

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 823000200

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: \_\_\_\_\_