

December 1, 2022



Leif Van Acker
920 SW 6th 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

- 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,

City of Hermiston
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.

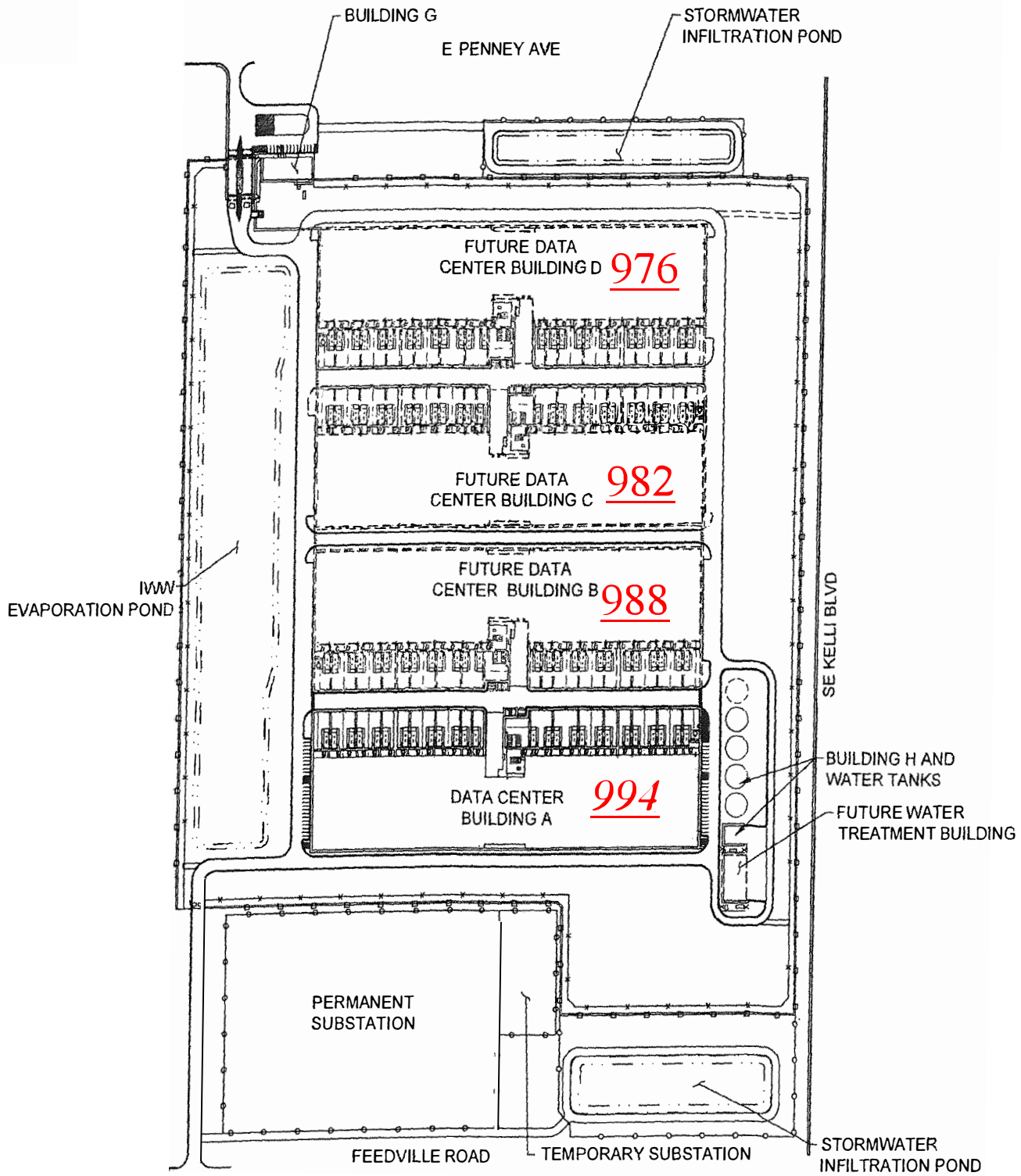
If you have any questions, please feel free to contact me at (541)567-5521.

Sincerely,



Clinton Spencer
City Planner

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





Oregon

Kate Brown, Governor

Department of Transportation

Region 5, District 12

1327 SE 3rd 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