



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of May 10, 2023

Title/Subject

Minor Partition- Amazon Data Services Inc 4N2824 Tax Lot 600 – 994 E Penney Ave

Summary and Background

Parametrix has submitted a minor partition application on behalf of Amazon Data Services for property located at 994 E Penney Ave. The property is approximately 100 acres in size and extends from E Penney Ave south to E Feedville Road. The proposed partition creates two lots in order to accommodate a new electrical substation necessary for the previously approved development of a data center on the site. Following partitioning, the data center lot (Parcel 1) will be 86.37 acres and the substation lot (Parcel 2) will be 13.79 acres.

The property is zoned Heavy Industrial/Outlying Commercial (M-2/C-2). The property is described as 4N 28 24 Tax Lot 600. The property is owned by Amazon Data Services Inc. The applicant has submitted this partition application as a preliminary plat subject to review under §154.35 of the Hermiston Code of Ordinances. Under the provisions of §154.35(B), a minor partition containing three or fewer lots may be exempt from a preliminary plat review and proceed directly to a final plat review. However, the applicant has not chosen to proceed directly to a final plat. Therefore, the planning commission must review the minor partition as a preliminary plat subject to the requirements of §154.35(C) at this meeting and then review the final plat at a subsequent meeting. The development of a utility substation on Parcel 2 is an outright permitted use in the M-2 zone and does not require additional review by the planning commission. Development of a substation was included in the noticing and review of the administrative site plan review for the site.

The property is bounded by E Penney Ave to the north, SE Kelli Blvd to the east, and E Feedville Road to the south. Water and sewer utilities are available in E Penney Ave. Parcel 2 will not require water and sewer services as an unmanned electrical substation. The City has approved a site plan for the development of a data center on Parcel 1 as of December 1, 2022. Additionally, the planning commission approved a parking variance for this development on December 14, 2022. A copy of the existing conditions of approval are attached for the planning commission's reference. Since there are existing conditions of approval which are tied directly to the impact of data center construction, no additional conditions of approval are proposed for this partition.

Public notice was provided for the proposed replat. Notice of the proposed land use action was mailed by direct mail to all property owners within 100 feet on April 26, 2023. A sign informing the public of the proposal was placed on the property on April 26, 2023.

The criteria that are applicable to the decision to accept the proposed partition are contained in §154.15 through §154.35, §157.041 and §157.056 of the Hermiston Code of Ordinances.

The narrative and findings of fact for this application were prepared by Perkins Coie, the applicant's counsel. These findings and narrative are attached to this report as Exhibit A. The existing conditions of approval for site development are attached as Exhibit B. The map showing the property boundary and adjacent streets and parcels is attached as Exhibit C. The preliminary plat as prepared by the surveyor is attached as Exhibit D. An aerial photo for the planning commission's reference is attached as Exhibit E. A copy of the data center site plan is attached as Exhibit F.

Tie-In to Council Goals

The land proposed for partitioning is part of the city's industrial employment base. Development of said land leads directly to economic development and job creation.

Fiscal Information

The property has an assessed value of \$21,239 and is receiving farm deferral of property tax assessments. The property is proposed for an industrial development of several hundred million dollars which will substantially increase the assessed value of the property. However, enterprise zone property tax abatements have been issued for development on Lot 1 which will defer receipt of property tax revenue for fifteen years.

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

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

Motion to adopt findings of fact.

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

Submitted By:

Clinton Spencer, Planning Director