

EXHIBIT A

Findings of Fact for Amazon Data Services Major Variance

December 14, 2022

994 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 214,850 square feet.
2. Required parking for the development is 861 spaces per Section 157.176 of the Hermiston Code of Ordinances which requires one space per 1,000 square feet of building area for industrial use.
3. The total employee count for each building is projected at 30 employees per shift. The site is secure and not open to the public.
4. The only users of the facility will be data center employees and a limited number of authorized visitors.
5. The required parking is higher than needed to service the employee and visitor count and higher than the number of parking spaces provided for data centers in the region, as well as higher parking counts than required for industrial uses in general.
6. Strict application of the parking standard for the proposed distribution center will result in an unused impervious surface of approximately 3.5 acres, requiring additional storm water facilities and creating an unnecessary environmental impact.

The variance is necessary for the preservation of a property right of the applicant that is substantially the same as is possessed by owners of other property in the same zone or vicinity.

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

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

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

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

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

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

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