

Ordinance No. 2375

Exhibit C

Findings of Fact for Hermiston Data Center Annexation

August 25, 2025

30580 Feedville Road

The city council shall make a decision on annexation upon determination that the annexation complies with the applicable criteria in §150.05 of the Hermiston Code of Ordinances relating to annexation.

- A.** §150.05(1) *The proposal is in conformance with all applicable state annexation requirements.*

Response:

1. The proposed annexation of the subject property is aligned with the City of Hermiston Comprehensive Plan, acknowledged as compliant by the State of Oregon, and codified in Code Section 156.02 of Title XV.
2. The City has received consent to annexation from the property owners for approximately 810 acres of land and an election was deemed not necessary by the city council on February 24, 2025 (*ORS 222.120(1)*)
3. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on July 23 and 30, 2025. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record. (*ORS 222.120(3)*)
4. Notice of public hearing was physically posted on the property on July 23, 2025. (*HZO §157.229(B)*)
5. Affected agencies were notified. (*ORS 222.005*)
6. A public hearing of the planning commission was held on August 13, 2025. Comments received at the hearing are incorporated into the planning commission record. (*ORS 222.120(2)*)
7. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on August 13 and 20, 2025. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record. (*ORS 222.120(3)*)
8. A public hearing of the city council was held on August 25, 2025. Comments received at the hearing are incorporated into the record. (*ORS 222.120(2)*)

The city council finds the proposal is consistent with all applicable state annexation requirements in ORS 222:

- a. The city has received consent from the property owners within the affected area
- b. An election has been deemed not necessary since consent from more than half the owners has been received
- c. The property is contiguous with the existing city limits
- d. All statutorily required notices have been published and posted

B. §150.05(2) *The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.*

Response:

- 9. Since the property is contiguous to the existing city limits located at the centerline of Feedville Road, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
- 10. Annexation is consistent with Policy 5 which requires the city to establish a program for annexation and efficient and orderly provision of public services.
 - a. Property is contained within the urban portion of the UGB (See Finding 11 below)
 - b. Proposed development is consistent with applicable comprehensive plan policies and map designations (See Finding 11 below)
 - c. All city services can be extended readily (See Findings 15-20 below)
 - d. Property owner(s) is willing to bear costs associated with extension of sewer, water and roads except for major facilities -- e.g. sewer pump station or major water main -- necessary to facilitate later growth. (See Findings 15-20 below)
 - e. Proposal is consistent with all applicable state requirements including ORS Chapter 222 governing annexations and Chapter 225 governing utility extensions. (See Findings 1-8 above)
- 11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map. The land was included in the urban growth boundary and assigned an urban comprehensive plan map designation by Ordinance No. 2374. The property is designated as "I" on the comprehensive plan. The I designation is an industrial comprehensive planning designation corresponding to the M-1, M-2, and HDC zoning designations on the city zoning map.

The city council finds that the property is contained within the urban portion of the urban growth boundary.

C. §150.05(3) *The proposed zoning is consistent with the underlying comprehensive plan designation*

Response:

12. The city proposes to annex the property with an M-2 zoning designation with an HDC overlay.
13. The proposed Heavy Industrial (M-2) zoning designation and HDC overlay are implementing zoning designations for the I comprehensive plan map designation.

The city council finds that the proposed zoning is consistent with the underlying comprehensive plan map designation.

D. §150.05(4) *Findings of fact are developed in support or denial of the annexation.*

Response:

14. This document, consisting of three pages of findings adopted by the city council on August 25, 2025 serves as findings of fact in support of annexation.

E. §150.05(5) *All city services can be readily extended, and the property owner is willing to bear costs associated with sewer, water, and roads.*

Response:

15. Utilities are available to service this property at several locations. An amendment to the city public facilities plan has been prepared to detail provision of public facilities and necessary upgrades for servicing of the property.
16. The public facilities plan amendment has been incorporated into the Hermiston comprehensive plan by Ordinance No. 2377.
17. The land is proposed for development with hyperscale data centers. The developer will be responsible for coordination with the city for implementation of the public facilities plan for these sites.
18. An analysis of road and intersection capacity has been prepared in compliance with OAR 660-012-0060.
19. The findings of the transportation analysis find that mitigation will be required at full development of the sites added to the UGB by Ordinance No. 2374.
20. The developer of hyperscale data centers on the property proposed for annexation will be required to participate in mitigation as recommended in the analysis in proportion to the site impacts as determined by site plan review of development.

The city council finds that all city services can be readily extended and the property owner is willing to bear costs associated with sewer, water, and roads.