

**Exhibit A**  
**Findings of Fact in Denial**  
**Infill Designation**  
**August 16, 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.

**157.215(G)(1) The property is constrained by internal or external physical features which preclude development conforming to adopted city standards:**

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 or eight lots meeting the 60 foot minimum lot width. However, the existing lot dimensions preclude creation of all the lots meeting the maximum depth to width ratio if all lots are serviced by E Newport Ave.
7. A deviation from the lot depth limitation of three times the depth is necessary to service at least three potential lots fronting on E Newport Ave. Three lots would exceed 240 feet of average depth.
8. While an infill designation would permit lots fronting on E Newport Avenue to exceed 240 feet in depth, the planning commission finds based upon testimony and evidence in the record that it is also possible to service these lots by constructing an extension of E Hurlburt Ave westward from the northeast corner of the property.
9. An extension of E Hurlburt Avenue as discussed would permit at least two additional lots to be created on the north half of the property and allowing all lots fronting on E Newport Ave to have depths compliant with the subdivision lot standards.
10. The planning commission finds that the property is not constrained by external nor internal features which preclude development conforming to adopted city standards.

**§157.215(G)(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:**

11. 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.

12. 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.
13. 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.
14. E Hurlburt Avenue terminates at the northeast corner of the property. The E Hurlburt Ave right of way narrows to a 20-foot-wide public alley across the north boundary of the site. It is feasible to dedicate an additional 30 feet to this alley and create an additional extension of E Hurlburt Ave.
15. Future extension of E Hurlburt Ave will also provide additional access for this site. This extension creates the potential for extension westward of the 8-inch water and sewer lines currently installed in E Hurlburt Ave.
16. The planning commission finds that all public facilities are currently adequate or may be improved to adequate service levels solely through improvement associated with conventional development.

**157.215(G)(3) Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property:**

17. New construction on the newly created parcels shall meet all setback requirements of the R-1 zone.
18. 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.
19. The planning commission finds that granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property.

**157.215(G)(4) Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties:**

20. Granting of an infill designation will result in the ability to construct eight new single-family or two-family dwellings on E Newport Ave.
21. 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.
22. 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.
23. 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.
24. 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.

25. The planning commission finds that the granting of an infill designation will result in development that is reasonably compatible with existing neighborhood and adjacent properties.

**157.215(G)(5) Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density:**

26. The infill designation is not necessary to develop the property more aligned with R-1 density. Without an infill designation the property can develop at R-1 density with lots fronting on both E Newport and E Hurlburt Avenues.

27. The planning commission finds that granting an infill designation is not necessary for the potential development of this property.

**Decision:**

Per §157.215(G), the granting of an infill designation may be approved by the planning commission upon determination that all of the infill requirements are satisfied. Based on the evidence in the record and testimony received by the planning commission through the public hearing process, the planning commission finds that three of the eligibility requirements are satisfied (§157.215(G)(2), (3) and (4)) and two of the eligibility requirements are not satisfied (§157.215(G)(1) and (5)).

Therefore, the planning commission denies the infill designation request.