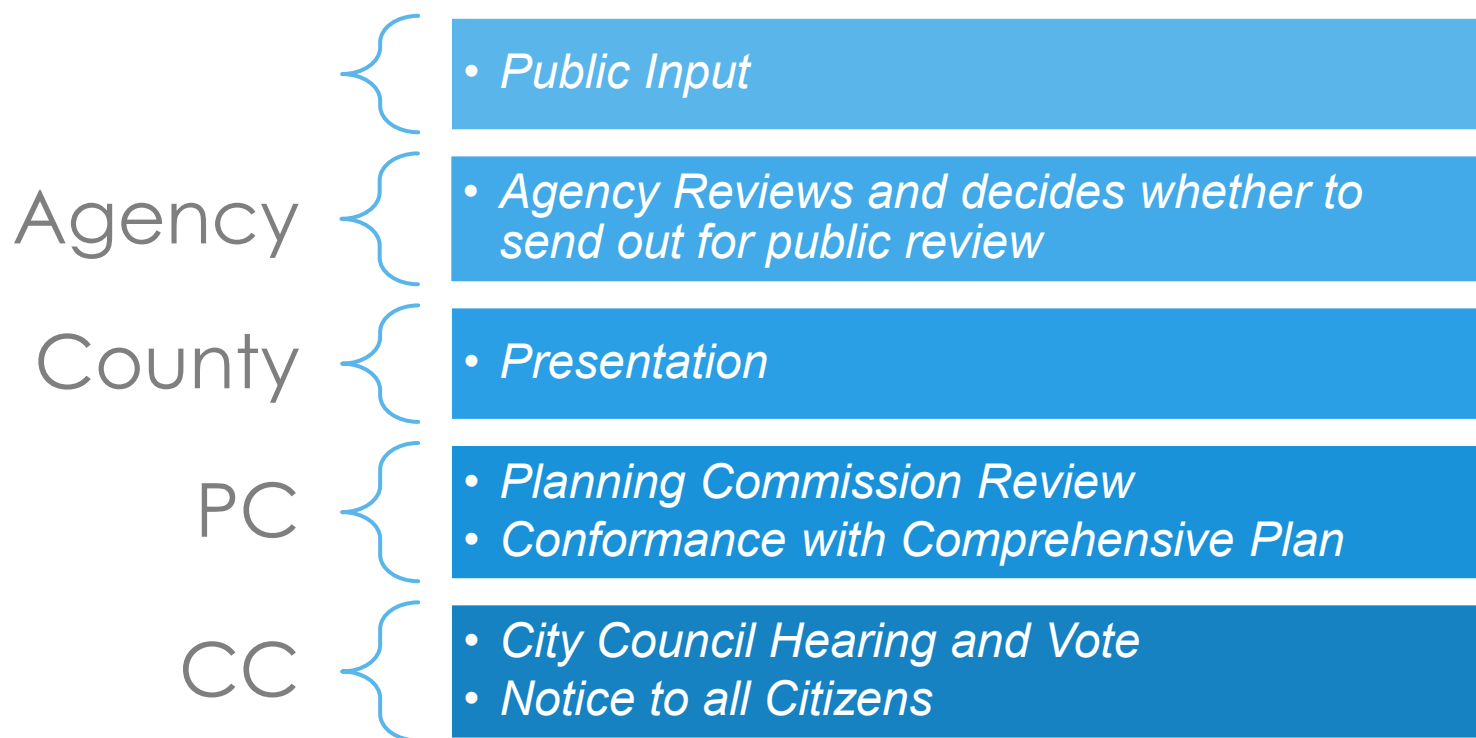
Section 2, Item A.

FYE	Hermiston School District 8	Intermountain E.S.D.	Blue Mountain CC	Subtotal (Education)	Total (Govt. and Education)
2024	-	-	-	-	-
2025	(25,019)	(3,154)	(3,387)	(31,560)	(89,465)
2026	(33,886)	(4,271)	(4,587)	(42,744)	(121,168)
2027	(42,758)	(5,390)	(5,788)	(53,936)	(152,895)
2028	(68,841)	(8,677)	(9,319)	(86,837)	(246,163)
2029	(79,017)	(9,960)	(10,696)	(99,673)	(282,549)
2030	(89,243)	(11,249)	(12,080)	(112,573)	(319,117)
2031	(99,776)	(12,577)	(13,506)	(125,859)	(356,781)
2032	(110,626)	(13,944)	(14,975)	(139,545)	(395,576)
2033	(138,745)	(17,488)	(18,781)	(175,014)	(496,124)
2034	(136,306)	(17,181)	(18,451)	(171,938)	(487,403)
2035	(139,315)	(17,560)	(18,858)	(175,734)	(498,163)
2036	(142,504)	(17,962)	(19,290)	(179,757)	(509,568)
2037	(145,789)	(18,376)	(19,735)	(183,901)	(521,315)
2038	(153,409)	(19,337)	(20,766)	(193,513)	(548,562)
2039	(157,085)	(19,800)	(21,264)	(198,150)	(561,707)
2040	(132,810)	(16,740)	(17,978)	(167,528)	(474,902)
<b>TOTAL:</b>	<b>(1,695,130)</b>	<b>(213,668)</b>	<b>(229,462)</b>	<b>(2,138,260)</b>	<b>(6,061,457)</b>

# COMPREHENSIVE PLAN CATEGORIES Section 2, Item A.

- Citizen Involvement
- Intergovernmental Coordination
- Orderly Urban Growth
- Air Quality
- General Economic Development
- Local Government Services and Facilities
- Transportation
- Alternative Transportation
- Transportation System Plan

# HOW IS A PLAN ADOPTED?





## Next Steps & Schedule

1. County briefing June 21
2. City Council hearing July 10
3. City Council vote July 24

## SUGGESTED MOTION

“I move that the Hermiston Planning Commission finds, based upon the information provided in the staff report and the provided attachments, that the North Hermiston Urban Renewal Plan conforms with the Hermiston Comprehensive Plan

*Optional additional language:*

and further recommends that the Hermiston City Council adopt the proposed North Hermiston Urban Renewal Plan.”



# Hermiston Planning Commission

June 14, 2023



# Softball Field Review



# Softball Field Review



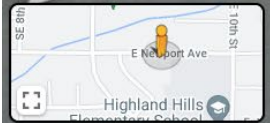
# Softball Field Review



# Phoenix Builders Infill Designation



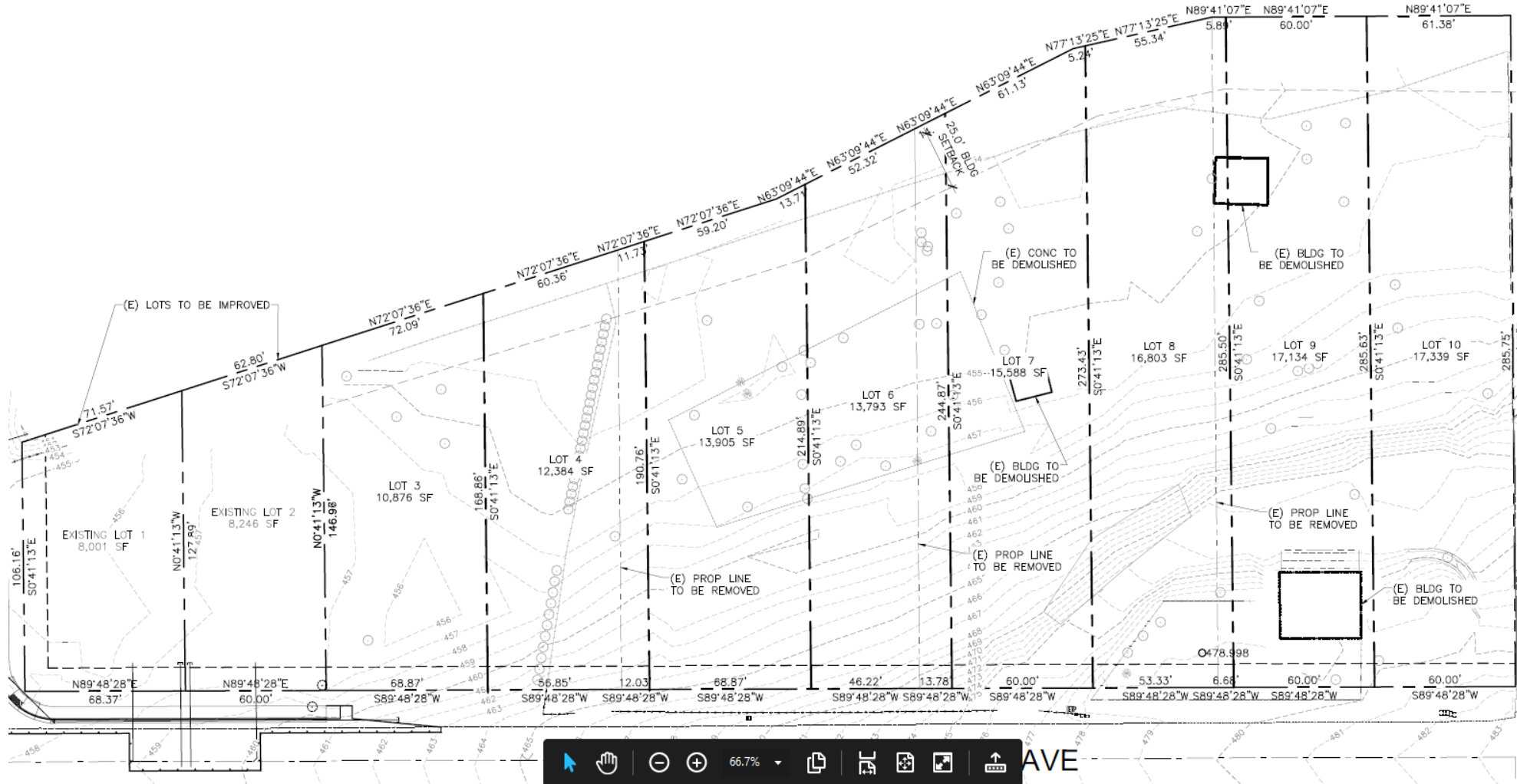
← 950 E Newport Ave  
Hermiston, Oregon  
Google Street View  
May 2012



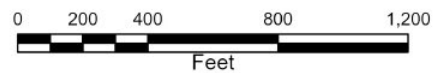
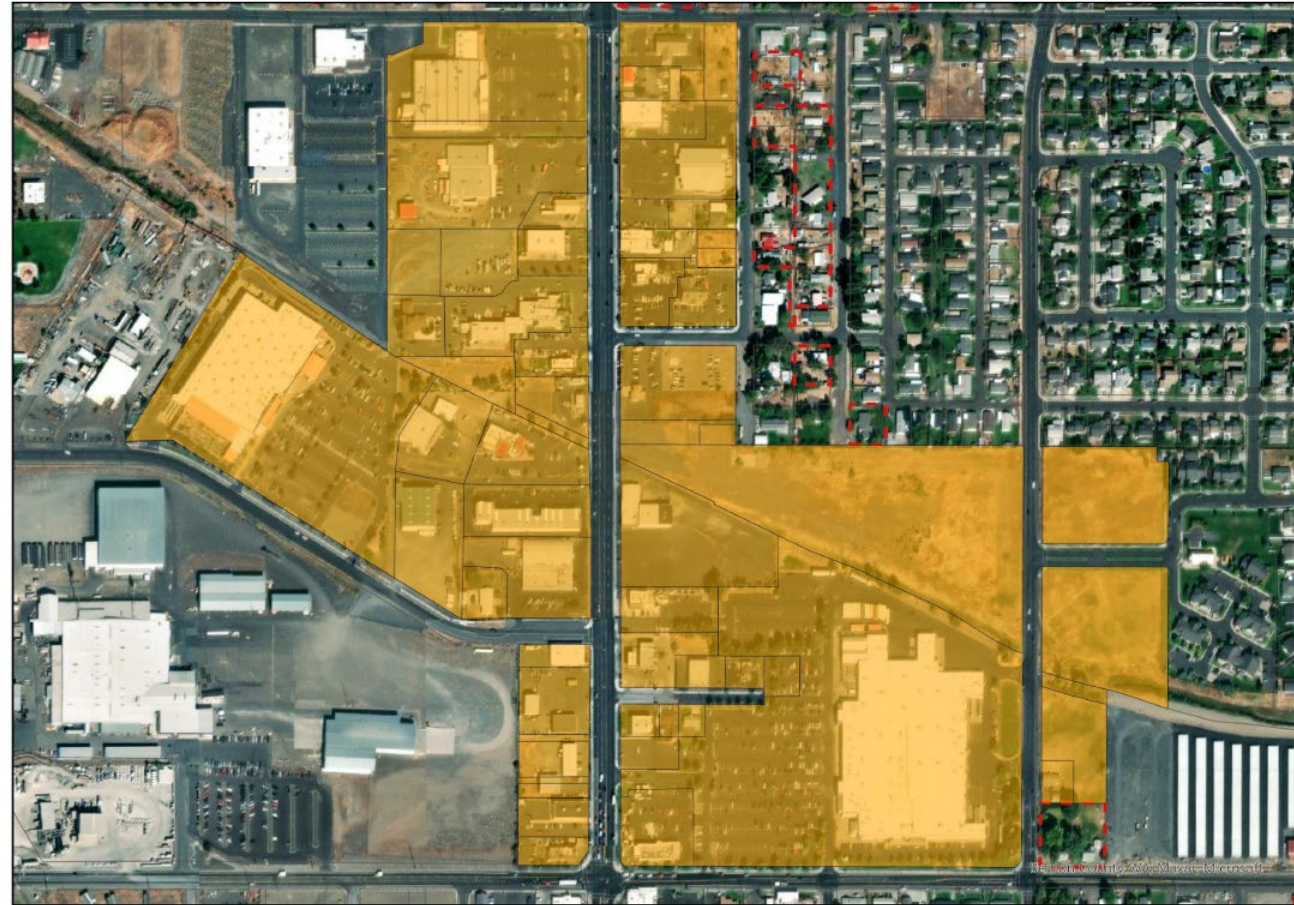




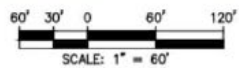
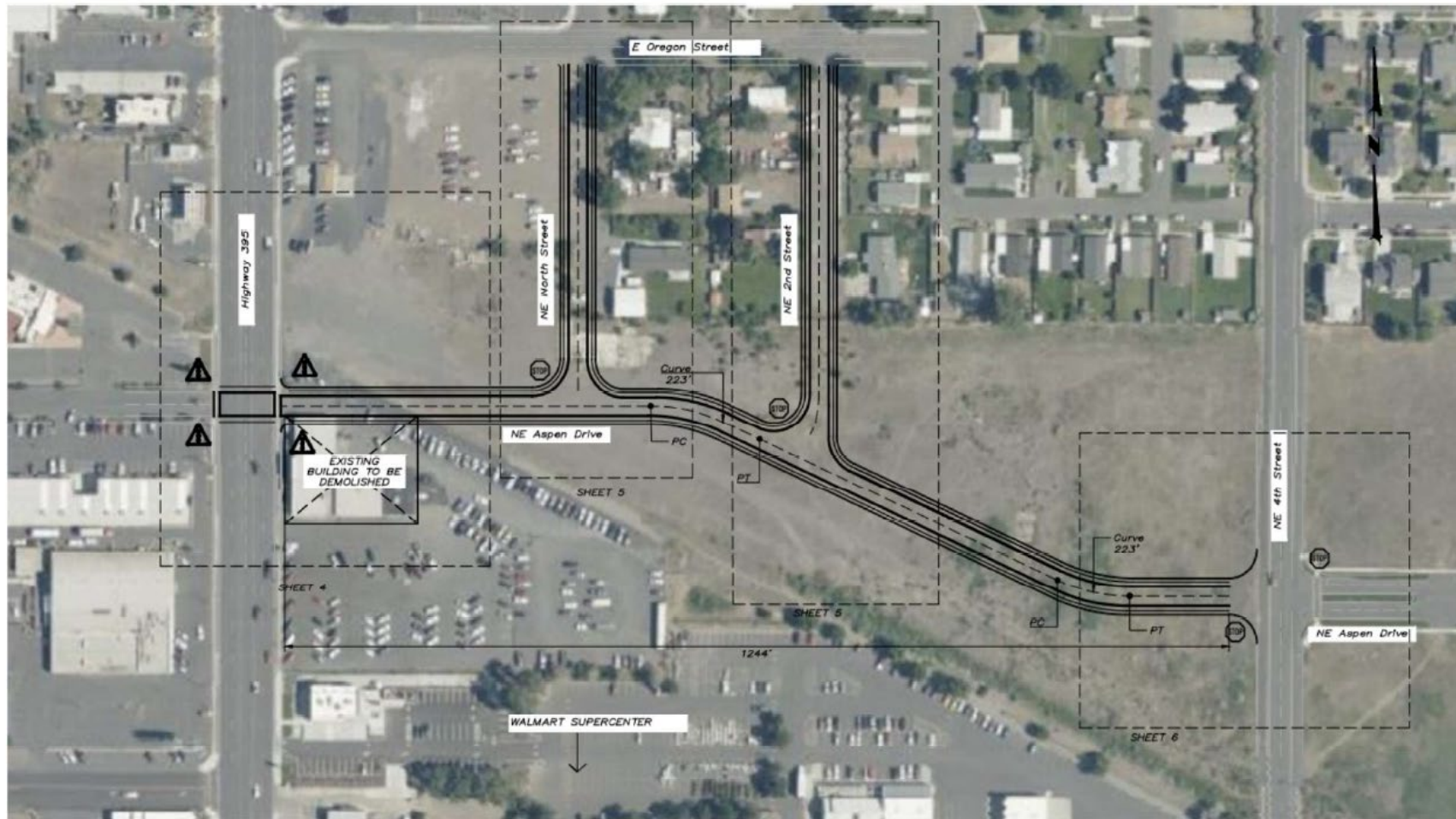
# Phoenix Builders Infill Designation



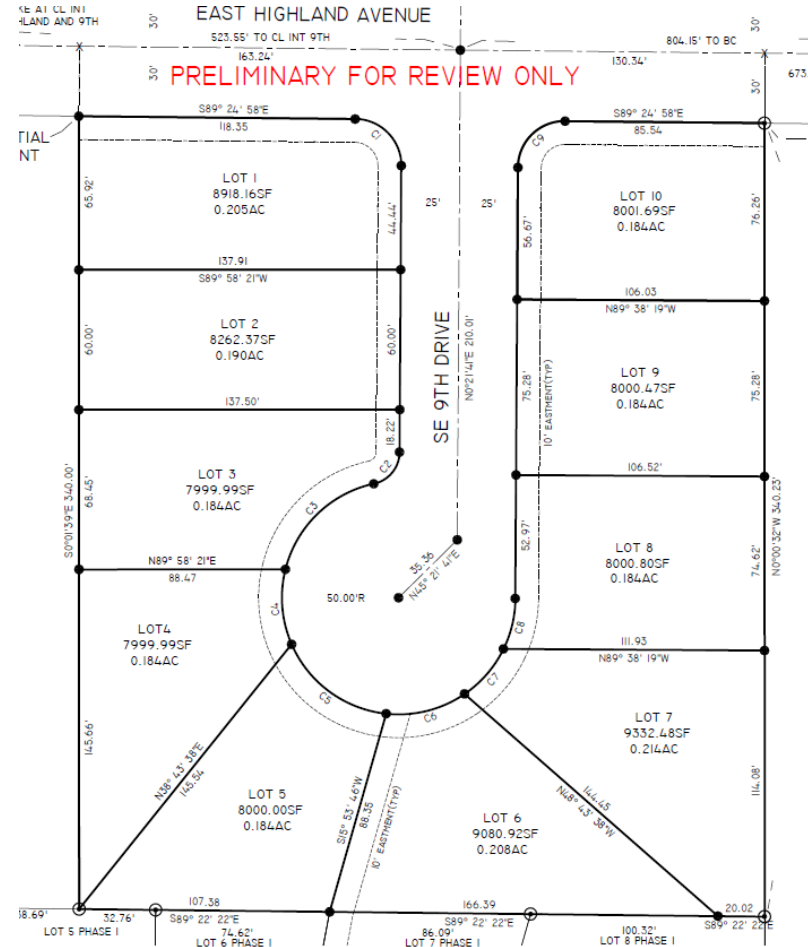
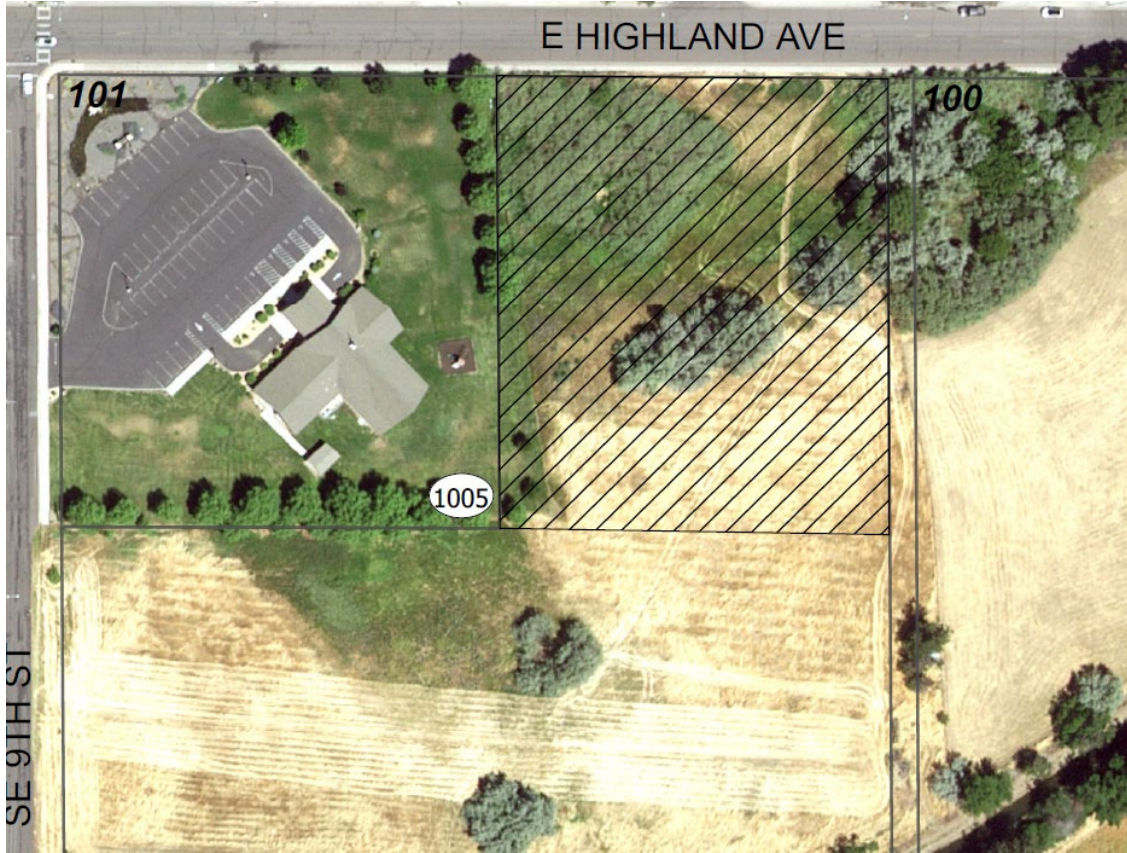
# North Urban Renewal District



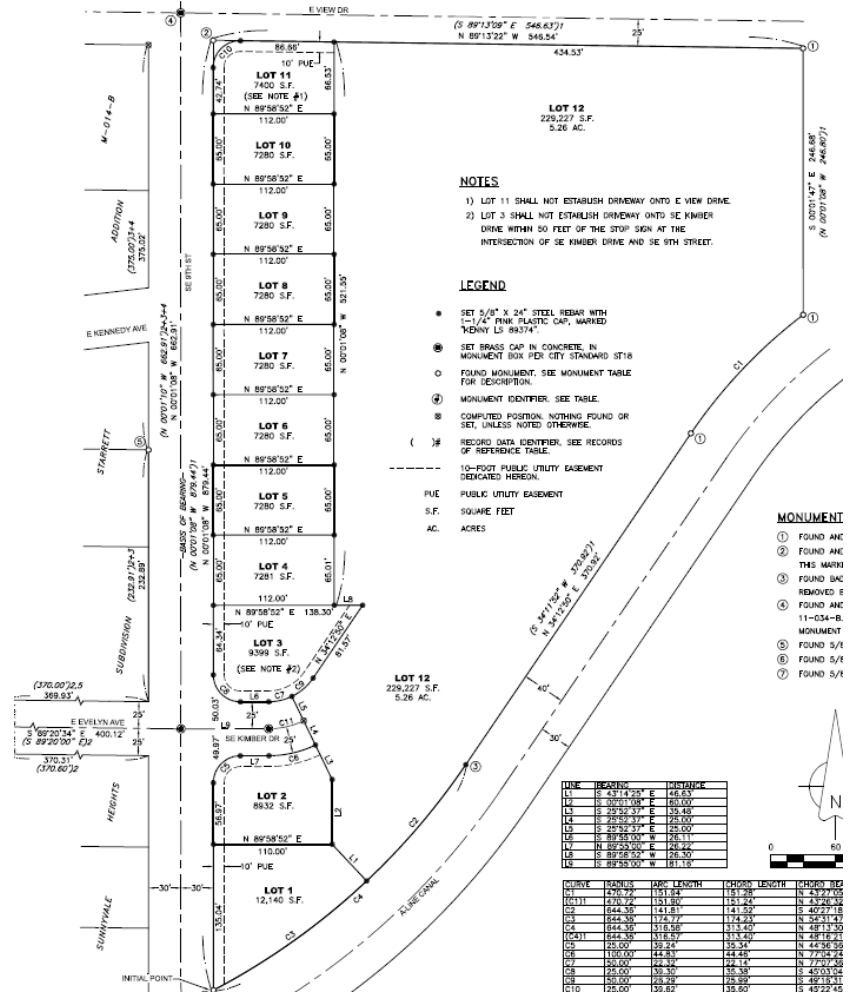
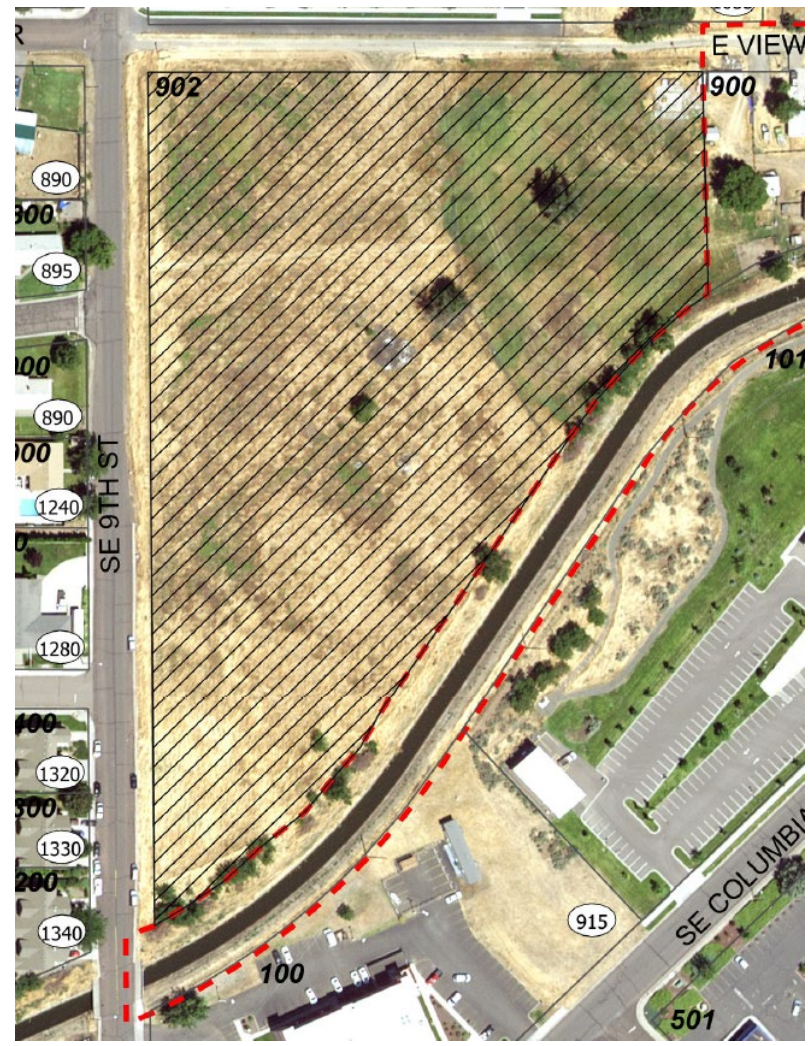
# North Urban Renewal District



# Highland Meadows Phase 2



# View Wood Estates Phase 1





*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of July 12, 2023

**Title/Subject**

CONTINUED- Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA TL 2700- 945 E Newport Ave

**Summary and Background**

At the June 7 regular meeting, the planning commission continued the hearing on the proposed infill designation to allow the applicant an opportunity to collect data on utility and topographic information to determine if extension of E Hurlburt Ave is feasible. As of the date of this memo, additional information has not been submitted to the city for review. In the absence of additional evidence, the planning commission may take a variety of actions on the request.

- Continue the hearing to the August 9 meeting. The August 9 meeting conflicts with the Umatilla County Fair and the planning commission has traditionally cancelled or rescheduled the August meeting to accommodate fair activities.
- Reopen the hearing, take additional testimony and evidence, and render a decision.
- Reopen the hearing with the evidentiary record as it stands, take additional testimony, and render a decision.

Under Oregon law a city must render a final decision within 120 days of the date an application is considered complete, unless this deadline is waived by the applicant. The application was considered complete on May 10. Therefore, a final decision must be made by September 7, 2023. The planning commission is not obligated to grant additional continuances.

The June 14 staff report and findings are written to support the granting of the infill designation. However, should the planning commission choose to render a decision at this meeting, staff recommends that any decision made be a tentative decision and that findings in support of the decision, either approving or denying the application, be prepared and adopted at the next planning commission meeting.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

N/A

## **Alternatives and Recommendation**

### **Alternatives**

The planning commission may choose to:

- Continue the hearing to the next available planning commission meeting.
- Reopen the hearing and render a tentative decision either approving or denying the infill designation.

### **Recommended Action/Motion**

Based upon the testimony received at the June 14th meeting and discussion by the planning commission at that meeting, staff recommends that the hearing be reopened and the application be denied.

Substantial testimony was received by the planning commission indicating that it is possible to service the north portion of the subject lot from the terminus of E Hurlburt Ave. At a minimum, this would allow for the creation of one additional lot with 30 feet of frontage on the existing cul-de-sac. This would allow for the creation of eight lots on E Newport Ave and one lot on E Hurlburt Ave, all meeting the design criteria of the city code. There are additional lot configurations which also may create additional lots. It is possible to conventionally develop the lot, and at a higher density than proposed, without additional deviations from development standards.

### **Submitted By:**

Clinton Spencer, Planning Director



*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of June 14, 2023

**Title/Subject**

Infill Designation- Phoenix Builders Investment Group LLC 4N2811DA TL 2700- 945 E Newport Ave

**Summary and Background**

Gavin Gervais of Knutzen Engineering has submitted a request for an infill designation for an existing residential lot located at 945 E Newport Ave. If the infill designation is approved, the applicant plans to divide the property into eight residential lots. A copy of the proposed lot layout is attached to this report. The infill designation may be applied to properties that have constraints which make traditional development impossible and is applied on a case-by-case basis.

The property is described as 4N2811DA Tax Lot 2700 and is zoned Low Density Residential (R-1). This lot was included in the Bratton Replat approved by the city in 2019, which created two residential lots at the corner of SE 9<sup>th</sup> Street and E Newport Ave and consolidated four lots from the Hermiston Orchards subdivision into one 2.7 acre lot. The parcel (Lot 3, Bratton Replat) has 506.63 feet of frontage on E Newport Ave and 285.75 feet of depth at the deepest point on the east lot line and narrows to 146.96 feet on the west lot line. There is an existing drainage ditch which forms the north lot line of the majority of the lot, creating a natural barrier to access from the north. However, there is an existing public alley which may provide access to the proposed Lot 10 and potentially Lot 9 with additional street dedication and improvement. The drainage ditch is not claimed by the Hermiston Irrigation District and the city uses the ditch for stormwater purposes.

The R-1 zoning requires an 8,000 square foot minimum lot size, lot depths of at least 80 feet, and lot widths of 60 feet. The property has a theoretical maximum capacity of 14 lots, although that capacity would be difficult to obtain under any circumstances as additional street dedication and construction would be required to obtain adequate access for all lots. However, a more conventional flag lot development or lots serviced from the north alley would yield 12 lots.

The applicant is requesting a deviation from 154.19 (C) of the Hermiston Municipal Code which states that no lot shall have a depth in excess of three times its width. The request is for Lots 5 through 10 of the proposed development. If the application is approved, the applicant intends to demolish the existing dwelling and create eight new single-family lots ranging in size from 8,001 to 17,339 square feet. All the proposed lots are at least 60' in width.



For an infill designation to be granted, the applicant must demonstrate that the property meets four of the eligibility criteria in 157.215(B) of the Hermiston Code of Ordinances. The eligibility criteria are as follows:

1. A lot with a single-family or two-family dwelling constructed prior to February 28, 1994;
2. A lot in existence prior to the adoption of the zoning standards adopted in Ordinance 1840 on February 28, 1994;
3. A lot within the city limits, except as provided in subsection (C)(2) of this section;
4. A lot located within the R-1, R-2, R-3, R-4 or RR zone; and
5. The property will be used for residential development.

Once it's established that the eligibility standards are met, the applicant must demonstrate that there are existing constraints on the property that make traditional development unfeasible. The planning commission has authority to identify constraints. Potential constraints are listed in section 157.215 (D) of the Hermiston Code of Ordinances and contain numerous examples but is not intended as a comprehensive list.

The city must develop findings of facts to support approval or denial of an infill designation. The criteria used to support a decision are contained in 157.215(G) and are as follows:

1. The property is constrained by internal or external physical features which preclude development conforming to adopted city standards;
2. Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense;
3. Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property;
4. Approval of infill designation will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties; and
5. Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.

The application is attached to this report. Staff has prepared findings of fact based on the information submitted. These findings are included as Exhibit A. Draft conditions of approval should the infill designation be granted are attached as Exhibit B.

### **Tie-In to Council Goals**

Housing continues to be a council priority.

### **Fiscal Information**

There is no financial impact from the infill designation. Approval of the infill designation subsequent construction of housing will likely generate \$2,500 in property tax revenue per home.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to:

- Grant an infill designation for the property
- Deny an infill designation for the property
- Continue the hearing and request additional information

Recommended Action/Motion

Motion to make the project file a part of the record.

Motion to adopt findings of fact.

Motion to impose conditions of approval.

Motion to grant infill designation to the property.

**Submitted By:**

Clinton Spencer, Planning Director

**Exhibit A**

**Findings of Fact Infill Designation**

**June 14, 2023**

**945 E Newport Ave**

**Eligibility Standards 157.215(B)**

1. The property is located within the city limits as required.
2. The property is residentially zoned (R-1) Low Density Residential as required.
3. The property contains an existing single-family dwelling constructed prior to February 28, 1994 as required. The dwelling was constructed in 1951.
4. The property will be used for residential development as required.
5. The planning commission finds that the eligibility standards are satisfied.

**Property Constraints 157.215(D)**

The property is constrained by internal and external physical features which preclude development conforming to adopted city standards:

6. The existing lot is 117,819 square feet or 472% of the minimum lot size. A 117,819 square foot parcel can accommodate fourteen 8,000 square foot R-1 lots. However, the existing lot dimensions preclude creation of all the lots meeting the maximum depth to width ratio.
7. Creation of eight lots better retains the overall density standard for R-1 development and results in more efficient use of land.
8. The property contains a 25-foot downward slope from south to north.
9. Existing topography, the grade of E Newport Ave, and the depth of the E Newport Ave sewer main make it difficult to provide gravity sewer service for dwellings constructed on the north half of the proposed lots 6 through 10.
10. The northern boundary of the property is encumbered with a natural drain.
11. The property has inadequate access to the north boundary of the site. There is an existing but unimproved alley bordering the eastern 127 feet of the lot. E Hurlburt Ave terminates in a cul-de-sac at the northeast corner of the site. Slope and drainage issues make extension of E Hurlburt Ave from the current cul-de-sac terminus westward to SE 9<sup>th</sup> Street difficult and cost prohibitive.

**Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense:**

12. There are existing water and sewer lines in E Newport Ave. Each line meets the city minimum of eight inches in diameter. Eight additional single-family or two-family dwellings are within the service capacity of these lines.
13. E Newport Ave is presently a paved city street. There are no curb, gutter, sidewalk, or drainage facilities installed in the road adjacent to the property. The property is currently bound by a street improvement agreement from March of 2019 for improvements to E Newport Ave.

14. E Newport Ave will require completion of all remaining half-street improvements, (i.e., curb, gutter, sidewalk, infill paving, and storm drainage facilities) consistent with local residential street standards, as a condition of subdivision approval.

**Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property:**

15. Granting of an infill designation will allow the applicant to file a plat to create eight residential lots.
16. New construction on the newly created parcels shall meet all setback requirements of the R-1 zone.
17. All lots have access and frontage upon E Newport Ave. E Newport Avenue has adequate width and satisfactory paving condition for fire and emergency services to traverse the road.

**Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties:**

18. Granting of an infill designation will result in the ability to construct eight new single-family or two-family dwellings on E Newport Ave.
19. The surrounding neighborhood is developed as a low-density, single-family development. The average size of lots within a 500 foot radius of the site ranges from 9,000 to 37,000 square feet. The proposed lots within the infill area range from 8,000 to 17,000 square feet. The proposed lot size and density is similar to existing development patterns.
20. Single-family dwellings are similar in character to the established dwellings on E Newport Ave and the surrounding neighborhood. The neighborhood is developed predominately with single-family dwellings.
21. Although the neighborhood developed with single-family dwellings over the previous seventy years, changes to state law and local zoning now allow both single-family and duplex dwellings to be constructed on all residential lots.
22. Development of the site in compliance with Hermiston development standards will necessitate the installation of curb, gutter, and sidewalk on the north side of E Newport Avenue, connecting street improvements at SE 9<sup>th</sup> Street with the current terminus of sidewalk improvements at the east property line of the development site. Extension of pedestrian improvements will aid in the creation of compatible developments and improve safety along the E Newport Ave corridor.

**Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density:**

23. The infill designation is necessary to develop the property more aligned with R-1 density. Without an infill designation the property would develop at a lesser density than with the designation.
24. Due to the unusual depth and slope of the property, developing in a manner consistent with the lot development standards for width and depth would result in 95-foot-wide lots and reduce the lot count to seven lots. The largest lot would be 27,700 square feet, capable of accommodating three traditional lots at maximum R-1 density.
25. Hermiston's 2021 housing needs analysis demonstrates a need for 2,030 new housing units by 2040.

26. The planning commission finds that granting an infill designation maximizes the potential development density for this property.

**Exhibit B**

**Conditions of Approval Infill Designation**

**June 14, 2023**

**945 E Newport Ave**

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

1. A replat shall be required to create the proposed lots as described in this application. A replat shall be a separate application and land use action by the city.

APPLICATION FOR INFILL DESIGNATION

Pursuant to the provisions of §157.215 of the Hermiston Code of Ordinances, application is hereby made for an infill designation for the following described property:

Name of Applicant: Gavin Gervais Phone: (509) 222-0959

Mailing Address: 5401 Ridgline Drive Suite 160, Kennewick, WA 99338 E-Mail: gavin@knutzenengineering.com

Name of Owner (If Different): Phoenix Builders Investment Group, LLC ( Anides Guerena) Phone: (509) 792-1369

Mailing Address: 1500 W Court St, Pasco, WA 99301

Legal Description: Assessor's Map No: 4N2811DA Tax Lot No: 4N2811DA02700

Subdivision (If Applicable): Bratton Replat

Please Attach a Metes and Bounds Legal Description

Street Address: 945 E Newport Ave, Hermiston, WA 97838

Current City and Comp Plan Zoning Designation: R-1 - Zone / L - Comprehensive Plan

Eligibility Standards From 157.215(B):

Eligible for all standard requirements listed under HMC 157.215(B):
The existing single-family dwelling was constructed prior to February 28, 1994;
The lot was platted prior to the adoption of the zoning standards adopted in Ordinance 1840;
The lot is located within City limits;
The lot is zoned R-1;
and the property will be used for a residential development.

Request to deviate from:

Requesting deviation from HMC 154.19(C) which states that no lot shall have a depth in excess of three times its width. We are asking for deviation for lots 5-10 of the proposed development as shown in the attached preliminary lot layout. The proposed lots meet the minimum width of 60-ft per HMC 154.19(C).

IMPORTANT! Oregon's Land Use Planning Laws and §157.215(G) of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to in fill designation requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

- 1. List all the ways in which the property is constrained per 157.215 (D). Attach supporting documentation.

This property contains steep slopes, dropping approximately 25-ft from south to north. The significant elevation drop would make it difficult to develop homes at the north of this property. Potential homes located at the north of this property would be required to install sewer lift stations to pump sewage back up to the main line located in Newport Ave. This would be extremely costly and prohibitive for development.
There is also a natural drain along the north of the property which forms a geographic barrier and prohibits development of north facing lots across the entire property.
The existing physical conditions of this property meet constraint (9) of HMC 157.215(D). Refer to the attached preliminary layout showing the existing contours on the property.

2. Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense. Explain fully.

There is existing water and sewer available in E Newport Ave that can be tapped to provide services to each proposed lot. The existing water main (8") and sewer main (8") are of adequate size to service the proposed development. Typical frontage improvements that may be required as a condition of development will be at the developer's expense.

3. Explain why the infill designation of the property will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties.

The infill designation will allow development of the property that will be consistent with the density of surrounding residential developments which share the same R-1 zoning. The property is currently underdeveloped and lacks proper frontage improvements including curb, gutter and sidewalk. Allowing this infill designation will provide the opportunity to improve the street to current City standards and provide a safe walking path for pedestrians as well as increasing the aesthetic value of the area.

4. Explain why granting the infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.


Granting of this infill designation will make development of this property economically feasible and will increase the developed density closer to the approved value as outlined in the R-1 zoning (HMC 157.025). If the infill designation is not approved for this property, it may make development of this property cost prohibitive and the property may remain underdeveloped and remain non-compliant with current City standards.  
  
I believe granting this infill designation is in the City's best interest due to the improvements the proposed development will bring and the additional tax revenue new homeowners will bring to the City. This development would also increase the single-family housing options in Hermiston. The development would help the City meet one of the goals listed in the Hermiston Comprehensive Plan which states that there is a need for 2,030 new housing units by 2040.

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the \_\_\_ owner  owner's authorized representative. **If authorized representative, please attach letter signed by owner.**

Signature of Applicant:  Date: 05/05/2023



**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COSTS WILL BE BILLED LATER**

**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 NE 2<sup>nd</sup> Street, Hermiston, Oregon 97838, or telephone (541)567-5521. The City's fax number is (541)567-5530.

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**Office Use Only**

Date Filed: 5-9-23  
Fee: \$475.00

Received By: Hkpl  
Date Paid: \_\_\_\_\_

Meeting Date: 6-14-23  
Receipt No: \_\_\_\_\_



AGENT AUTHORIZATION FORM

PROPERTY LEGAL DESCRIPTION:

LOT NO. 2700 PLAN NO. 4N2811DA PARCEL ID: 4N2811DA02700

STREET ADDRESS: 945 E Newport Ave, Hermiston, OR 97838

Please print:

Property Owner: Phoenix Builders Investment Group, LLC (Anides Guerena & Juan Soler)

Property Owner: \_\_\_\_\_

The undersigned, registered property owners of the above noted property, do hereby authorize

Gavin Gervais, of Knutzen Engineering  
(Contractor / Agent) (Name of consulting firm)

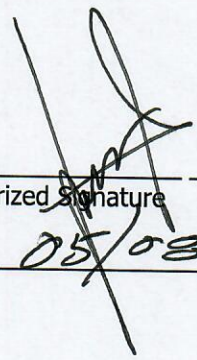
to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standard and special conditions attached.

Property Owner's Address (if different than property above):

1500 W Court St, Pasco, WA 99301

Telephone: (509) 792-1369

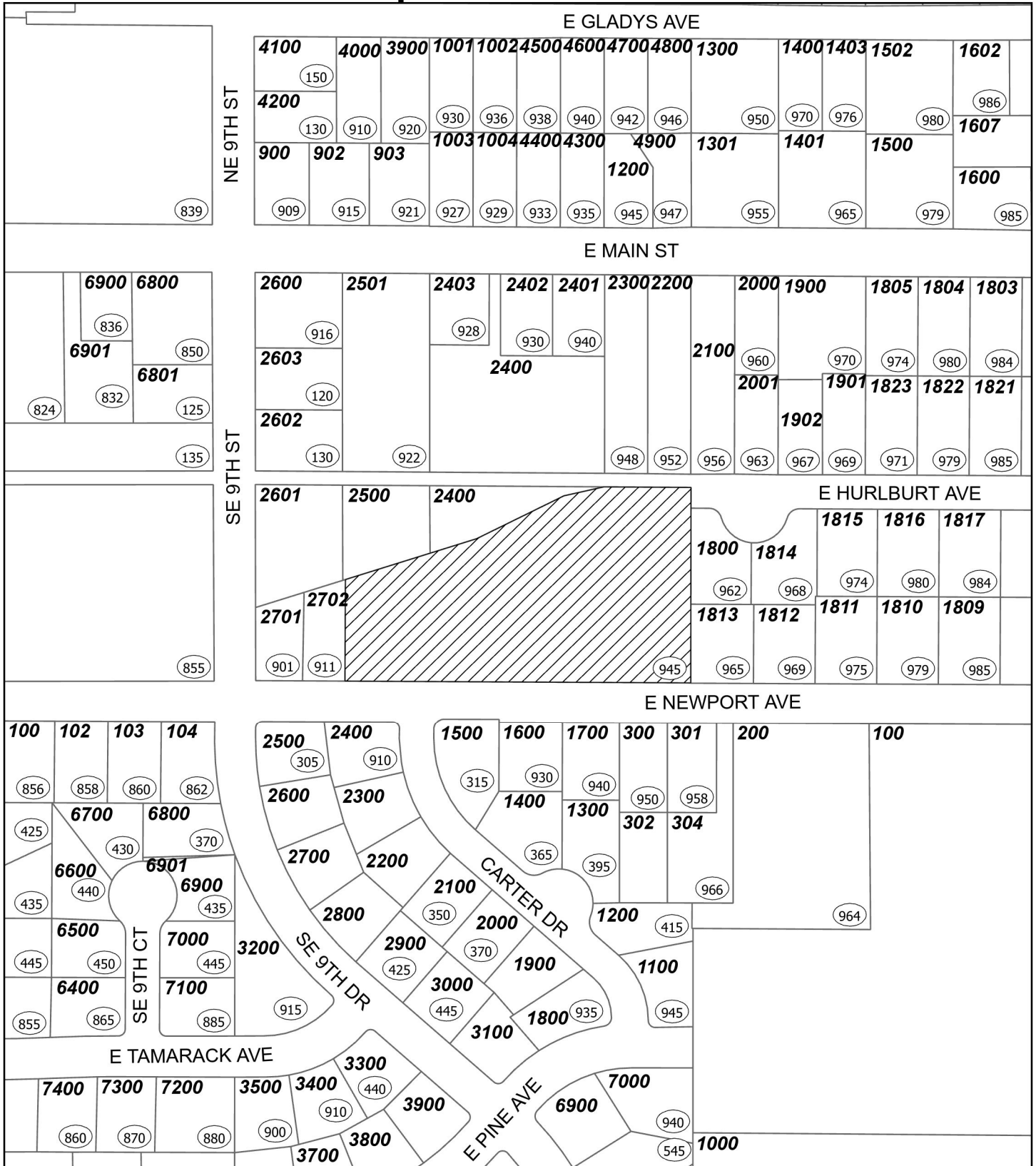
We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

  
\_\_\_\_\_  
Authorized Signature  
Date: 05/08/23





\_\_\_\_\_  
Authorized Signature  
Date: \_\_\_\_\_

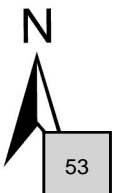
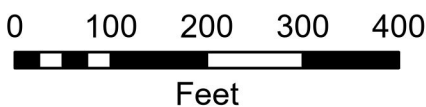


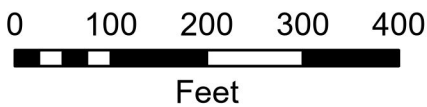
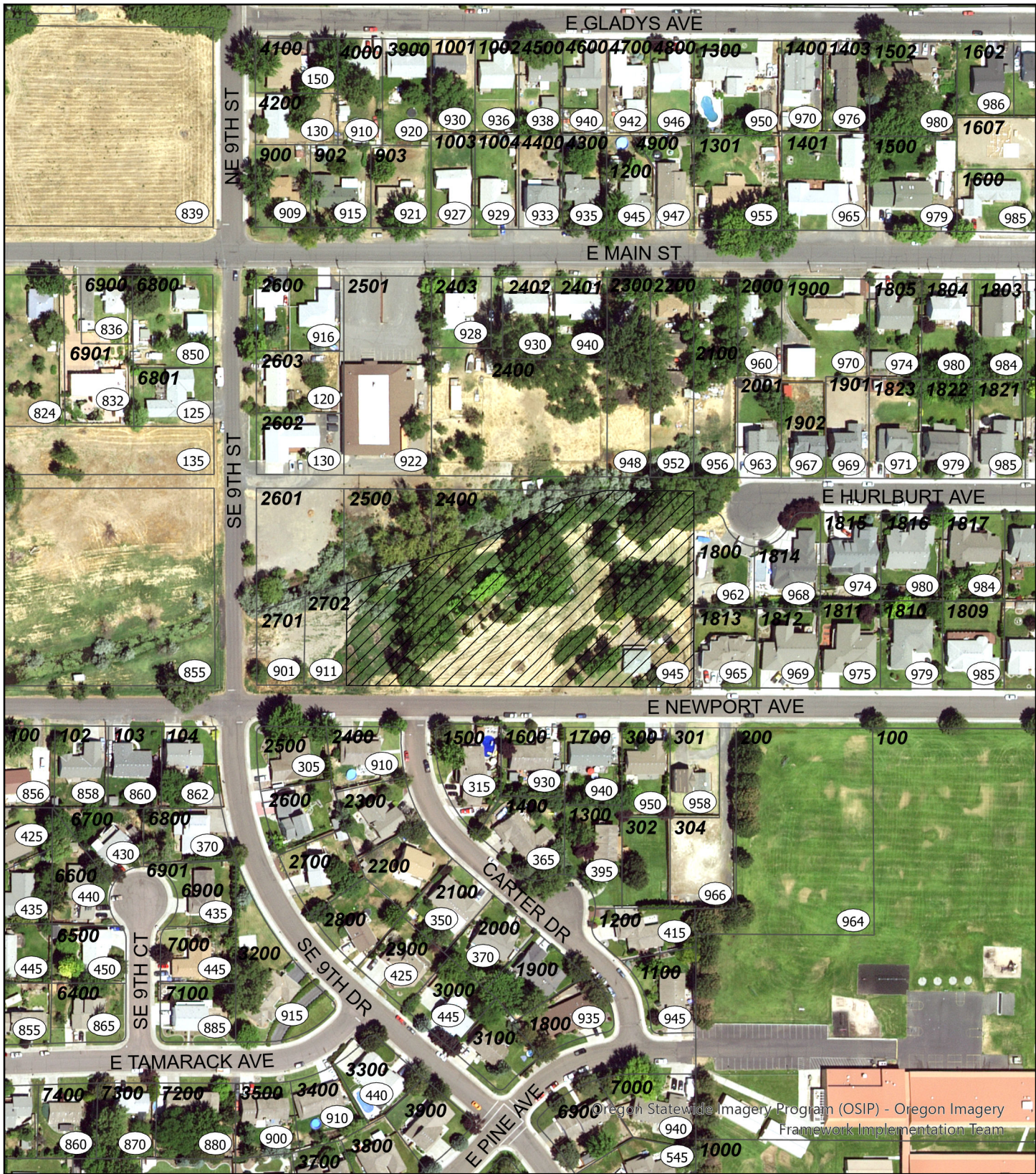
# Notice of Proposed Land Use Action







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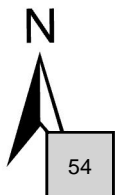
-  Area of Proposed Infill Designation
-  Property Line
-  City Limits
-  Urban Growth Boundary





Legend

-  Area of Proposed Infill Designation
-  Property Line
-  City Limits
-  Urban Growth Boundary



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team



Where Life is Sweet

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of July 12, 2023

**Title/Subject**

Major Variance- Amazon Data Services, Inc 4N2823 Tax Lot 200 - 908 E Penney Ave

**Summary and Background**

Bob Estlund has submitted an application for a major variance on land located at 908 E Penney Ave. The property is owned by Amazon Data Services, Inc. and is described as 4N 28 23 Tax Lot 200. The property is under development review for a new data center project with the city. The property is zoned Outlying Commercial/Heavy Industrial (C-2/M-2). In November of 2019 the planning commission determined that a data center was a use permitted outright in the C-2/M-2 zone.

The proposal is similar to the major variance for parking approved by the planning commission in December of 2022. That parking variance was for a data center site immediately east of this site and reduced the parking requirement from 861 to 213 spaces. The site under consideration also is proposed for a four-building data center campus. However, in this case, the variance is proposed to reduce the parking count from 880 to 230 stalls.

The proposed data center sits on a 178-acre lot at the southwest corner of E Penney Ave and north of E Feedville Road. The planning commission approved a major partition for this site in March of this year creating SE 9<sup>th</sup> Street and creating a new 40-acre lot along the east property line. The development will encompass 110 acres of the site over multiple phases of development. At full build-out four data center buildings will be constructed. There will also be ancillary structures, such as security, water storage, backup power generation, and an electrical substation on-site. Each data center building encompasses approximately 216,000 square feet.

The major variance requested is for a deviation from the industrial parking standard in the zoning ordinance which requires one parking space for each 1,000 square feet of floor area. Based upon the ordinance requirements, four 216,000 square foot buildings will require 861 parking spaces. The applicant is requesting this parking ratio be reduced to 230 spaces based upon the actual number of employees and visitors to the site. Each building is anticipated to have 30 employees per shift and additional spaces are proposed to accommodate overlap during shift changes, visitors, and deliveries.

The city has considered industrial parking variances in the past. Specifically, Amazone Data Services, Inc was granted a parking variance for an adjacent site in December of 2022 and Meyer Distributing was granted a parking variance for an auto parts distribution center

immediately north of this site in 2021. In each prior case, the parties based their variance on the discrepancy between floor area and actual employees on-site. In the case of the application before the planning commission, there is not a true parking ratio provided in the code for a data center, thus the default parking ratio is calculated as industrial manufacturing and warehousing. Data centers are a newer use than contemplated in the city's zoning ordinance and did not exist at the time the code was written. An industrial use as proposed falls well outside Hermiston's parking definitions for industrial uses. Hermiston has only one industrial definition; *Storage warehouse, manufacturing establishment, rail or trucking freight terminal or wholesale establishment*, and a data center which is mostly unmanned and filled with computer equipment, does not fit well under any of the use categories. In the December 2022 AWS variance, the planning commission agreed for that site that a parking ratio based on employees per shift was appropriate.

The similar facilities constructed by Amazon Data Services in Umatilla and Umatilla County have similar parking ratios. The McNary facility has approximately 100 spaces for three buildings. The Umatilla facility has approximately 200 spaces for four buildings. The Westland facility has approximately 100 spaces for three buildings.

Based on the existing inadequacy of the zoning code to address this particular land use, staff recommends that a variance be approved. The required parking of 861 spaces, far exceeding the potential employee count, is not justifiable and creates additional environmental concerns which far exceed any benefit provided by the parking.

Staff supports the granting of the variance request based on the inadequacy of the current code to address newer, large-scale, low-employee industrial uses. Requiring 861 parking spaces for the development adds nearly 631 more parking spaces than needed to address the employee and service/delivery needs. These 631 spaces add approximately 3.5 additional acres of impervious surface to the development. The extra impervious surface requires additional storage and treatment of stormwater as well as contributing to potential urban heat island effects. The facility is intended as a fenced, secure facility with controlled entry and no public access. The additional cost of 3.5 acres of paving creates a potential hardship for the developer beyond any potential benefit.

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.

Per §157.178(B) the planning commission may determine a special parking requirement for a use not listed in the zoning ordinance. The planning commission may also determine that a data center is sufficiently different from a warehouse, manufacturing establishment, or freight terminal to not be considered as a use listed in §157.176 and qualifies for a different parking ratio determined by the planning commission.

Public notice was provided to all property owners within 300 feet by direct mail on June 28, 2023. A sign was physically posted on the property on June 28, 2023. A notice of hearing was also published in the Hermiston Herald on June 28, 2023.

**Tie-In to Council Goals**

The City Council has extended enterprise zone benefits to this development.

**Fiscal Information**



The proposed development qualifies for enterprise zone benefits and will not pay property taxes for several years. However, the city has negotiated a separate impact fee in lieu of taxes which generates bridging revenue to assist in offsetting development impacts.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to:

- Approve the requested variance for 230 spaces
- Approve the variance but specify a different number of parking spaces
- Deny the variance request and require 880 spaces

Recommended Action/Motion

Staff recommends that the variance be approved as requested.

**Submitted By:**

Clinton Spencer, Planning Director

**EXHIBIT A**

**Findings of Fact for Amazon Data Services Major Variance**

**July 12, 2023**

**908 E Penney Ave**

**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 216,000 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.
6. Strict application of the parking standard for the proposed data center will result in an unused impervious surface of approximately 3.5 acres, requiring additional storm water facilities and creating an unnecessary environmental impact.
7. Strict application of the parking standards will result in 630 unused parking spaces.

**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.**

8. Approval of the variance allows for economic viability 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.
9. 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.
10. 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.
11. Requiring review of each variance request through a public hearing and public notice process insures 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.**

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

- 13. Maintaining land in a vegetated state rather than improving for unneeded parking minimizes urban heat island effects and minimizes potential storm water contamination.
- 14. Reduction of parking spaces as proposed has a net positive effect limiting impervious surfaces, potentially improving groundwater recharge and vegetative growth.

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

- 15. The current parking requirement is appropriate for traditional industrial uses which have a high employee count and a smaller floor area.
- 16. Data centers have a very large building footprint but low employee count and thus, a low parking demand.
- 17. Requiring excess parking above what is necessary to accommodate the estimated 120 employees creates an undue economic hardship on the development.
- 18. The 230 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.**

- 19. The proposed 230 spaces are similar to that provided at other data centers for the owner.
- 20. 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.

CITY OF HERMISTON

APPLICATION FOR MAJOR VARIANCE

Pursuant to the provisions of §157.225 of the Hermiston Code of Ordinances, application is hereby made for a variance for the following described property:

Name of Applicant: Bob Estlund Phone: 509-838-8681

Mailing Address: 707 SW Washington Street, STE 1200 Portland Ore

Name of Owner (If Different): Amazon Data Services, Inc. Phone:

Mailing Address: 410 Terry Avenue North, Seattle, WA 98109

Legal Description: Assessor's Map No: 107086 Tax Lot No: 4N 23000200

Subdivision (If Applicable):

Please Attach a Metes and Bounds Legal Description

Street Address:

Current Zoning Designation: C2 / M2

Variance Requested:

Provide 230 parking stalls in lieu of 880 required per land use code.

IMPORTANT!: Oregon's Land Use Planning Laws and §157.225 of the Hermiston Code of Ordinances require the planning commission to make "findings of fact" with regard to variance requests. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

- 1. Explain what 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, topography or other circumstances over which the applicant has no control. (Note: These exceptional circumstances should relate to the land rather than persons.)

This application is proposing 861,200 square feet of data center use between four buildings. The Code required parking ratio for industrial uses would result in approximately four times the number of parking spaces that were determined to be needed by the owner. This site will also be fully secured and not open to the public, therefore the only users of the proposed parking areas are by data center employees and a limited number of authorized visitors.

- 2. Why is the variance 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?

This variance will allow the development to limit the quantity of impervious area by taking area that would be dedicated to parking areas and maintaining it in its natural condition. Granting this variance does not affect the property rights possessed by owners of other property in the vicinity.

3. Explain why 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.

The variance would not be detrimental to the purpose of the zoning ordinance. The reduction in the required number of parking spaces would have a positive effect, by limiting impervious surfaces, thereby improving groundwater recharge and vegetative growth, and reducing the potential for erosion and heat absorption by paved surfaces.

4. Explain why it is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure.

The parking requirement stated in the zoning ordinance for industrial developments may be appropriate for more traditional industrial uses, but is impractical for data center uses, due to the much lower employee demand compared to other types of industrial development. Based on comparable developments by the owner in the area which are already in operation, each data center building will have a maximum of 30 employees on the largest shift. Based on operational data from the owner, this quantity of parking is sufficient to meet the total need for employees and visitors.

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

The number of parking spaces provided is the maximum number of parking spaces needed at similar data center campuses for this owner, in order to prevent operational issues at shift changes. Since actual employee counts per shift and expected authorized visitor counts are known, the variance requested is the minimum variance that will alleviate the hardship, while also balancing the desire to limit unnecessary impervious area.

**ADDITIONAL INFORMATION TO BE FURNISHED & ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the variance.
2. Two copies (one digital) of a site plan (11"x17") drawn to scale, showing the location of the property concerned with all proposed or existing building(s), and the location of all highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my authorized representative.

I am the  owner  owner's authorized representative. **If authorized representative, please attach letter signed by owner.**

Signature of Applicant:  Date: June 6, 2023

**OUT-OF-POCKET EXPENSES FOR MAILING & PUBLICATION COSTS WILL BE BILLED LATER**

**NOTE:** The Hermiston Planning Commission meets the second Wednesday of each month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than **four weeks** prior to the hearing date. If you have any questions about completing the application or the procedure, please feel free to contact the planning department at the Hermiston City Hall, 180 NE 2<sup>nd</sup> Street, Hermiston, Oregon 97838, or telephone (541)567-5521. The City's fax number is (541)567-5530.

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**Office Use Only**

Date Filed: \_\_\_\_\_  
Fee: \$420.00

Received By: \_\_\_\_\_  
Date Paid: \_\_\_\_\_

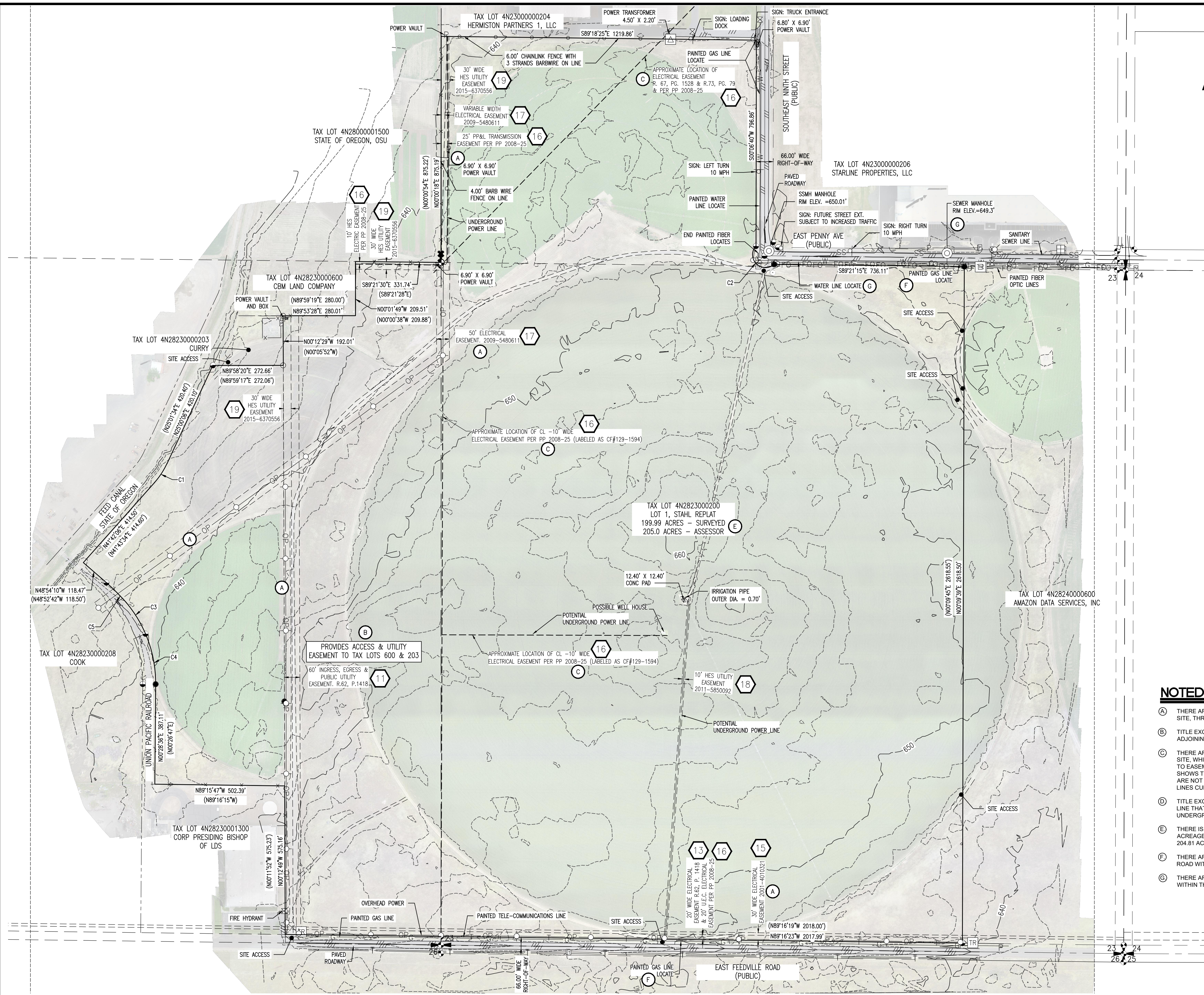
Meeting Date: \_\_\_\_\_  
Receipt No: \_\_\_\_\_



# ALTA / NSPS LAND TITLE SURVEY

## LOT 1, STAHL REPLAT, 2019-6940037

A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 4 NORTH,  
RANGE 28 EAST, WILLAMETTE MERIDIAN,  
CITY OF HERMISTON, UMATILLA COUNTY, OREGON

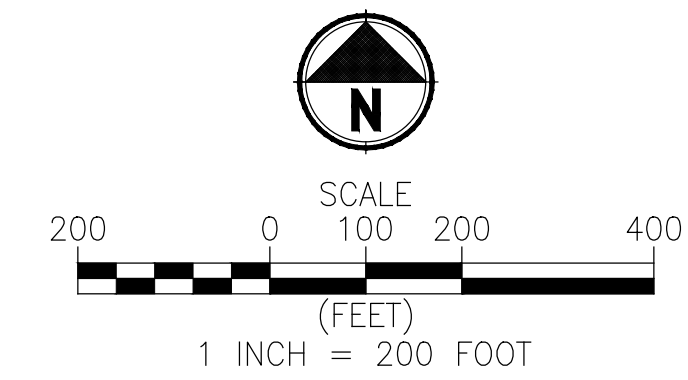


### LINE TYPES

	CHAINLINK FENCE
	BOARD FENCE, AS NOTED
	EDGE OF PAVEMENT
	RIGHT-OF-WAY (UNRESOLVED?)
	RESOLVED RIGHT-OF-WAY CENTERLINE
	CENTERLINE OF ROAD
	WATER LINE LOCATES
	GAS LOCATES
	OVERHEAD POWER WIRES
	POWER LOCATES
	TELE-COMMUNICATIONS LOCATES
	SANITARY SEWER UNDERGROUND
	SUBJECT PARCEL BOUNDARY
	EASEMENT LINE, AS NOTED
	EASEMENT CENTERLINE, AS NOTED
	1/16 SECTION LINE
	QUARTER SECTION LINE

### LEGEND

	GENERAL NOTE
	TITLE REPORT EXCEPTION NOTE
	SIGN, AS NOTED
	SEWER MANHOLE
	WATER FIRE HYDRANT
	WATER VALVE
	POWER METER
	POWER POLE
	POWER POLE WITH TRANSFORMER
	POWER VAULT
	POWER JUNCTION BOX
	TELEPHONE RISER
	TELEPHONE JUNCTION BOX
	GATE POST
	FOUND MONUMENT
	FOUND SECTION CORNER
	FOUND QUARTER SECTION CORNER



### NOTED OBSERVATIONS:

- (A) THERE ARE MULTIPLE ELECTRICAL EASEMENTS THAT ARE LOCATED WITHIN THE SITE, THREE OF WHICH TRAVERSE THE SITE.
- (B) TITLE EXCEPTION R62-PG1415 PROVIDES A 60-FOOT-WIDE ACCESS EASEMENT TO ADJOINING TAX LOTS IN THE NORTHWEST CORNER OF THE SITE.
- (C) THERE ARE MULTIPLE ELECTRICAL EASEMENTS THAT ARE LOCATED WITHIN THE SITE, WHICH TRAVERSE THE SITE ACCORDING TO A TITLE EXCEPTION THAT REFERS TO EASEMENTS AS SHOWN ON PARTITION PLAT NO. 2008-25. THIS PARTITION PLAT SHOWS THESE EASEMENTS WITH REFERENCE TO RECORDED INSTRUMENTS THAT ARE NOT LISTED IN THE CURRENT TITLE REPORT. IT IS UNKNOWN IF THE ELECTRICAL LINES CURRENTLY EXIST OR IF THE EASEMENTS ARE STILL RELEVANT.
- (D) TITLE EXCEPTION 2011-585092 IS AN EASEMENT FOR AN UNDERGROUND POWER LINE THAT LIES WITHIN THE SOUTH HALF OF THE SITE. IT IS UNKNOWN IF THE UNDERGROUND LINE EXISTS.
- (E) THERE IS A DISCREPANCY BETWEEN THE PARCELS SURVEYED AND ASSESSOR'S ACRES OF THE PARCEL SIZE. SURVEYED EQUALS 199.99 ACRES VS. ASSESSOR'S 204.81 ACRES.
- (F) THERE ARE GAS LINES ALONG EAST PENNY AVE/SE 9TH STREET AND FEEDVILLE ROAD WITHIN THE PUBLIC RIGHT-OF-WAY.
- (G) THERE ARE SEWER AND WATER LINES ALONG EAST PENNY AVE AND SE 9TH STREET WITHIN THE PUBLIC RIGHT-OF-WAY, INCLUDING FIRE HYDRANTS.

### SURVEY REFERENCES:

1. STAHL REPLAT, RECORDED 11-27-2019 IN BOOK 16 OF PLATS, PAGE 95, INSTRUMENT NO. 2019-6940037.
2. CITY OF HERMISTON PARTITION PLAT NO. 2019-08, RECORDED 04-02-2019, UNDER INSTRUMENT NO. 2019-6840322.
3. CITY OF HERMISTON PARTITION PLAT NO. 1997-06, RECORDED 04-02-2019, UNDER INSTRUMENT NO. 1997-229132.

### HORIZONTAL DATUM:

HORIZONTAL DATUM FOR THIS SURVEY IS NAD 1983(2011), OREGON STATE PLANE NORTH ZONE COORDINATE SYSTEM, INTERNATIONAL FEET, BASED ON THE OREGON REAL-TIME GNSS NETWORK (ORGN).

### VERTICAL DATUM:

VERTICAL DATUM FOR THIS SURVEY IS NAVD 88 BASED ON OREGON STATE PLANE NORTH ZONE COORDINATE SYSTEM, INTERNATIONAL FEET, BASED ON THE OREGON REAL-TIME GNSS NETWORK (ORGN).

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2022  
CHRISTOPHER J. D'ORAZIO  
98905  
RENEWS: 12-31-2023

**Parametrix**  
ENGINEERING · PLANNING · ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

SURVEYED	DRF, NDN	<b>ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY.</b>
DRAWN	CJD, IJK	
CHECKED	CJD	
APPROVED	CJD	
FILE NAME	PSO 8117-034 PDX245AS	
JOB No.	553 8117 034	
DATE	07/27/2022	

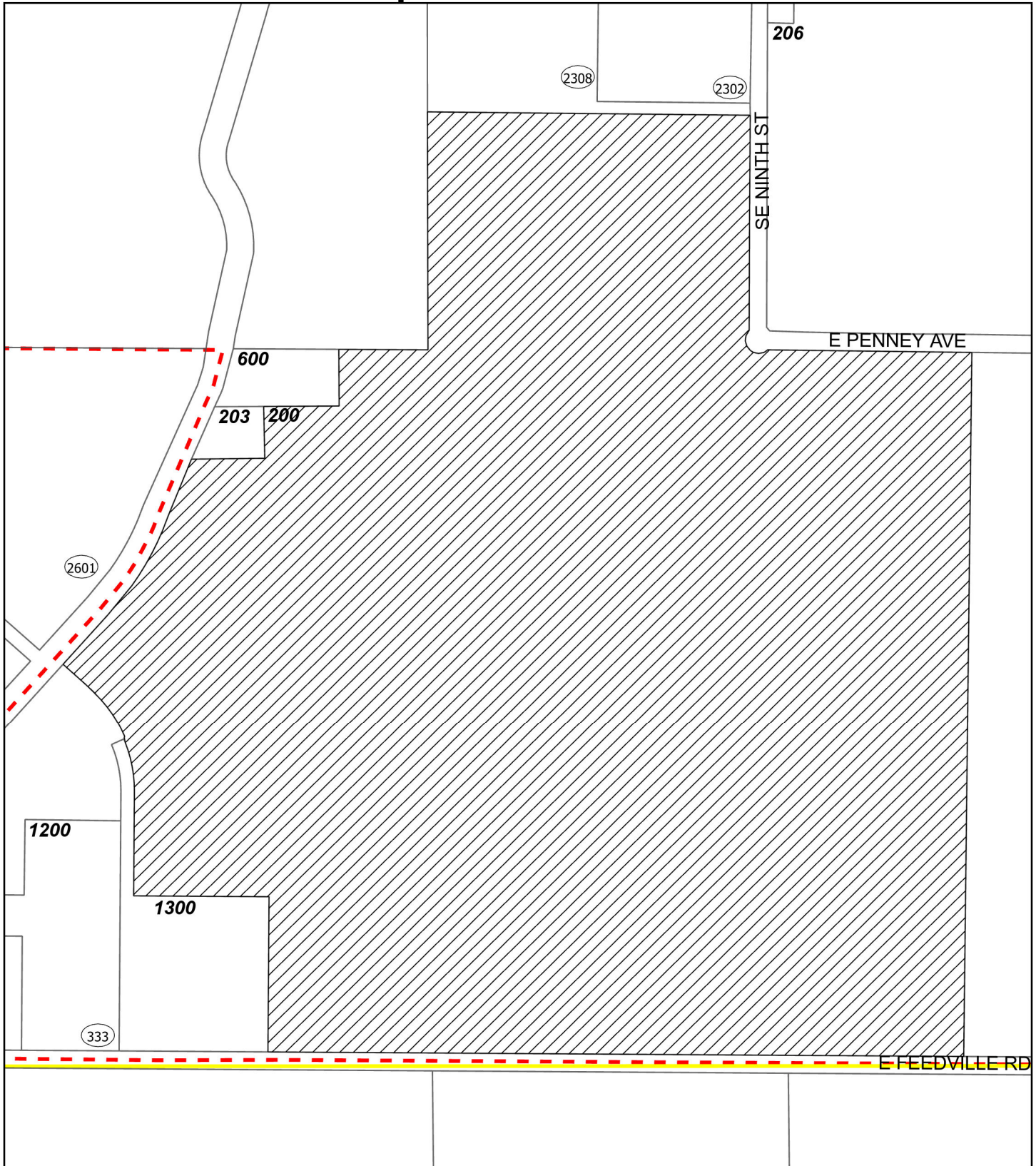
**ALTA/NSPS LAND TITLE SURVEY**

DRAWING NO.  
2 OF 2





PATH: U:\PSO\Projects\ConfidClients\8117 - AWS\553-8117-034\_PDX245\_Site\Technical\DWG\985\Survey\00Current\DWG\PSO 8117-034\_PDX245AS.DWG DATE: 6/9/2022 10:57 AM

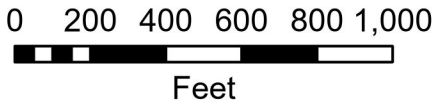


# Notice of Proposed Land Use Action



### Legend

-  Area of Proposed Parking Variance and Site Plan Review
-  Property Line
-  City Limits
-  Urban Growth Boundary





Where Life is Sweet

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of July 12, 2023

**Title/Subject**

Popeye's Louisiana Kitchen Request extension of Site Plan & Variance approvals 4N2802BC-1680 N First St

**Summary and Background**

On June 8, 2022, the planning commission approved a variance request for property located at 1680 N First Street. Similarly, on July 8, 2022, staff approved an administrative land use decision approving a site plan at the same address. Both approvals are for the construction of a new Popeye's restaurant. Under §157.228(B) of the Hermiston Code of Ordinances, all land use approvals are valid for one year if no substantial construction has taken place. However, the planning commission may approve two one-year extensions upon determination that the applicant is pursuing completion of the project.

The applicant is pursuing completion of the project. Building plans were reviewed and approved by the city in September of 2022. Civil drawings for all on-site and adjacent civil construction were submitted following the land use approvals and were approved by the engineer in February of 2023.

The applicant requests an extension of the time limit for their land use approvals. The requests were submitted prior to the one-year date of the June 8 approval on May 31, but the planning commission could not consider this request until the July meeting. It is staff's opinion that the one-year validity date is met as the request was submitted prior the expiration date and there was no way to schedule the request for an earlier consideration.

Although the site plan approval is a land use approval issued administratively by planning staff, the staff interprets the code to read that staff does not have the authority issue an extension. A strict reading of the code grants the authority to approve extensions, even of administrative approvals, only to the planning commission.

*Time limit on a permit.* All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, **all land use** approvals shall be void after one year if no substantial construction has taken place. However, **the Planning Commission may grant two one-year extensions** upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred. (Emphasis added)

In reviewing the proposed development and surrounding area, staff can find no material to the land uses or land use designations. Therefore, staff recommends that the planning commission grant a one-year extension to the setback variance, and a one-year extension to the site plan approval.

**Tie-In to Council Goals**

N/A

**Fiscal Information**

The site is currently vacant. Commercial development will generate an increase in property tax revenue. Similar sites in Hermiston generate in the vicinity of \$4,000 to \$5,000 in tax revenue annually.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to:

- Approve one-year extensions for the variance and site plan approval
- Deny one-year extensions for the variance and site plan approval

Recommended Action/Motion

Staff recommends that the planning commission make a motion to approve one-year extensions of the variance and site plan approvals.

**Submitted By:**

Clinton Spencer, Planning Director

**Clinton Spencer**

---

**From:** Craig Gilbert <cgilbert@pmdginc.com>  
**Sent:** Friday, June 2, 2023 1:39 PM  
**To:** Clinton Spencer  
**Cc:** Heather LaBeau  
**Subject:** RE: Popeye's Louisiana Kitchen - Hermiston, OR - Variance for 1660 N First St Extension

**STOP and VERIFY This message came from outside of the City of Hermiston**

Thank you for the clarification.

Have a great weekend!

**PM DESIGN** Craig Gilbert  
Sr. Job Captain  
Direct: (360) 719-1953

---

**From:** Clinton Spencer <cspencer@hermiston.or.us>  
**Sent:** Friday, June 2, 2023 1:36 PM  
**To:** Craig Gilbert <cgilbert@pmdginc.com>  
**Cc:** Heather LaBeau <hlabeau@hermiston.or.us>  
**Subject:** RE: Popeye's Louisiana Kitchen - Hermiston, OR - Variance for 1660 N First St Extension

Craig,

I was just working up the extension for the site plan approval (July 8, 2022) and as I read the code I've had a change of heart. Although the site plan was an administrative approval from me, it's still considered a limited land use decision. Under 157.228, it says all land use approvals shall be void after one year and then it turns around in the next sentence and says "the planning commission may grant two one-year extensions..." It doesn't look like I have the authority to grant the site plan extension so I'm going to go ahead and bundle the site plan and variance extensions into one request for the planning commission and move it forward with a positive staff recommendation for both items.

I think it's acceptable to begin construction on your July 5 schedule and continue moving forward as we discussed.

Clinton Spencer  
Planning Director  
(541) 567-5521  
[cspencer@hermiston.or.us](mailto:cspencer@hermiston.or.us)



---

**From:** Craig Gilbert <cgilbert@pmdginc.com>  
**Sent:** Wednesday, May 31, 2023 10:16 AM

To: Clinton Spencer <[cspencer@hermiston.or.us](mailto:cspencer@hermiston.or.us)>

Cc: Heather LaBeau <[hlabeau@hermiston.or.us](mailto:hlabeau@hermiston.or.us)>

Subject: Popeye's Louisiana Kitchen - Hermiston, OR - Variance for 1660 N First St Extension

**STOP and VERIFY This message came from outside of the City of Hermiston**

City of Hermiston  
Clint Spencer, Planning Director,

We are requesting an extension to the Major Variance Approval for the Popeye’s Louisiana Kitchen at 1680 N First Street. The delay in construction has been caused by covid delays and supply issues, construction is scheduled to begin July 5, 2023.

Project status:

- Contractor bids are due June 15
- Scheduled to start the project July 5. Missing a July start would likely push this project to start in spring 2024 – missing a 2023 open would be monetarily detrimental
- Long lead-time equipment has been secured (fryers, HVAC, walk-in box, switch gear, etc.).
- Scheduled to open late November (if we start July 5)

If you have any questions or need additional information, please feel free to call or email.

Thank you,

**PM DESIGN** **Craig Gilbert**  
 Sr. Job Captain  
 Direct: (360) 719-1953

19120 SE 34th Street, Suite 115  
 Vancouver, WA 98683  
[pmdginc.com](http://pmdginc.com)



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**Our Values**  
 Excellence / Growth / Innovation / Trust / Partnership



**Planning  
Department**

June 13, 2022

Craig Gilbert  
19120 SE 34<sup>th</sup> Street Suite 115  
Vancouver WA 98683

Re: Major Variance –4N2802CB Tax Lot 5900- 1660 N 1<sup>st</sup> St

Dear Craig:

This is the City’s official notification to you that the major variance request you submitted was reviewed and approved by the Planning Commission on June 8, 2022. The Planning Commission granted a variance from the right-of-way setback requirement in Hermiston Code of Ordinances 157.041 (D)(1). In granting the variance, the City will allow the building to be constructed at 15 feet 11 inches from the E Oregon Ave right-of-way.

The variance was approved with the following two conditions:

1. E Oregon Ave shall be improved with a half-street improvement to local commercial status per Hermiston standard detail ST11. ST11 is designed for a 50-foot right of way and E Oregon Ave has a 60-foot right of way. Therefore, all area between the back of sidewalk and property line (approximately five feet) shall be landscaped and continuously maintained in the same manner as the on-site landscaping.
2. A landscape plan shall be included with the site plan review application and approved by planning staff as part of the site plan review process.

§157.231 of the Hermiston Code of Ordinances allows an action of the planning commission to be appealed to the city council within 12 days after the date the decision is mailed. As a participant in the hearings process, you have the right to appeal the planning commission’s decision to the city council. The deadline for filing an appeal is June 24, 2022. If no appeal is filed by the deadline, the decision becomes final.

If you have any questions, please feel free to contact me at (541)667-5025.

Sincerely,

Clinton Spencer  
Planning Director

C: Community Development



Planning Department

July 8, 2022

Charlie Patton  
Ambrosia QSR  
400 E Mill Plain Blvd #401  
Vancouver WA 98660

Re: **Notice of Decision** - Site Plan Approval – Popeye’s Louisiana Kitchen – 1680 N First St

The City of Hermiston has reviewed and conditionally approved your application for development of a Popeye’s Louisiana Kitchen restaurant on the northern 100’ of property currently described as 4N 28 02CB tax lot 5900.

Assignment of Addresses

The restaurant will use the address of 1680 N First St.

Conditions of Approval

1. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of development.
2. Civil drawings for all public improvements shall be submitted to the city engineer for review and approval prior to issuance of a building permit. A copy of the city’s application for civil drawings review is attached.
3. E Oregon Ave and NE North Street shall be improved adjacent to the development site.
  - a. E Oregon Ave shall be improved to local commercial street standard per city drawing ST11 and shall consist of rebuilding and repaving to centerline, curb, gutter, and sidewalk as shown on the site plan.
  - b. NE North Street shall be improved to local commercial street standard per city drawing ST11 from the intersection of NE North Street and E Oregon Ave south approximately 100 feet to the south line of the development site. Improvements shall consist of half street improvements plus 10 feet of additional paving to accommodate two-way traffic, curb, gutter, and sidewalk.

**PLANNING DEPARTMENT**

4. The frontage of E Oregon Ave area between the back of sidewalk and property line (approximately five feet) shall be landscaped and continuously maintained in the same manner as the on-site landscaping as required by the setback variance approved by the city on June 8, 2022.
5. The sidewalk along the N First St frontage of the property shall be inspected for compliance with ADA standards. Any sidewalk panels found to be out of compliance shall be removed and replaced with new panels.
6. All stormwater shall be retained on-site. The city engineer will review the drainage plan as part of the civil drawing review process.
7. All areas for the standing and maneuvering of vehicles shall be paved as shown on the site plan prior to occupancy. Based upon the building sizes, 26 parking spaces are required and 27 are provided.
8. Parking lot lighting shall be installed and designed with hoods or shielding to avoid projection of glare on adjacent residential dwellings.
9. Public comment was received from the Oregon Department of Transportation (ODOT) regarding the existing driveway access to N First St and site circulation plan. The property will not access N First St. As noted by ODOT, you may wish to consult with the seller of the property to negotiate future access to N First St using the dedicated access on the south portion of Tax Lot 5900.
10. Signage shall be installed consistent with the requirements of 155.37 of the Hermiston Code of Ordinances.
11. A final plat prepared in accordance with 154.46 of the Hermiston Code of Ordinances must be approved by the city and recorded with Umatilla County prior to issuance of an occupancy permit. The proposed plat for the property is scheduled for review by the planning commission on July 13 and the city council on July 25, 2022.
12. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to a highwater table. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
13. The landscape plan contained on Sheet L1.1 of the site plan package has been reviewed consistent with the setback variance approved by the city on June 8, 2022 and determined to be compliant with the conditions of approval. Landscaping shall be installed as shown on Sheet L 1.1.
14. The existing private sewer line providing sewer connection to the existing building on Tax Lot 5900 (a used car sales office) to E Oregon Ave extends under the proposed Popeye's restaurant. This sewer line shall be abandoned.



## PLANNING DEPARTMENT

You may now submit your plans to the city engineer for civil review and to the building department to obtain the necessary permits to begin construction of your facility. Additionally, you have the right to file an appeal of the city's decision. An appeal must be filed within 12 days of the date this letter is mailed. If no appeal is filed by 5 pm on July 20, 2022, the city's decision is considered final.

Sincerely,



Clint Spencer  
Planning Director

C: Anderson Perry  
Byron Smith  
Development Staff  
Building Department  
Tom Lapp, ODOT

CITY OF HERMISTON  
CIVIL DRAWINGS REVIEW FORM

Project Name:

---

**Applicant Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Engineer: \_\_\_\_\_

Firm & Phone #: \_\_\_\_\_

**Site Information**

Address: \_\_\_\_\_

Map/tax lot #: \_\_\_\_\_

Zoning designation: \_\_\_\_\_

Description of work: \_\_\_\_\_

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Attach full-size paper copies of the plans and email a digital copy to [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

By signing this form, you acknowledge that all applicable requirements and regulations set forth in the Hermiston Code of Ordinances and the Hermiston Public Works Design Standards and Specification Manual will be followed. Each subsequent submittal of plans will incur an additional \$100 review fee.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

**\*\* Office Use Only \*\***

Date Filed: \_\_\_\_\_ Received By: \_\_\_\_\_ Fee (\$100) Date Paid: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Meeting Date: \_\_\_\_\_





*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of July 12, 2023

**Title/Subject**

Final Plat- Amazon Data Services Inc 4N2823 TL 200 - 908 E Penney Ave

**Summary and Background**

Parametrix has submitted a final plat for Amazon Data Services, Inc’s major partition of property described as 4N2823 Tax lot 200 and addressed as 908 E Penney Ave. The property is zoned Outlying Commercial/Heavy Industrial (C-2/M-2).

The planning commission’s approval of the preliminary plat was subject to three conditions of approval.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances.

The findings of fact and conditions of approval are attached to this report as Exhibit A. The final plat as prepared by the surveyor is attached as Exhibit B. An aerial photo for the planning commission’s reference is attached as Exhibit C.

**Tie-In to Council Goals**

Approval of final plats is a matter of administration of city ordinances.

**Fiscal Information**

The assessed value of the property will substantially increase as it develops industrially. However, enterprise zone property tax abatements have been issued for development on Lot 1 which defers receipt of property tax revenue for several years.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to approve or deny the final plat.

Recommended Action/Motion

Staff recommends that the planning commission approve the final plat subject to the conditions of approval.

Section 4, Item B.

Motion to approve the final plat with the conditions.

**Submitted By:**

Clinton Spencer, Planning Director

**Exhibit A**  
**Findings of Fact and Conditions of Approval**  
**ADS Major Partition**  
**July 12, 2023**  
**908 E Penney Ave**

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed or referenced on the plat**

- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required**

**Conditions of Approval for AWS Major Partition**

- 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.

*This condition remains in effect.*

- 2. The site is bounded by E Penney Ave and E Feedville Road. SE 9<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> Street frontage of the respective Development Site to minor collector status using city standard ST10 in the standard specifications.

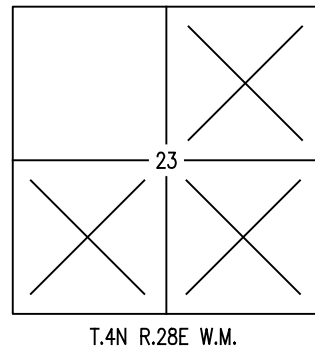
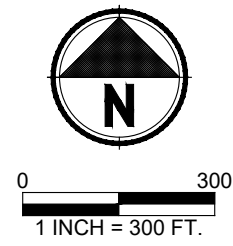
*This condition remains in effect.*

- 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.

*This condition has been satisfied.*

# PARTITION PLAT NO. 2023-

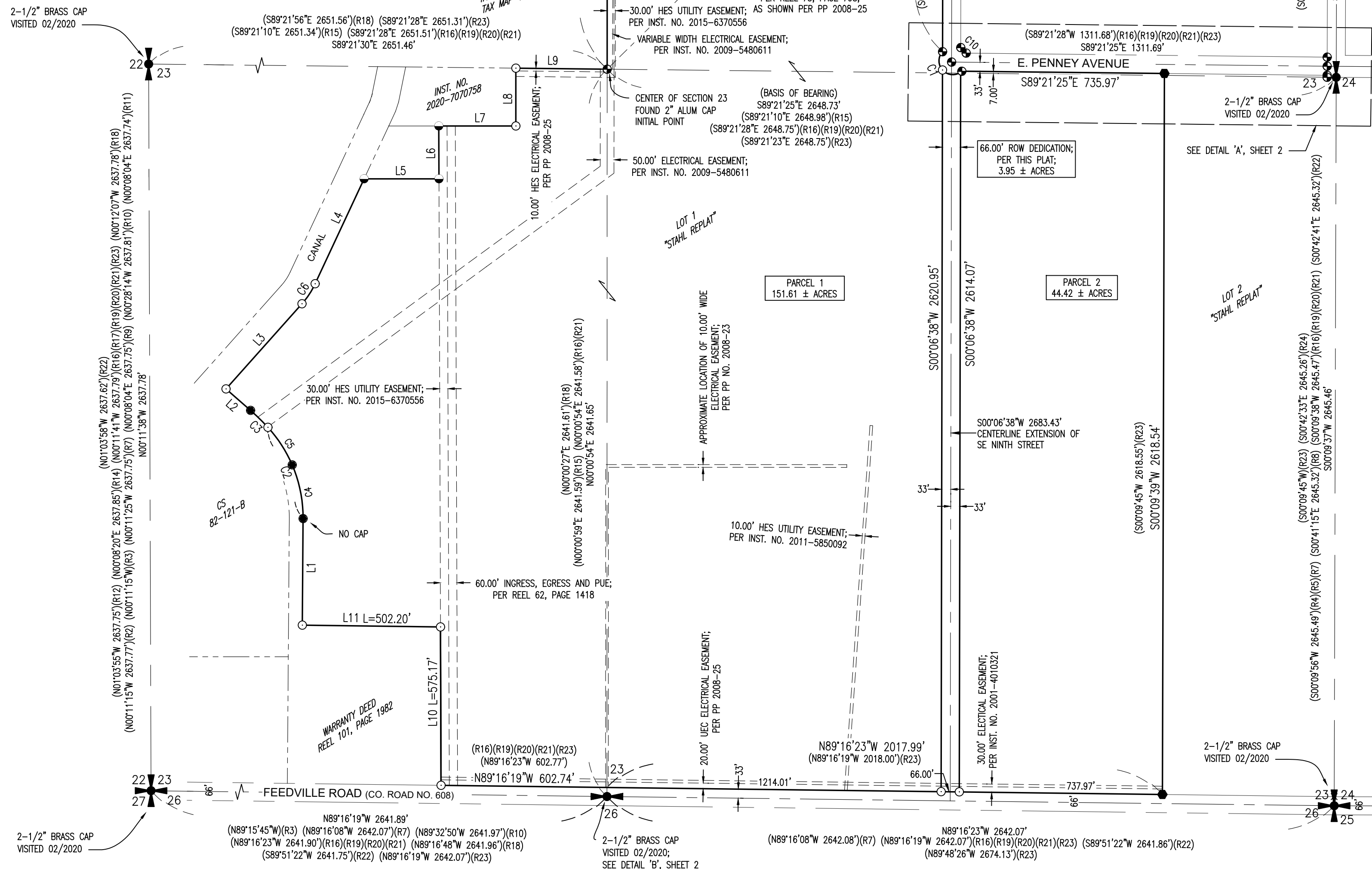
A PARTITION PLAT OF LOT 1 OF THE "STAHL REPLAT",  
LOCATED IN SECTION 23, TOWNSHIP 4 NORTH, RANGE 28 EAST,  
WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON



I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT  
COPY OF THE ORIGINAL PLAT AS FILED FOR  
AMAZON DATA SERVICES, INC. IN UMATILLA  
COUNTY, OREGON.

CHRISTOPHER J. D'ORAZIO, PLS 98905

2-1/2" BRASS CAP  
VISITED 02/2020



## LEGEND

- SET 5/8" X30" IR W/ YPC CAP INSCRIBED "PARAMETRIX"
  - FOUND 5/8" IR W/ YPC INSCRIBED "TELEK"; PER R3; HELD UNLESS NOTED OTHERWISE
  - ⊙ FOUND 5/8" IR W/ YPC INSCRIBED "EDWARDS 951"; PER R16; HELD UNLESS NOTED OTHERWISE
  - ⊙ FOUND 5/8" IR W/ YPC INSCRIBED "STRATTON 1111"; PER R18; HELD UNLESS NOTED OTHERWISE
  - ⊙ FOUND 5/8" YPC INSCRIBED "EDWARDS 951"; PER R19; HELD UNLESS NOTED OTHERWISE.
  - FOUND 5/8" IR W/ YPC INSCRIBED "LS 2431"; PER R23; HELD UNLESS NOTED OTHERWISE.
  - FOUND MONUMENT AS NOTED; HELD UNLESS NOTED OTHERWISE.
  - ⊕ FOUND SECTION CORNER AS NOTED; HELD
  - ⊕ FOUND QUARTER SECTION CORNER AS NOTED; HELD
  - (R#) RECORD INFORMATION PER SURVEY REFERENCE NUMBER
  - INST. NO. INSTRUMENT NUMBER PER UMATILLA COUNTY DEED RECORDS
  - PP NO. PARTITION PLAT NUMBER PER UMATILLA COUNTY RECORDS
  - ROW RIGHT-OF-WAY
  - IR IRON ROD
  - YPC YELLOW PLASTIC CAP
  - RPC RED PLASTIC CAP
  - UCSR UMATILLA COUNTY SURVEY RECORDS
- 
- PLAT BOUNDARY
  - - - EXISTING CENTER LINE
  - - - EXISTING PROPERTY LINE
  - - - EXISTING EASEMENT, AS NOTED
  - - - EXISTING RIGHT-OF-WAY LINE
  - - - EXISTING CENTER SECTION LINE
  - - - EXISTING SECTION LINE

## SHEET INDEX

- SHEET 1) SURVEY AND LEGEND
- SHEET 2) ADDITIONAL MONUMENTATION AND MEASUREMENT DETAILS, REFERENCES, CURVE AND LINE TABLE, LEGEND
- SHEET 3) EXCEPTIONS, ACKNOWLEDGEMENT, APPROVALS, DECLARATION, PLAT NOTES, SURVEYOR'S NARRATIVE.

UMATILLA COUNTY  
OFFICE OF RECORDS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2022  
CHRISTOPHER J. D'ORAZIO  
98905

RENEWS: 12-31-2023

PREPARED FOR:  
AMAZON WEB SERVICES INC.

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

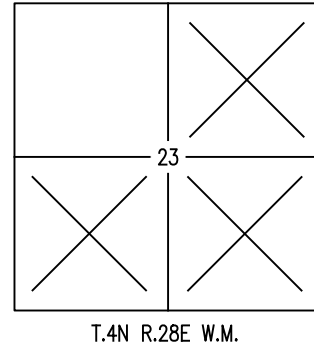
PMX JOB NO. 553-8117-034

SURVEYED	CAP/DF	<b>ONE INCH AT FULL SCALE, IF NOT, SCALE ACCORDINGLY</b>	SHEET NO. 1 OF 3
DRAWN	CAP/DF		
CHECKED	CJD	SCALE	1"=300'
APPROVED	CJD	DATE	JUNE 2, 2023



# PARTITION PLAT NO. 2023-

A PARTITION PLAT OF LOT 1 OF THE "STAHL REPLAT",  
 LOCATED IN SECTION 23, TOWNSHIP 4 NORTH, RANGE 28 EAST,  
 WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON



CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1 (R16)(R19) (R20)(R21)(R23)	151.08' (151.08') (151.08')	50.00' (50.00') (50.00')	173°07'30" (173°07'36") (173°07'30")	99.82' (99.82') (99.82')	S44°38'38"E (S44°37'24"E) (S44°37'31"E)
C2 (R3)	363.68' -	484.28' (484.28')	43°01'38" (43°07'20")	355.19' -	N21°05'35"W -
C3 (R3) (R21)(R23)	88.07' -	825.00' (787.68') (825.00')	6°07'00" (6°21'35") (6°07'00")	88.03' -	N45°39'54"W (N45°40'26"W)
C4 (R3) (R16)(R19)(R20) (R18) (R21)(R23)	200.42' (200.13') (200.50') (200.48') (200.42')	484.28' (484.28') -	23°42'41" -	198.99' -	N11°26'07"W -
C5 (R21)(R23)	163.26' (163.26')	484.28' (484.28')	19°18'57" (19°18'57")	162.49' (162.49')	N32°56'56"W (N32°57'28"W)
C6 (R21)(R23)	87.44' (87.44')	300.00' (300.00')	16°42'02" (16°42'02")	87.13' (87.13')	N33°22'56"E (N33°22'33"E)
C7	72.97'	50.00'	83°36'58"	66.66'	S00°06'38"W
C8	72.66'	50.00'	83°15'53"	66.43'	S83°19'48"E
C9	5.45'	50.00'	6°14'39"	5.45'	N51°54'56"E
C10 (R16)(R19) (R20)	31.23' (31.23') (31.23')	20.00' (20.00') (20.00')	89°28'08" (89°28'08") (89°28'02")	28.15' (28.15') (28.15')	S44°37'26"E (S44°37'24"E) (S44°37'21"E)

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1 (R16)(R19) (R18) (R20) (R21)(R23)	387.08' (386.86') (387.22') (386.87') (387.11')	N0°25'14"E - - (N00°52'43"E) (N00°26'47"E)
L2 (R21)(R23)	118.51' (118.50')	N48°54'15"W (N48°52'42"W)
L3 (R21)(R23)	414.64' (414.60')	N41°43'57"E (N41°43'34"E)
L4 (R21)(R23)	420.40' (420.40')	N25°01'57"E (N25°01'34"E)
L5 (R18) (R19)(R20) (R21)	271.99' (272.06') (272.06') (272.06')	N89°59'34"E (N89°59'03"E) - (N89°59'17"E)
L6 (R18) (R19)(R20) (R21) (R23)	191.98' (192.01') (192.01') (192.01') (192.01')	N0°11'49"W (N0°12'07"W) - (N0°11'52"W) (N0°00'52"W)
L7 (R18) (R19)(R20) (R21)(R23)	280.00' (280.00') (280.00') (280.00')	S89°59'56"E (N89°59'03"W) - (N89°59'19"E)
L8 (R16)(R19)(R20) (R18) (R21)(R23)	210.04' (210.00') (210.00') (209.88')	N0°01'49"W - (N0°00'54"W) (N0°00'38"W)
L9 (R16)(R19)(R20) (R18) (R21)(R23)	331.73' (330.41') (331.64') (331.74')	S89°21'30"E (S89°21'28"E) (S89°21'56"E) (S89°21'28"E)
L10 (R16)(R19) (R20)(R21)(R23)	575.17' -	N0°11'49"W (N0°11'15"W)
L11 (R16)(R19) (R20) (R21)(R23)	502.20' (502.53') (498.31') (502.39')	N89°15'29"W (N89°16'51"W) (N89°16'15"W)

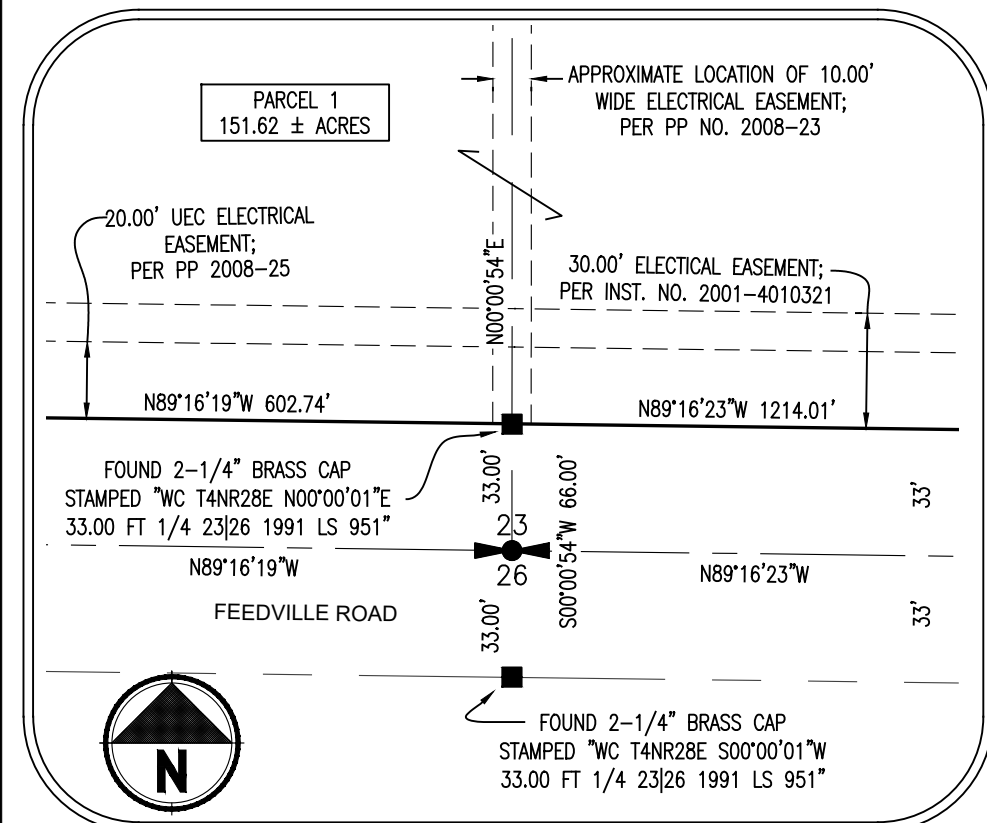
## SURVEY REFERENCES

- RECORD INFORMATION PER CS 03-181-A, BY DAVID H. KRUMBEIN, DATED JUNE 19, 1975, UCSR.
- RECORD INFORMATION PER CS 82-58-B, BY THOMAS F. LAGIER, FILED AUGUST 1982, UCSR.
- RECORD INFORMATION PER CS 82-121-B, BY THOMAS F. LAGIER, FILED NOVEMBER 23, 1982, UCSR.
- RECORD INFORMATION PER CS 89-86-B, BY G. DENNIS EDWARDS, FILED OCTOBER 1989, UCSR.
- RECORD INFORMATION PER CS 90-05-A, BY G. DENNIS EDWARDS, FILED JANUARY 1990, UCSR.
- RECORD INFORMATION PER CS 96-22-B, BY PAUL W.P. TOMKINS, FILED FEBRUARY 1996, UCSR.
- RECORD INFORMATION PER CS 92-95-C, BY G. DENNIS EDWARDS, FILED APRIL 1997, UCSR.
- RECORD INFORMATION PER PP NO. 1997-06, INST. NO. 1997-229132, BY RONALD V. MCKINNIS, RECORDED MARCH 18, 1997, UCR.
- RECORD INFORMATION PER PP NO. 1997-14, INST. NO. 1997-230845, BY DAVID L. HADDOCK, RECORDED MAY 1, 1997, UCR.
- RECORD INFORMATION PER PP NO. 1998-58, INST. NO. 1999-3620553, BY GARY B. WAGNER, RECORDED DECEMBER 14, 1999, UCR.
- RECORD INFORMATION PER CS 02-080-B, BY ROBERT H. STRATTON, FILED APRIL 2002, UCSR.
- RECORD INFORMATION PER CS 02-293-B, BY JOHN D. PUTNAM, FILED DECEMBER 2002, UCSR.
- RECORD INFORMATION PER CS 05-204-B, BY G. DENNIS EDWARDS, FILED DECEMBER 2005, UCSR.
- RECORD INFORMATION PER CS 08-48-B, BY WILLIAM R. WELLS, FILED MARCH 2008, UCSR.
- RECORD INFORMATION PER CS 08-141-B, BY WILLIAM L. HANLEY, FILED OCTOBER 2008, UCSR.
- RECORD INFORMATION PER PP NO. 2008-25, INST. NO. 2008-5430520, BY G. DENNIS EDWARDS, RECORDED OCTOBER 21, 2008, UCR.
- RECORD INFORMATION PER CS 09-05-C, BY G. DENNIS EDWARDS, FILED JANUARY 2009, UCSR.
- RECORD INFORMATION PER PP NO. 2009-25, INST. NO. 2009-5560050, BY ROBERT H. STRATTON, RECORDED SEPTEMBER 2, 2009, UCR.
- RECORD INFORMATION PER PP NO. 2010-05, INST. NO. 2010-5640139, BY G. DENNIS EDWARDS, RECORDED APRIL 2, 2010, UCR.
- RECORD INFORMATION PER PP NO. 2018-20, INST. NO. 2018-6800105, BY MICHAEL B. POSADA, RECORDED DECEMBER 5, 2018, UCR.
- RECORD INFORMATION PER PP NO. 2019-08, INST. NO. 2019-6840322, BY MICHAEL B. POSADA, RECORDED APRIL 2, 2019, UCR.
- RECORD INFORMATION PER CS 19-080-C, BY LANCE CLARK KING, FILED AUGUST 13, 2019, UCSR.
- RECORD INFORMATION PER STAHL REPLAT, INST. NO. 2019-6940037, BY RONALD V. MCKINNIS, RECORDED NOVEMBER 27, 2019, IN PLAT BOOK 16, PAGE 45, UCR.
- RECORD INFORMATION PER CS 22-006-C, BY BRIT L. PRIMM, FILED JANUARY 28, 2022, UCSR.

## LEGEND

- SET 5/8" X30" IR W/ YPC CAP INSCRIBED "PARAMETRIX"
- FOUND 5/8" IR W/ YPC INSCRIBED "TELEK"; PER R3; HELD UNLESS NOTED OTHERWISE
- ⊙ FOUND 5/8" IR W/ YPC INSCRIBED "EDWARDS 951"; PER R16; HELD UNLESS NOTED OTHERWISE
- ⊙ FOUND 5/8" IR W/ YPC INSCRIBED "STRATTON 1111"; PER R18; HELD UNLESS NOTED OTHERWISE
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- ⊕ FOUND SECTION CORNER AS NOTED; HELD
- ⊕ FOUND QUARTER SECTION CORNER AS NOTED; HELD
- (R#) RECORD INFORMATION PER SURVEY REFERENCE NUMBER
- INST. NO. INSTRUMENT NUMBER PER UMATILLA COUNTY DEED RECORDS
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- UCSR UMATILLA COUNTY SURVEY RECORDS
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- - - EXISTING EASEMENT, AS NOTED
- - - EXISTING RIGHT-OF-WAY LINE
- - - EXISTING CENTER SECTION LINE
- - - EXISTING SECTION LINE

DETAIL 'B'  
SCALE: 1" = 50'



I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT AS FILED FOR AMAZON DATA SERVICES, INC. IN UMATILLA COUNTY, OREGON.

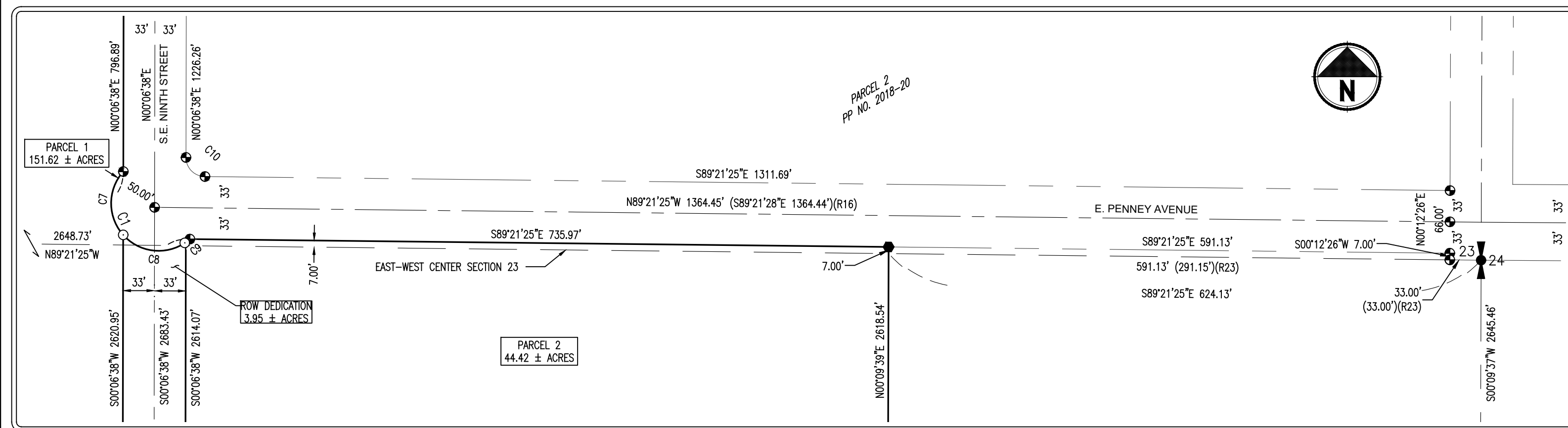
CHRISTOPHER J. D'ORAZIO, PLS 98905

UMATILLA COUNTY  
OFFICE OF RECORDS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2022  
CHRISTOPHER J. D'ORAZIO  
98905

RENEWS: 12-31-2023



DETAIL 'A'  
SCALE: 1" = 100'

PREPARED FOR:  
AMAZON WEB SERVICES INC.

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

PMX JOB NO. 553-8117-034

SURVEYED	CAP/DF	ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY	SHEET NO. 2 OF 3
DRAWN	CAP/DF		
CHECKED	CJD	SCALE SEE DETAILS	
APPROVED	CJD	DATE JUNE 2, 2023	

# PARTITION PLAT NO. 2023-

A PARTITION PLAT OF LOT 1 OF THE "STAHL REPLAT", LOCATED IN SECTION 23, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON

## TITLE ENCUMBRANCES

AS DISCLOSED IN AMERITITLE REPORT NUMBER 5, FILE NUMBER 541274AM, EFFECTIVE DATE DECEMBER 3, 2022. (TITLE EXCEPTIONS 1-5 ARE GENERAL IN NATURE, AND NOT SHOWN HEREON)

- 6. TAXES DEFERRED, AS DISCLOSED BY THE TAX ROLL, THE PREMISES HEREIN DESCRIBED HAVE BEEN ZONED OR CLASSIFIED FOR FARM USE. AT ANY TIME THAT SAID LAND IS DISQUALIFIED FOR SUCH USE THE PROPERTY WILL BE SUBJECT TO ADDITIONAL TAXES OR PENALTIES AND INTEREST.
- 7. INTENTIONALLY DELETED
- 8. RESERVATION OF COAL AND IRON, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, IN DEED FROM NORTHERN PACIFIC RAILWAY COMPANY, A CORPORATION.  
RECORDED: APRIL 8, 1939  
BOOK: 155, PAGE 274  
THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED.
- 9. INTENTIONALLY DELETED
- 10. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.  
RECORDED: JUNE 20, 1949  
BOOK: 189, PAGE: 342
- 11. EASEMENT OR EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS CONTAINED IN INSTRUMENT, RECORDED:  
MARCH 6, 1980  
REEL: 62, PAGE: 1418  
(AS SHOWN ON SURVEY)
- 12. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: MAY 19, 1980  
REEL: 65, PAGE: 1433
- 13. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: PACIFIC POWER & LIGHT COMPANY RECORDED:  
JULY 9, 1980  
REEL: 67, PAGE: 1528  
AMENDED BY INSTRUMENT, RECORDED: NOVEMBER 12, 1980  
REEL: 73, PAGE: 798
- 14. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: PACIFIC TELEPHONE AND TELEGRAPH COMPANY  
RECORDED: JANUARY 20, 1999  
INSTRUMENT NO.: 1999-3440050
- 15. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: NOVEMBER 28, 2001  
INSTRUMENT NO.: 2001-4010321  
(AS SHOWN ON SURVEY)
- 16. EASEMENTS AS SHOWN ON THE PARTITION PLAT NO. 2008-25. (AS SHOWN ON SURVEY)
- 17. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: PACIFICORP  
RECORDED: MARCH 17, 2009  
INSTRUMENT NO.: 2009-5480611  
(AS SHOWN ON SURVEY)
- 18. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: CITY OF HERMISTON, DBA HERMISTON ENERGY SERVICES  
RECORDED: NOVEMBER 16, 2011  
INSTRUMENT NO.: 2011-5850092  
(AS SHOWN ON SURVEY)
- 19. AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT: GRANTED TO: CITY OF HERMISTON, DBA HERMISTON ENERGY SERVICES  
RECORDED: DECEMBER 14, 2015  
INSTRUMENT NO.: 2015-6370556  
(AS SHOWN ON SURVEY)

## TITLE ENCUMBRANCES(CONT.)

- 20. RIGHTS OF TENANTS UNDER EXISTING LEASES OR TENANCIES.
  - 21. THE COMPANY WILL REQUIRE THE FOLLOWING DOCUMENTS FOR REVIEW PRIOR TO THE ISSUANCE OF ANY TITLE ASSURANCE PREDICATED UPON A CONVEYANCE OR ENCUMBRANCE BY THE CHURCH NAMED BELOW:  
  
NAME OF CHURCH: STANFIELD HUTTERIAN BRETHREN  
(a) PROOF OF INCORPORATION FROM THE STATE OR OTHER PLACE OF INCORPORATION  
(b) A COPY OF ITS DISCIPLINE, BY-LAWS OR OTHER REGULATIONS AUTHORIZING REAL ESTATE TRANSACTIONS  
(c) A COPY OF THE RESOLUTION AUTHORIZING THE PURCHASE, SALE OR ENCUMBRANCE OF REAL PROPERTY AND DESIGNATING THE APPROPRIATE OFFICERS TO REPRESENT THE CHURCH  
  
THE COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL ITEMS OR MAKE FURTHER REQUIREMENTS AFTER REVIEW OF THE REQUESTED DOCUMENTATION.
  - 22. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS OR ANY OTHER FACTS, WHICH A CORRECT SURVEY WOULD DISCLOSE.
- NOTE: ITEMS 23 AND 24 INTENTIONALLY OMITTED

## PROPERTY DESCRIPTION

AS DISCLOSED IN AMERITITLE REPORT NUMBER 5, FILE NUMBER 541274AM, EFFECTIVE DATE DECEMBER 3, 2022.

LOT 1 AS SHOWN ON THE STAHL REPLAT - A REPLAT OF PARCEL 1 OF PARTITION PLAT 1997-06 AND PARCEL 2 OF PARTITION PLAT 2019-08 (DOCUMENT NO. 2019-6940037, OFFICE OF UMATILLA COUNTY RECORDS, AS CORRECTED BY THAT CERTAIN AFFIDAVIT OF CORRECTION (REPLAT) DATED AS OF NOVEMBER 21, 2022, AND RECORDED ON NOVEMBER 22, 2022, AS DOCUMENT NO. 2022-7490475, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN SECTION 23, TOWNSHIP 4 NORTH, RANGE 28, EAST OF THE WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON.

## GENERAL NOTES

- 1. WATER RIGHTS AFFECTING THIS PROPERTY WERE NOT INVESTIGATED AS PART OF THIS PARTITION PLAT.
- 2. THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE CITY OF HERMISTON "PRELIMINARY PLAT APPROVAL - 4N2823 TAX LOT 200" LETTER DATED MARCH 10, 2023.

## OWNER'S DECLARATION & DEDICATION

I, THE AUTHORIZED REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE LANDS SHOWN ON THIS PLAT, HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED IN PARCELS AND EASEMENTS AS SHOWN HEREON, AND DO HEREBY SUBMIT FOR RECORD AND APPROVAL SAID PARTITION.

AND DOES HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ROAD AND UTILITY PURPOSES, THE PUBLIC ROAD RIGHT-OF-WAY FOR SE NINTH STREET, AS SHOWN HEREON;

MICHAEL GORE, VICE PRESIDENT DATE  
AMAZON DATA SERVICES, INC., A DELAWARE CORPORATION

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

APPEARED \_\_\_\_\_, VICE PRESIDENT OF AMAZON DATA SERVICES AND ACKNOWLEDGE THE FOREGOING DECLARATION

NOTARY PUBLIC FOR \_\_\_\_\_  
  
PRINTED NAME \_\_\_\_\_  
COMMISSION NO. \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

## NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON INTO TWO PARCELS WITH A DEDICATION OF PUBLIC RIGHT-OF-WAY BEING AN EXTENSION OF SE 9TH STREET AS CONDITIONED IN CITY OF HERMISTON "PRELIMINARY PLAT APPROVAL - 4N2823 TAX LOT 200" LETTER DATED MARCH 10, 2023.

THE INITIAL POINT OF THIS SURVEY IS THE C 1/4 CORNER OF SECTION 23, MARKED WITH A 2" ALUMINUM CAP STAMPED "PLS #951, 2008". THIS PARTITION PLAT IS A SUBDIVISION OF LOT 1 OF THE "STAHL REPLAT", RECORDED IN BOOK 16 OF PLATS, PAGE 95 UNDER INSTRUMENT NO. 2019-6940037. IT WAS FOUND THAT THIS LOT HAS BEEN PART OF MULTIPLE PARTITION PLATS STARTING AS PARCEL 2 OF PARTITION PLAT NO. 1999-58 AND THAT HAS BEEN LABELED AS UNSURVEYED IN PARTITION PLATS 2008-25, 2009-25, 2010-05, 2010-05, 2018-20, 2019-08 AND ON THE STAHL REPLAT. THERE WERE MULTIPLE CORNERS FOUND FROM THESE VARIOUS PARTITION PLATS AS NOTED HEREON AND 14 NEW MONUMENTS WERE SET FOR THE EXTERIOR BOUNDARY AND NEW LOT/RIGHT-OF-WAY CORNERS.

THE EAST LINE OF NEW PARCEL 2 WAS DETERMINED BY HOLDING R.V. MCKINNI'S CORNERS FOUND ON THE WEST LINE OF LOT 2 OF THE STAHL REPLAT AND CONFIRMED THEIR LOCATIONS ON THE RIGHT OF WAY MARGINS OF FEEDVILLE ROAD AND EAST PENNY AVENUE BY HOLDING THE SECTION CORNERS AS THE CENTERLINE OF EACH ROAD AS INTENDED. THE SOUTH LINE OF BOTH PARCELS ARE A 33-FOOT OFFSET FROM THE SOUTH SECTION LINE AS THE HALFWIDTH OF FEEDVILLE ROAD. THE PARCEL LINES ADJACENT TO EAST PENNY AVENUE AND SE NINTH STREET ARE SHOWN AS A 33-FOOT OFFSET FROM THE FOUND MONUMENTS AT THE CENTERLINE OF EACH AS SHOWN ON PARTITION PLAT 2008-25.

THE NORTH AND WEST LINES OF THAT PORTION LYING IN THE NORTHEAST QUARTER OF SECTION 23 IS SHOWN BASED ON THE MONUMENTS FOUND ALONG THE LINES AS SET ON PARTITION PLAT 2010-05 AND THE FOUND CENTER OF SECTION. THE MEASURED MONUMENTS WERE WITHIN TOLERANCE OF THE RECORD DIMENSIONS AND WERE HELD.

ALONG THE WEST LINE THE FOUND MONUMENTS FROM PARTITION PLAT 2009-25 AND SURVEY 82-121-B WERE HELD AND THE CORNER POSITIONS SET ON THIS PLAT WERE DETERMINED BY BOTH HOLDING PLAT DIMENSIONS ALONG L3, L4 AND C6, AND CALCULATING A BEST FIT PROPORTIONAL LINE FOR THE REMAINDER OF THE WEST LINE BETWEEN THE MONUMENT FOUND BETWEEN L2 AND L3 TO THE CALCULATED POSITION AT THE SOUTHWEST CORNER/RIGHT-OF-WAY POINT 33-FEET FROM THE SOUTH SECTION LINE.

THE EXTENSION OF SE NINTH STREET THAT IS BEING DEDICATED ON THIS PLAT WAS ESTABLISHED AS THE EXTENSION OF THE CENTERLINE BASED ON THE FOUND MONUMENTS FOUND ON THE EXISTING CENTERLINE AS SHOWN HEREON. THE CENTERLINE WAS OFFSET 33 -FEET ON EACH SIDE AND LENGTHENED OR SHORTENED TO INTERSECT WITH THE EXISTING RIGHTS-OF-WAY.

NO OTHER UNUSUAL CIRCUMSTANCES WERE ENCOUNTERED DURING THE COURSE OF THIS SURVEY.

BASIS OF BEARINGS = SOUTH 89°21'25" EAST BETWEEN THE EAST ONE-QUARTER CORNER OF SECTION 23 AND THE CENTER OF SECTION 23 (INITIAL POINT).  
DISTANCES ARE GROUND VALUES EXPRESSED IN INTERNATIONAL FEET.

## SURVEYOR'S CERTIFICATE

I CHRISTOPHER J. D'ORAZIO A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND SHOWN ON THIS PLAT, AND THIS PLAT MEETS ALL REQUIREMENTS AS ESTABLISHED BY OREGON REVISED STATUTES CHAPTER 92. DESCRIBED AS FOLLOWS:

THE INITIAL POSITION FOR THIS PARTITION IS THE C 1/4 CORNER OF SECTION 23, MARKED WITH A 2" ALUMINUM CAP STAMPED "PLS #951, 2008"

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON MARCH 8, 2022 CHRISTOPHER J. D'ORAZIO 98905

RENEWS: 12-31-2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT AS FILED FOR AMAZON DATA SERVICES, INC. IN UMATILLA COUNTY, OREGON.

CHRISTOPHER J. D'ORAZIO, PLS 98905

UMATILLA COUNTY OFFICE OF RECORDS

## APPROVALS

### CITY OF HERMISTON

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS:

MAYOR OF THE CITY OF HERMISTON \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS:

CITY OF HERMISTON PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

### UMATILLA COUNTY COMMISSIONERS

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

CHAIRMAN \_\_\_\_\_

UMATILLA COUNTY COMMISSIONER \_\_\_\_\_

UMATILLA COUNTY COMMISSIONER \_\_\_\_\_

### UMATILLA COUNTY SURVEYOR

I CERTIFY I HAVE EXAMINED THE ACCOMPANYING PARTITION PLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON, WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND THEREFORE APPROVE SAID PLAT FOR SIGNATURE BY THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

UMATILLA COUNTY SURVEYOR \_\_\_\_\_

### UMATILLA COUNTY TAX COLLECTOR

I, THE TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PARTITION PLAT AND THAT ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

UMATILLA COUNTY TAX COLLECTOR \_\_\_\_\_

PREPARED FOR:  
AMAZON WEB SERVICES INC.

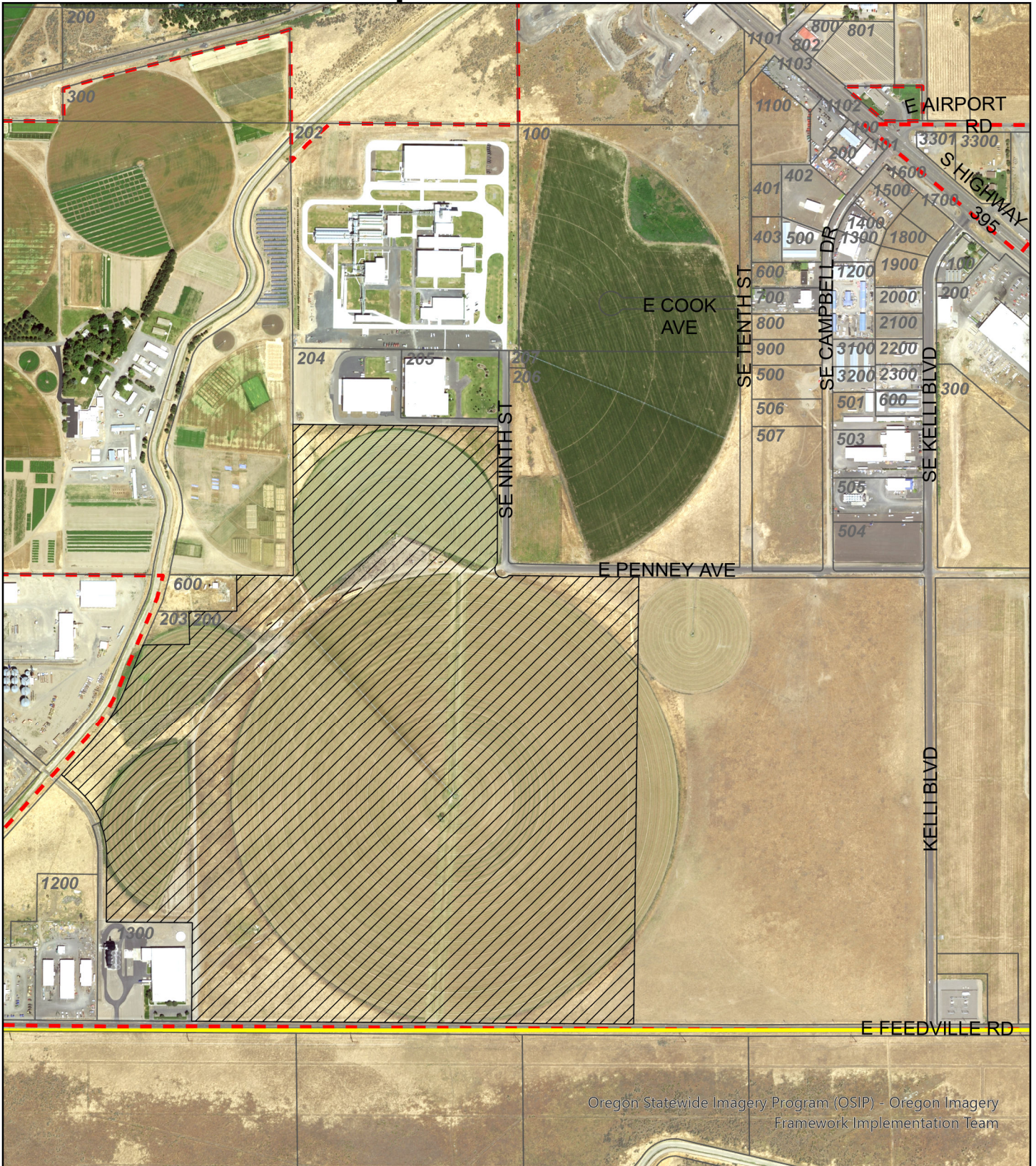
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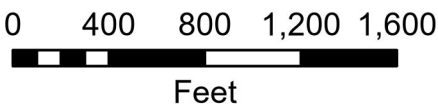
PMX JOB NO. 553-8117-034

SURVEYED	CAP/DF	ONE INCH AT FULL SCALE, IF NOT, SCALE ACCORDINGLY	SHEET NO. 3 OF 3
DRAWN	CAP/DF		
CHECKED	CJD	SCALE N/A	
APPROVED	CJD	DATE JUNE 2, 2023	

# Notice of Proposed Land Use Action

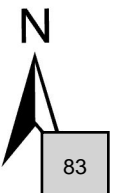


Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team



## Legend

- Area of Proposed Partition
- Property Line
- City Limits
- Urban Growth Boundary





*Where Life is Sweet*

Members of the Planning Commission  
**STAFF REPORT**  
For the Meeting of July 12, 2023

**Title/Subject**

Final Plat- Amazon Data Services Inc 4N2824 TL 600 - 994 E Penney Ave

**Summary and Background**

Parametrix has submitted a final plat for Amazon Data Services, Inc’s minor partition of property described as 4N2824 Tax Lot 600 and addressed as 908 E Penney Ave. The property is zoned Outlying Commercial/Heavy Industrial (C-2/M-2).

The planning commission’s approval of the preliminary plat was not subject to any conditions of approval. Conditions of approval were applied to the site plan approval of the data center construction on Parcel 1 in December of 2022. A copy of those conditions of approval are attached for reference.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances.

The findings of fact and conditions of approval are attached to this report as Exhibit A. The final plat as prepared by the surveyor is attached as Exhibit B. An aerial photo for the planning commission’s reference is attached as Exhibit C.

**Tie-In to Council Goals**

Approval of final plats is a matter of administration of city ordinances.

**Fiscal Information**

The property value will substantially increase with industrial development; however, enterprise zone tax abatements have been issued for the development on Parcel 1 which defers receipt of property tax revenue for fifteen years.

**Alternatives and Recommendation**

Alternatives

The planning commission may choose to approve or deny the final plat.

Recommended Action/Motion

Staff recommends that the planning commission approve the final plat.

Motion to approve the final plat.

**Submitted By:**

Clinton Spencer, Planning Director

**Exhibit A**  
**Findings of Fact and Conditions of Approval**  
**ADS Minor Partition**  
**July 12, 2023**  
**994 E Penney Ave**

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed or referenced on the plat**

- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required**

**Conditions of Approval for AWS Minor Partition**

- 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.

*This condition remains in effect.*

- 2. The site is bounded by E Penney Ave, SE Kelli Blvd, and E Feedville Road.
  - a. E Penney Avenue is classified as an urban minor collector. A condition of the data center’s site plan approval for development of Lot 1 in December 2022 includes a phased plan to improve the parcel’s street frontage to minor collector status using city standards ST10 in the City’s Standards and Specifications.
  - b. SE Kelli Blvd is classified as an urban minor collector. A condition of the data center’s site plan approval for development of Lot 1 in December 2022 includes a phased plan to improve the parcel’s street frontage to minor collector status using city standards ST10 in the City’s Standards and Specifications.
  - c. 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 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.

*This condition remains in effect.*

- 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.

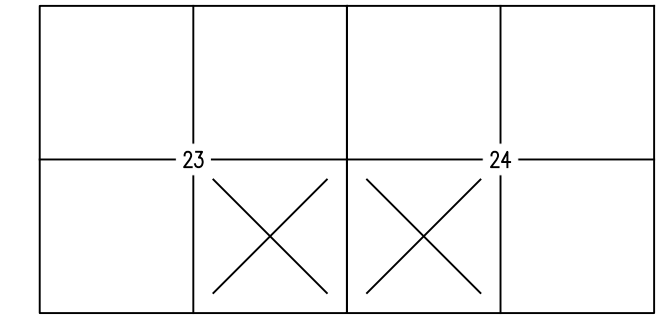
*This condition has been satisfied.*

# PARTITION PLAT NO. 2023-

A PARTITION PLAT OF LOT 2, "STAHL REPLAT"  
LOCATED IN SECTION 23 AND 24, TOWNSHIP 4 NORTH, RANGE 28 EAST,  
WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON



0 200  
1 INCH = 200 FT.



### SURVEY REFERENCES

- RECORD INFORMATION PER CS 89-86-B, BY G. DENNIS EDWARDS, FILED OCTOBER 1986, UCSR.
- RECORD INFORMATION PER HERMISTON PORT-UNIT ONE, BY G. DENNIS EDWARDS, RECORDED IN BOOK 13, PAGE 11, DECEMBER 6, 1989, UCR.
- RECORD INFORMATION PER CS 90-05-A, BY G. DENNIS EDWARDS, FILED JANUARY 1990, UCSR.
- RECORD INFORMATION PER CS 92-95-C, BY G. DENNIS EDWARDS, FILED APRIL 1992, UCSR.
- RECORD INFORMATION PER CS 96-22-B, BY PAUL W.P. TOMKINS, FILED FEBRUARY 1996, UCSR.
- RECORD INFORMATION PER PP NO. 1997-06, INST. NO. 1997-229132, BY RONALD V. MCKINNIS, RECORDED MARCH 18-1997, UCR.
- RECORD INFORMATION PER CAMPBELL DRIVE SECOND ADDITION, BY GREG E. FLOWERS, RECORDED IN BOOK 14, PAGE 02, AS INST. NO. 2000-3660797, MARCH 15, 2000, UCR.
- RECORD INFORMATION PER PP NO. 2008-25, BY G. DENNIS EDWARDS, RECORDED AS INST. NO. 2008-5430520, OCTOBER 21, 2008, UCR.
- RECORD INFORMATION PER PP NO. 2010-05, BY G. DENNIS EDWARDS, RECORDED AS INST. NO. 2010-5640139, APRIL 2, 2010, UCR.
- RECORD INFORMATION PER PP NO. 2010-05, BY MICHAEL B. POSADA, RECORDED AS INST. NO. 2018-6800105, DECEMBER 12, 2018, UCR.
- RECORD INFORMATION PER PP NO. 2019-08, BY MICHAEL B. POSADA, RECORDED AS INST. NO. 2019-6840322, APRIL 2, 2019, UCR.
- RECORD INFORMATION PER PP NO. 2018-20, BY MICHAEL B. POSADA, RECORDED AS INST. NO. 2019-6840322, APRIL 2, 2019, UCR.
- RECORD INFORMATION PER HERMISTON FOODS REPLAT, BY MICHAEL B. POSADA, RECORDED IN BOOK 16, PAGE 85, AS INST. NO. 2019-6850235, APRIL 30, 2019, UCR.
- RECORD INFORMATION PER STAHL REPLAT, BY RONALD V. MCKINNIS, RECORDED IN BOOK 16, PAGE 95, AS INST. NO. 2019-6840037, NOVEMBER 27, 2019, UCR.
- RECORD INFORMATION PER CS 22-006-C, BY DAVID H. KRUBEIN, FILED JANUARY 28, 2022, UCSR.
- RECORD INFORMATION PER CS 18-008-B, BY JAMISON L. BEST, FILED FEBRUARY 8, 2018, UCSR.

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT AS FILED FOR AMAZON DATA SERVICES, INC. IN UMATILLA COUNTY, OREGON.

CHRISTOPHER J. D'ORAZIO, PLS 98905

UMATILLA COUNTY  
OFFICE OF RECORDS

### LEGEND

- SET 5/8" X30" IR W/ YPC CAP INSCRIBED "PARAMETRIX"
- FOUND 5/8" IR W/ YPC INSCRIBED "R.V. MCKINNIS L.S. 2431"; PER R14; HELD
- ⊙ FOUND 5/8" IR W/ YPC INSCRIBED "EDWARDS 951"; PER R8; HELD UNLESS NOTED OTHERWISE
- ⊖ FOUND 5/8" IR W/ YPC INSCRIBED "R.V. MCKINNIS L.S. 2431"; PER R6; HELD
- ▲ FOUND 5/8" 1-1/2" ALUMINUM CAP INSCRIBED "APA OR 2849 WA 41295"; PER R12; HELD.
- FOUND MONUMENT AS NOTED; HELD UNLESS NOTED OTHERWISE.
- ⊕ FOUND SECTION CORNER AS NOTED; HELD
- ⊖ FOUND QUARTER SECTION CORNER AS NOTED; HELD
- ## FOUND CENTER SECTION CORNER AS NOTED; HELD
- (R#) RECORD INFORMATION PER SURVEY REFERENCE NUMBER
- INST. NO. INSTRUMENT NUMBER PER UMATILLA COUNTY DEED RECORDS
- PP NO. PARTITION PLAT NUMBER PER UMATILLA COUNTY RECORDS
- ROW RIGHT-OF-WAY
- IR IRON ROD
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- UCSR UMATILLA COUNTY SURVEY RECORDS
- UCR UMATILLA COUNTY OFFICIAL RECORDS

- PLAT BOUNDARY
- - - EXISTING CENTER LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE, AS NOTED
- - - EXISTING RIGHT-OF-WAY LINE
- - - EXISTING CENTER SECTION LINE
- - - EXISTING SECTION LINE

### SHEET INDEX

- SHEET 1) SURVEY, LEGEND AND SURVEY REFERENCES
- SHEET 2) ADDITIONAL MONUMENTATION AND MEASUREMENT DETAILS, AND LEGEND
- SHEET 3) EXCEPTIONS, ACKNOWLEDGEMENT, APPROVALS, DECLARATION, PLAT NOTES, SURVEYOR'S NARRATIVE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2022  
CHRISTOPHER J. D'ORAZIO  
98905

RENEWS: 12-31-2023

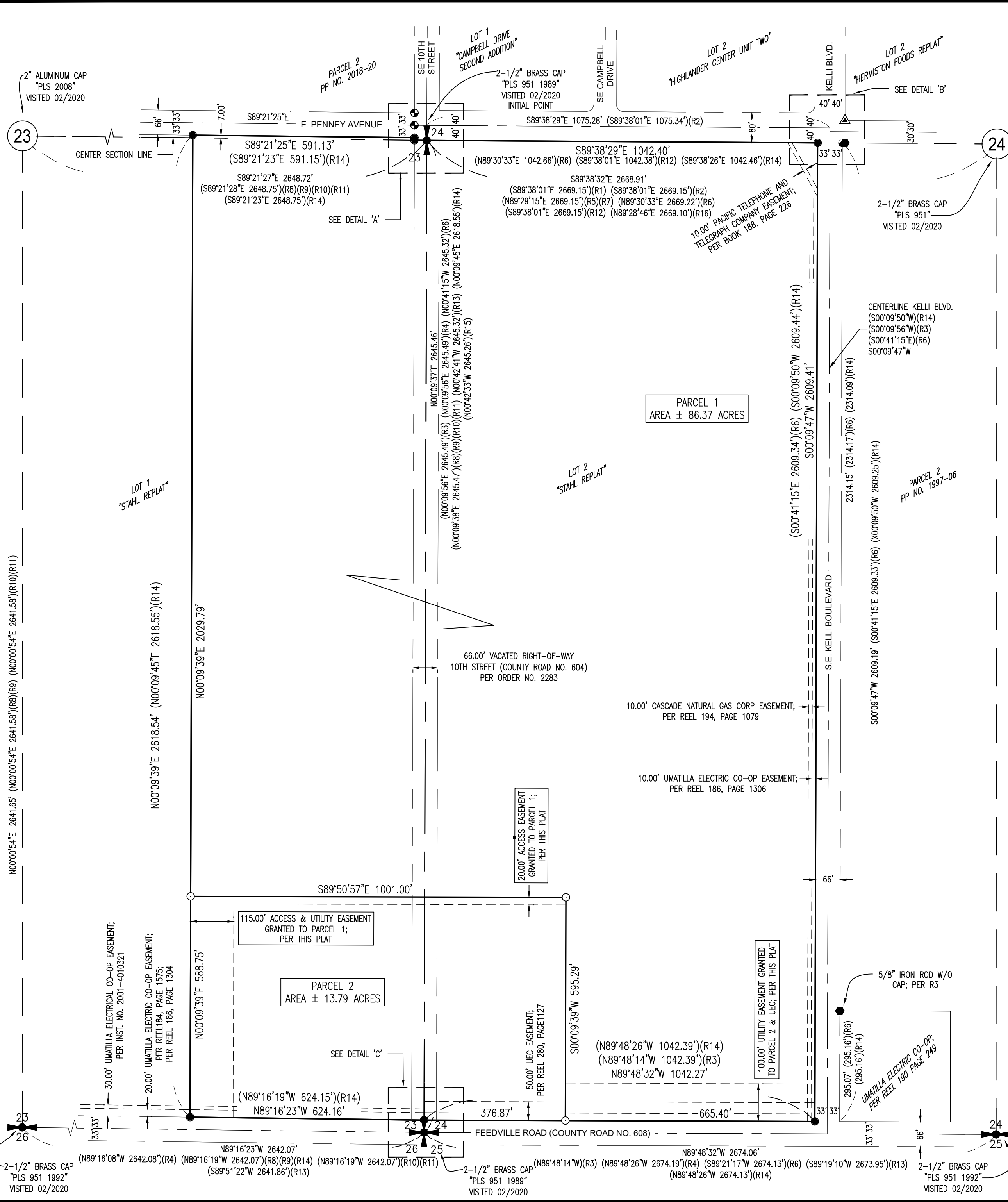
PREPARED FOR:  
AMAZON WEB SERVICES INC.

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

PMX JOB NO. 8117-045

SURVEYED		ONE INCH AT FULL SCALE, IF NOT, SCALE ACCORDINGLY	SHEET NO. 1 OF 3
DRAWN	KDC/CAP		
CHECKED	CJD		
APPROVED	CJD		
	SCALE	1" = 200'	
	DATE	JUNE 8, 2023	

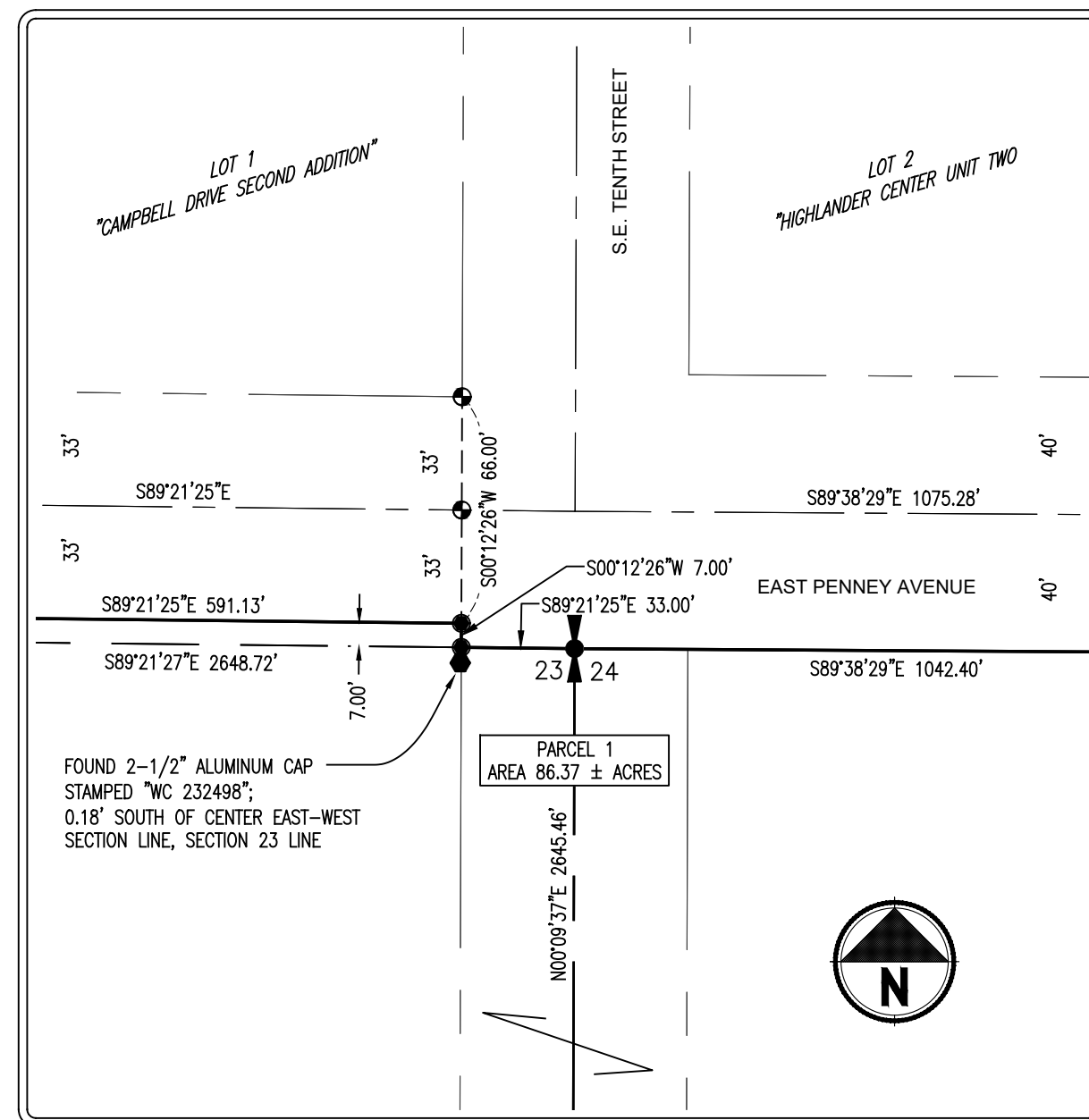




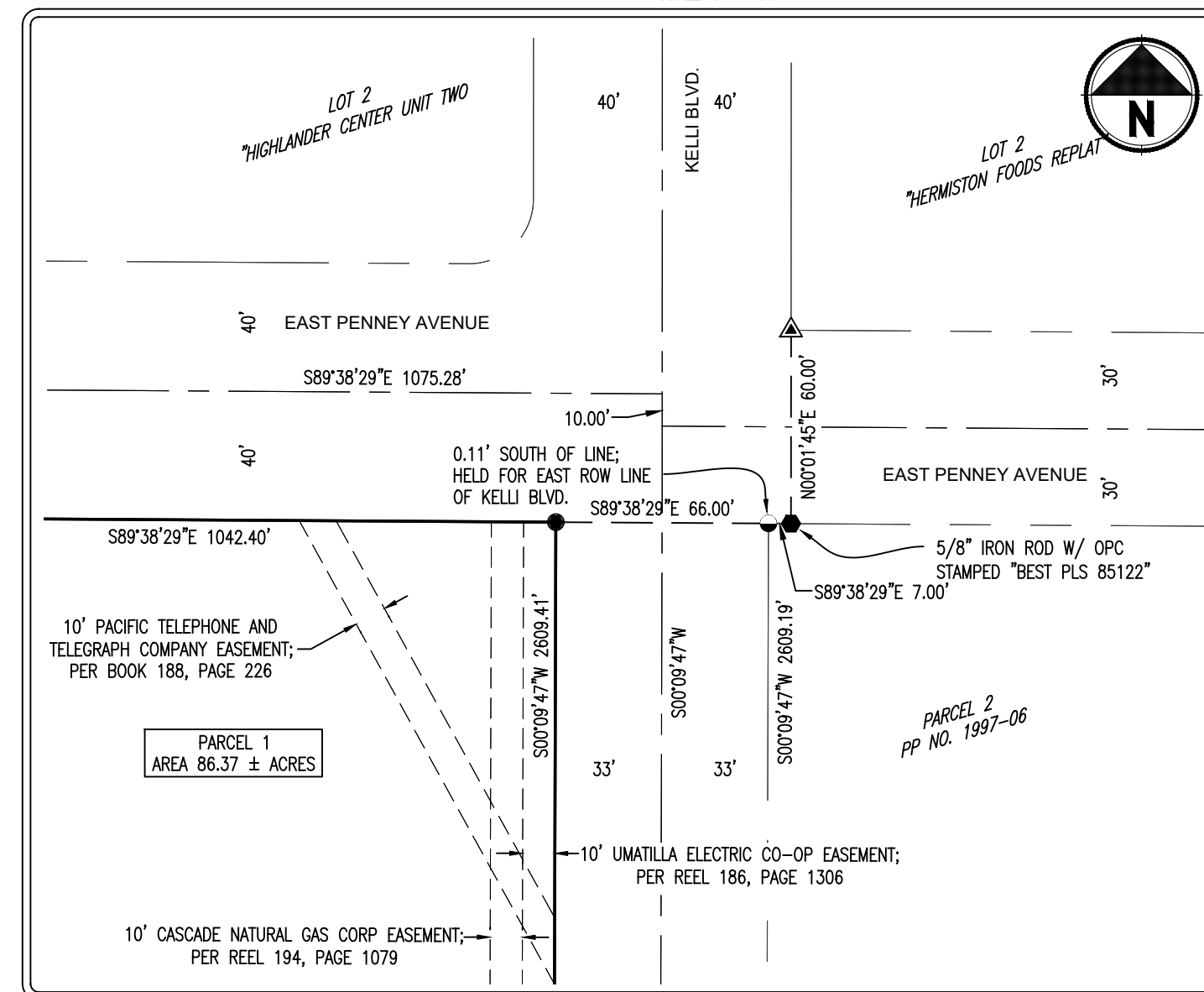
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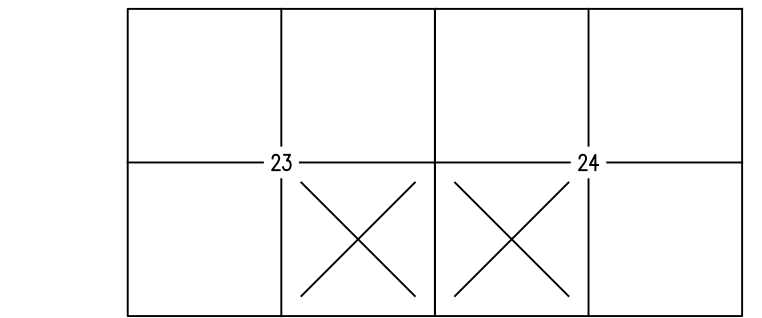
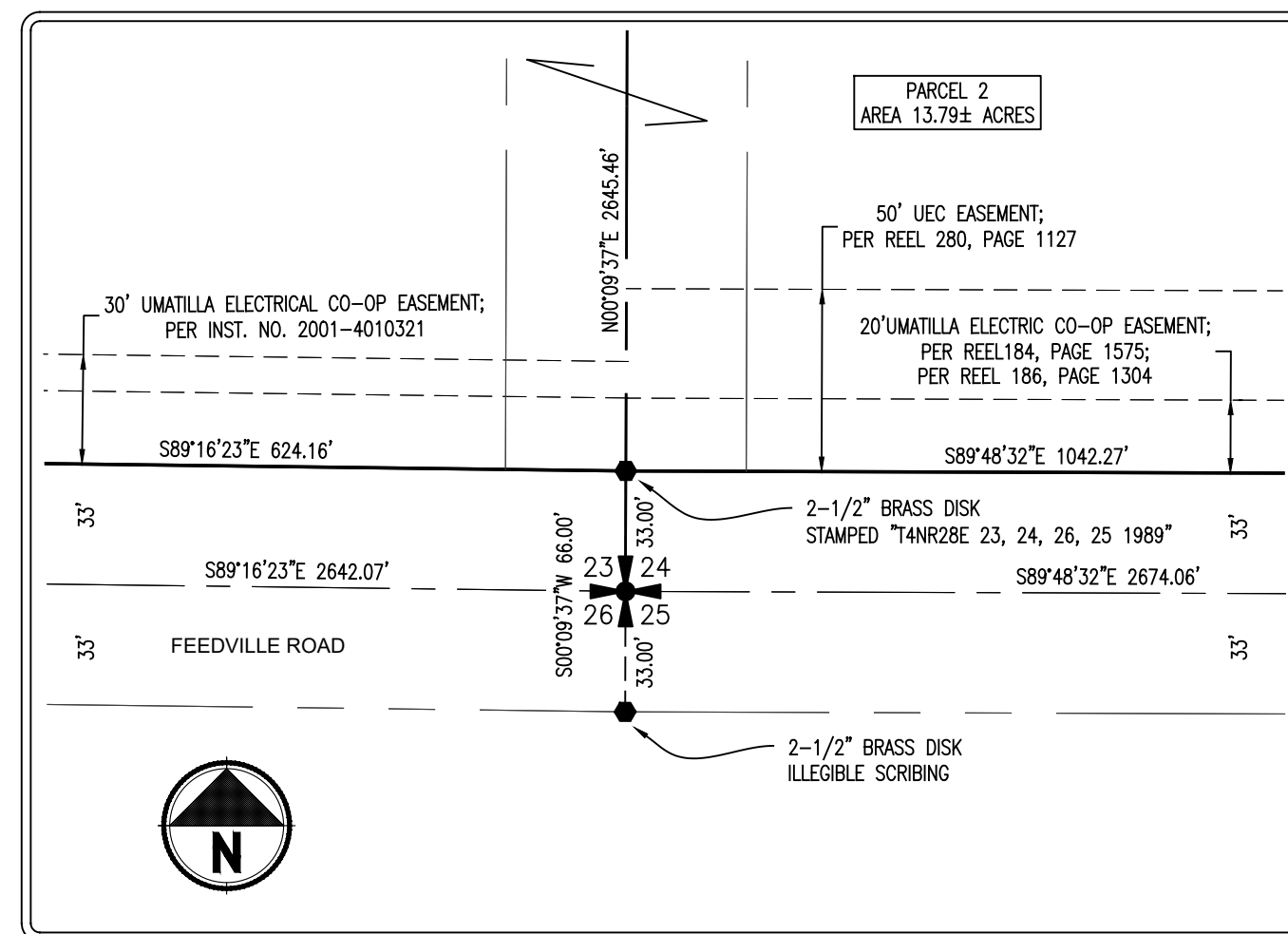
DETAIL 'A'  
 SCALE 1" = 50'



DETAIL 'B'  
 SCALE 1" = 50'



DETAIL 'C'  
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REGISTERED  
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OREGON  
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RENEWS: 12-31-2023

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DRAWN	KDC/CAP			
CHECKED	CJD			SCALE SEE DETAILS
APPROVED	CJD			DATE JUNE 8, 2023

# PARTITION PLAT NO. 2023-

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WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON

## TITLE ENCUMBRANCES

- AS DISCLOSED IN AMERITITLE REPORT NUMBER 9, FILE NUMBER 314638AM, EFFECTIVE DATE FEBRUARY 5, 2020. (TITLE EXCEPTIONS 1-7 ARE GENERAL IN NATURE, AND NOT SHOWN HEREON)
- REGULATIONS, INCLUDING LEVIES, ASSESSMENTS, WATER, AND IRRIGATION RIGHTS AND EASEMENTS FOR DITCHES AND CANALS OF HERMISTON IRRIGATION DISTRICT. (NONE AS OF NOVEMBER 22, 2019)
  - INTENTIONALLY DELETED
  - INTENTIONALLY DELETED
  - RESERVATION OF COAL AND IRON, INCLUDING THE TERMS AND PROVISIONS CONTAINED THEREIN, IN DEED FROM NORTHERN PACIFIC RAILWAY COMPANY, A CORPORATION.  
RECORDED: APRIL 8, 1939  
BOOK: 155, PAGE 274  
THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED.
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: PACIFIC TELEPHONE AND TELEGRAPH COMPANY  
RECORDED: FEBRUARY 14, 1949  
BOOK: 188, PAGE: 226
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.  
RECORDED: JUNE 20, 1949  
BOOK: 189, PAGE: 342
  - INTENTIONALLY DELETED
  - AN EASEMENT INCLUDING THE TERMS AND PROVISION THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH INSTRUMENT:  
GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED MAY 19, 1980  
REEL: 65, PAGE: 1433  
  
(ITEMS 16-18 INTENTIONALLY DELETED)
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: OCTOBER 11, 1989  
INSTRUMENT NO.:  
BOOK: 184, PAGE: 1575  
  
RE-RECORDED: NOVEMBER 24, 1989  
BOOK: 186, PAGE: 1304
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: NOVEMBER 24, 1989  
BOOK: 186, PAGE: 1306
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: CASCADE NATURAL GAS CORPORATION  
RECORDED: JULY 5, 1990  
BOOK: 194, PAGE: 1079
  - INTENTIONALLY DELETED
  - AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: NOVEMBER 15, 1995  
BOOK: 280, PAGE: 1127

(ITEMS 24-28 INTENTIONALLY DELETED)

## TITLE ENCUMBRANCES(CONT.)

- AN EASEMENT INCLUDING THE TERMS AND PROVISIONS THEREOF, AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED THEREIN AS SET FORTH IN INSTRUMENT:  
GRANTED TO: UMATILLA ELECTRIC COOPERATIVE ASSOCIATION  
RECORDED: NOVEMBER 28, 2001  
INSTRUMENT NO.: 2001-4010321  
  
(ITEMS 30-37 INTENTIONALLY DELETED)
- RIGHTS OF STANFIELD HUTTERIAN BRETHERN, AN OREGON NON-PROFIT CORPORATION, ENTITLED TO POSSESSION ONLY (WITH NO OPTIONS TO PURCHASE OR RIGHTS TO RENEW), UNDER THAT CERTAIN UNRECORDED POST-CLOSING LEASE AGREEMENT DATED.

## PROPERTY DESCRIPTION

AS DISCLOSED IN AMERITITLE REPORT NUMBER 9, FILE NUMBER 314638AM, EFFECTIVE DATE FEBRUARY 5, 2020.

A PARCEL OF LAND LOCATED IN SECTION 23 AND 24 OF TOWNSHIP 4 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF HERMISTON, UMATILLA COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOT 2 OF STAHL REPLAT, RECORDED ON NOVEMBER 27, 2019 AS DOCUMENT NO. 2019-6940037, IN BOOK 16, PAGE 95, OFFICE OF UMATILLA COUNTY RECORDS, UMATILLA COUNTY OREGON.

## GENERAL NOTES

- WATER RIGHTS AFFECTING THIS PROPERTY WERE NOT INVESTIGATED AS PART OF THIS PARTITION PLAT.
- THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IMPOSED BY THE CITY OF HERMISTON "PRELIMINARY PLAT APPROVAL - 4N2823 TAX LOT 600" LETTER DATED MAY 11, 2023.

## OWNER'S DECLARATION & DEDICATION

I, THE AUTHORIZED REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE LANDS SHOWN ON THIS PLAT, HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED IN PARCELS AND EASEMENTS AS SHOWN HEREON, AND DO HEREBY SUBMIT FOR RECORD AND APPROVAL SAID PARTITION.

AND DOES HEREBY GRANT THREE (3) EASEMENTS AS SHOWN ON THE PLAT HEREON. A 115 FOOT WIDE ACCESS AND UTILITY EASEMENT ON PARCEL 2 FOR THE BENEFIT OF PARCEL 1. A 20 FOOT WIDE ACCESS EASEMENT ON PARCEL 2 FOR THE BENEFIT OF PARCEL 1. A 100 FOOT WIDE EASEMENT ON PARCEL 1 FOR THE BENEFIT OF PARCEL 2 AND UMATILLA ELECTRICAL COOPERATIVE ASSOCIATION.

\_\_\_\_\_  
MICHAEL GORE, VICE PRESIDENT  
AMAZON DATA SERVICES, INC., A DELAWARE CORPORATION

\_\_\_\_\_  
DATE

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2023

APPEARED \_\_\_\_\_, VICE PRESIDENT OF AMAZON DATA SERVICES AND ACKNOWLEDGE THE FOREGOING DECLARATION

NOTARY PUBLIC FOR \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

COMMISSION NO. \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON INTO TWO PARCELS AS CONDITIONED IN CITY OF HERMISTON "PRELIMINARY PLAT APPROVAL - 4N2824 TAX LOT 600" LETTER DATED MAY 11, 2023.

THE INITIAL POINT OF THIS SURVEY IS THE 1/4 CORNER COMMON TO SECTION 23 AND SECTION 24, MARKED WITH A 2-1/2" BRASS CAP STAMPED "T4N R28E 1/4 23, 24, PLS #951, 1989". THIS PARTITION PLAT IS A SUBDIVISION OF LOT 2 OF THE "STAHL REPLAT", RECORDED IN BOOK 16 OF PLATS, PAGE 95 UNDER INSTRUMENT NO. 2019-6940037.

THE WESTERLY LINE THE PLAT SHOWN HEREON, BEING COMMON WITH THE EASTERLY LINE OF LOT 1 OF THE "STAHL REPLAT", WAS ESTABLISHED BY HOLDING THE MONUMENTS OF SAID REPLAT. THE SAID MONUMENTS WERE HELD AS THE ORIGINAL PLAT MONUMENTS THAT ESTABLISHED BOTH LOTS 1 AND 2 OF THE "STAHL REPLAT". THIS RESOLUTION AGREES WITH THE ORIGINAL BOUNDARY LINE AS SHOWN ON SAID REPLAT.

THE RIGHT-OF-WAY OF EAST PENNEY AVENUE WITHIN SECTION 23 WAS ESTABLISHED BY HOLDING THE 1/4 CORNER COMMON TO SECTION 23 AND SECTION 24 AND THE C 1/4 OF SECTION 23. THE SAID RIGHT-OF-WAY IS INTENDED TO BE PARALLEL WITH AND OFFSET 7 FEET NORTH FROM THE CENTER EAST-WEST 1/4 LINE OF SECTION 23. THE MONUMENTS WERE HELD AS MONUMENTS OF LONG-STANDING RECORD. THIS RESOLUTION AGREES WITH PLATTED ROAD WIDTH OF 66 FEET. THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST PENNY AVENUE WAS INTENDED TO BE THE NORTH LINE OF THE PLAT SHOWN HEREON.

THE RIGHT-OF-WAY OF EAST PENNEY AVENUE WITHIN SECTION 24 WAS ESTABLISHED BY HOLDING THE 1/4 CORNER COMMON TO SECTION 23 AND SECTION 24 AND THE C 1/4 CORNER OF SECTION 24. SAID MONUMENTS WERE HELD AS MONUMENTS OF LONG-STANDING RECORD. THIS RESOLUTION AGREES WITH THE PLATTED ROAD OF 80 FEET WIDTH. THE CENTER EAST-WEST 1/4 LINE OF SECTION 24 WAS ACCEPTED AS THE SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF THE PLAT SHOWN HEREON AS INTENDED.

THE RIGHT-OF-WAY OF SOUTHEAST KELLI BOULEVARD WAS ESTABLISHED BY HOLDING THE FOUND MONUMENTS FROM THE "STAHL REPLAT". SAID MONUMENTS WERE HELD AS MONUMENTS OF LONG-STANDING RECORD. THIS RESOLUTION AGREES WITH THE PLATTED ROAD WIDTH OF 66 FEET. IT WAS FOUND THAT THAT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "R.V. MCKINNIS L.S. 2431" (SET PER R6) FELL 0.11 FEET SOUTH OF THE CENTER EAST-WEST 1/4 LINE OF SECTION 24. SAID MONUMENT WAS HELD FOR THE EAST RIGHT-OF-WAY LINE OF SAID KELLI BOULEVARD.

THE RIGHT-OF-WAY OF FEEDVILLE ROAD WITHIN SECTION 24 WAS ESTABLISHED HOLDING THE FOUND SECTION CORNER COMMON TO SECTIONS 23, 24, 25, AND 26 AND THE 1/4 CORNER COMMON TO SECTIONS 24 AND 25. SAID MONUMENTS WERE HELD AS MONUMENTS OF LONG-STANDING RECORD. THIS RESOLUTION AGREES WITH THE PLATTED ROAD WIDTH OF 66 FEET. THE SECTION LINE COMMON WITH SECTIONS 24 AND 25 IS ACCEPTED AS THE CENTER LINE OF SAID RIGHT-OF-WAY AS INTENDED.

THE RIGHT-OF-WAY OF FEEDVILLE ROAD WITHIN SECTION 23 WAS ESTABLISHED HOLDING THE FOUND SECTION CORNER COMMON TO SECTIONS 23, 24, 25, AND 26 AND THE 1/4 CORNER COMMON TO SECTION 23 AND 26. SAID MONUMENTS WERE HELD AS MONUMENTS OF LONG-STANDING RECORD. THIS RESOLUTION AGREES WITH THE PLATTED ROAD WIDTH OF 66 FEET. THE SECTION LINE COMMON WITH SECTIONS 23 AND 26 IS ACCEPTED AS THE CENTER LINE OF SAID RIGHT-OF-WAY AS INTENDED.

NO OTHER UNUSUAL CIRCUMSTANCES WERE ENCOUNTERED DURING THE COURSE OF THIS SURVEY.  
BASIS OF BEARINGS = SOUTH 89°21'25" EAST BETWEEN THE EAST ONE-QUARTER CORNER OF SECTION 23 (INITIAL POINT) AND THE CENTER OF SECTION 23.  
DISTANCES ARE GROUND VALUES EXPRESSED IN INTERNATIONAL FEET.

## SURVEYOR'S CERTIFICATE

I CHRISTOPHER J. D'ORAZIO A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND SHOWN ON THIS PLAT, AND THIS PLAT MEETS ALL REQUIREMENTS AS ESTABLISHED BY OREGON REVISED STATUTES CHAPTER 92. DESCRIBED AS FOLLOWS:

THE INITIAL POSITION FOR THIS PARTITION IS THE 1/4 CORNER COMMON TO SECTIONS 23 AND 24, MARKED WITH A 2-1/2" BRASS CAP.

UMATILLA COUNTY  
OFFICE OF RECORDS

## APPROVALS

### CITY OF HERMISTON

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS:

MAYOR OF THE CITY OF HERMISTON \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PARTITION PLAT ON THIS:

CITY OF HERMISTON PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

### UMATILLA COUNTY SURVEYOR

I CERTIFY I HAVE EXAMINED THE ACCOMPANYING PARTITION PLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON, WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND THEREFORE APPROVE SAID PLAT FOR SIGNATURE BY THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
UMATILLA COUNTY SURVEYOR

### UMATILLA COUNTY TAX COLLECTOR

I, THE TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PARTITION PLAT AND THAT ALL AD VALOREM AND SPECIAL ASSESSMENTS DUE PURSUANT TO LAW HAVE BEEN ASSESSED AND COLLECTED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
UMATILLA COUNTY TAX COLLECTOR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2022  
CHRISTOPHER J. D'ORAZIO  
98905

RENEWS: 12-31-2023

PREPARED FOR:  
AMAZON WEB SERVICES INC.

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

PMX JOB NO. \_\_\_\_\_ 8117-045

SURVEYED		
DRAWN	KDC/CAP	ONE INCH AT FULL SCALE. IF NOT, SCALE ACCORDINGLY
CHECKED	CJD	
APPROVED	CJD	
		SCALE N/A
		DATE JUNE 8, 2023

SHEET NO. 3 of 3





I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT AS FILED FOR AMAZON DATA SERVICES, INC. IN UMATILLA COUNTY, OREGON.

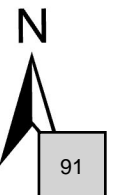
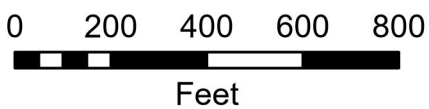
\_\_\_\_\_  
CHRISTOPHER J. D'ORAZIO, PLS 98905

# Notice of Proposed Land Use Action



### Legend

-  Area of Proposed Minor Partition
-  Property Line
-  City Limits
-  Urban Growth Boundary



December 1, 2022



Leif Van Acker  
 920 SW 6<sup>th</sup> Ave, Suite 1200  
 Portland, OR 97204

Re: **Notice of Decision** - Site Plan Approval – AWS Data Center

The City of Hermiston has reviewed and conditionally approved the application for construction of a new data center facility on property described as 4N 28 24 Tax Lot 600.

Assignment of Addresses

The new development will be addressed from E Penney Ave. The primary vehicular access on the site plan is from E Penney Ave and provides the basis for determination of front lot lines per 157.002 of the Hermiston Code of Ordinances. The four data center buildings will be addressed as 976 E Penney Ave, 982 E Penney Ave, 988 E Penney Ave, and 994 E Penney Ave (Moving from north to south respectively. See attached map).

Conditions of Approval

1. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of development.
2. All stormwater shall be retained on-site. The city engineer will review the proposed drainage plan and storm report as part of the civil drawing review process.
3. Civil drawings shall be submitted to the city engineer for review and approval prior to issuance of a building permit. Civil drawings shall be prepared in accordance with the design guidelines for plan preparation contained in the city’s standard plans and specifications located at:  
<https://www.hermiston.or.us/commdev/page/hermiston-design-standards-specifications-and-plans>
4. Signage shall be installed consistent with the requirements of 155.37 of the Hermiston Code of Ordinances.
5. The property lies 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

# PLANNING DEPARTMENT

receive an exemption from this requirement upon submission of evidence from a registered engineer that the storage will not contribute to groundwater pollution.

6. The site is bounded by E Penney Ave, SE Kelli Blvd, and E Feedville Road. E Penney Ave and SE Kelli Blvd are classified as urban minor collector streets in the city’s transportation system plan. E Feedville Road is an urban major collector. The E Penney Ave and SE Kelli Blvd frontages adjacent to the parcel shall be improved to minor collector status using city standard ST10 in the standard specifications referenced in Condition #3 above.
  - a. Based on the length of the street frontages, the City will accept and recommends developing a phased improvement plan for these street upgrades as part of the civil drawing development.
  - b. The City recommends beginning the street upgrades at the Feedville/Kelli intersection closest to Building A (Phase 1) and constructing additional street improvements in phases as construction progresses, completing all required improvements concurrent with Building D (Phase 4).
7. E Feedville Road is a county road and not a city street. As such, an access permit from Umatilla County is required prior to construction of the E Feedville Road driveway approach.
8. All areas for the standing and maneuvering of vehicles shall be paved in accordance with §157.179(A) of the Hermiston Code of Ordinances.
  - a. According to the site plan, 213 parking spaces are proposed. Per §157.176 of the Hermiston Code of Ordinances, 861 spaces are required.
  - b. A major variance from the parking standard has been requested from the planning commission approving 213 spaces.
  - c. The planning commission will consider the variance request on December 14, 2022. If the variance is approved by the planning commission, no further action is required. If the variance is denied or modified by the planning commission, a revised parking plan shall be submitted for approval by the City prior to issuance of any building permits.
9. Comments were received from the Oregon Department of Transportation on November 21, 2022. In the November 21 letter ODOT recommends that a TIA be prepared for this development and additional traffic calming measures for Highway 395 be considered. After reviewing the recommendation, the City has determined that the relatively low employee load (approx. 120 employees per shift at full buildout), limited public access, and additional off-site improvements constructed by the City, and in planning for the City (specifically the South Hermiston Industrial Park street improvements and the improvement of E Penney Ave to connect with Highway 395), a TIA is not merited with this phase. However, the City agrees that this area does warrant additional near-term consideration. At the time additional phases are constructed either on adjacent parcels to the west or south of Feedville Road,

**PLANNING DEPARTMENT**

a TIA prepared in coordination with the City of Hermiston and Umatilla County will be required.

You may now submit your plans to the city engineer for civil review and to the building department to obtain the necessary permits to begin construction of your facility. Additionally, you have the right to file an appeal of the city's decision. An appeal must be filed within 12 days of the date this letter is mailed. If no appeal is filed by 5 pm on December 13, 2022, the city's decision is considered final.

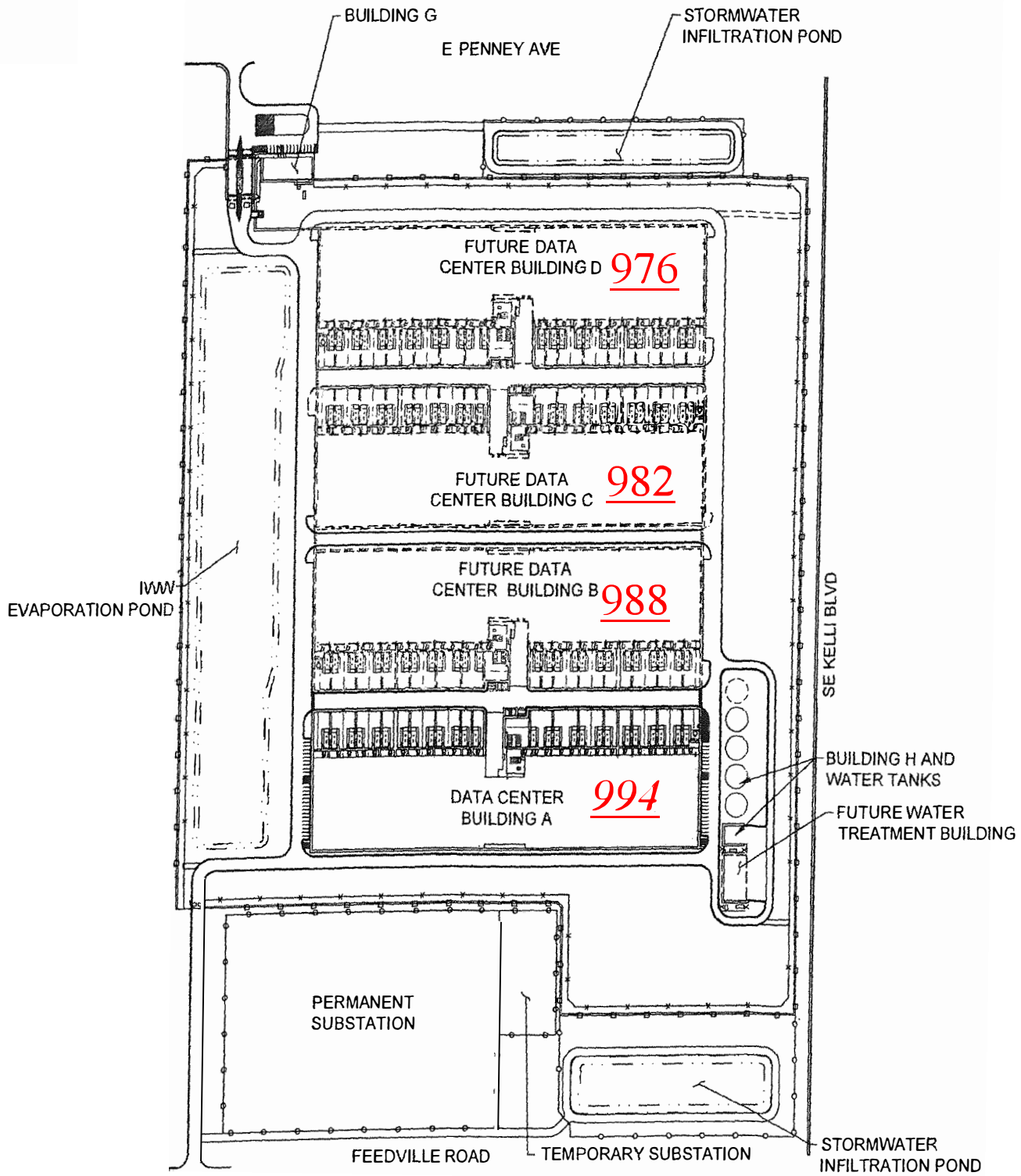
If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



Clinton Spencer  
City Planner

- C: Joshua Lott, Anderson Perry
- Byron Smith
- Mark Morgan
- Development Staff
- Building Department





# Oregon

Kate Brown, Governor

Section 4, Item C.

## Department of Transportation

Region 5, District 12

1327 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801

November 21, 2022

Clint Spencer, Planning Director  
City of Hermiston  
180 NE 2nd Street  
Hermiston, Oregon 97838

Subject: Land Use Review - 994 E Penney Avenue, Tax Lot 600, zoned Outlying Commercial/Heavy Industrial

The Oregon Department of Transportation (ODOT) has concerns with proposed development that could impact state highways and intersections.

The City's 2003 Transportation System Plan includes the US 395 Corridor Refinement Plan that projected traffic volumes to increase as this area develops and outlines initiatives aimed to respond to growth. The US 395 Corridor Refinement Plan was developed in partnership with the City, Umatilla County and ODOT. The corridor strategy strives to address an overall access and circulation management plan with appropriate improvements, such as US 395 intersection improvements, future traffic signals and local street extensions.

Potential options for traffic calming are also included in the City's TSP. As congestion and travel delays increase along US 395, a parallel route becomes more favorable to local traffic and necessary to accommodate future development. A fully continuous north-south route parallel to US 395 to tie into east-west roadways improves the continuity of the City's street grid system.

ODOT recommends a traffic impact analysis be prepared to identify the needed improvements for traffic circulation. We feel traffic calming measures combined with intersection improvements as the area develops is a necessity. These elements should be addressed with emphasis on development contributing fiscally to implement the transportation infrastructure improvements.

ODOT would like to work with the City and applicant to ensure that US 395 operates safely. The transportation system is more effective as mobility choices and connectivity are improved. Thank you for the opportunity to comment.

Richard Lani  
District 12 Manager

CJS

cc: Ken Patterson, ODOT Region 5 Manager  
David Boyd, PE, ODOT Region 5 Traffic Engineer  
Teresa Penninger, ODOT Region 5 Planning Manager  
Dawn Hert, DLCD  
Bob Waldher, Umatilla County