

EXHIBIT B
FINDINGS OF FACT AND CONCLUSIONS OF LAW
ECONOMIC OPPORTUNITIES ANALYSIS FOR CITY OF HERMISTON

The following findings of fact and conclusions of law explain how the City Council’s decision on the proposed post-acknowledged Comprehensive Plan amendment (the “Amendment”) adopting an economic opportunities analysis (“EOA”) satisfy applicable provisions of the Hermiston Municipal Code (the “HMC”) and Oregon Statewide Planning Goals.

I. Hermiston Municipal Code

The HMC contains the City’s acknowledged land use planning regulations, and sets forth the procedural and substantive regulations for an amendment of the Comprehensive Plan. As explained below, the Amendment satisfies all applicable HMC regulations.

A. HMC 157.226 “Amendments.”

FINDING: The Amendment amends Hermiston’s Comprehensive Plan and was initiated by the City. Therefore, the City Council’s decision is legislative. HMC 157.226 does not prescribe criteria for a legislative amendment to the Comprehensive Plan.

B. HMC 157.229 “ Public Hearings; Notice of Publication”

FINDINGS:

1. The City provided adequate notice of the Amendment to the Oregon Department of Land Conservation and Development pursuant to ORS 197.610–625 and provided public notice of the Amendment to City residents in conformance with ORS 197.797 and HMC 157.229(C).
2. The Planning Commission and City Council held public hearings on August 14, 2024 and September 9, 2024 to consider the Amendment. One written comment from Business Oregon was received by the City Council. No persons testified in opposition to the Amendment.

II. Hermiston Comprehensive Plan

The Amendment adopts an exhibit to the Comprehensive Plan but does not change any of the Plan’s Goals or Policies or the Plan Land Use Map. The Council finds that Policies 1, 2, 3, 4, 17, 18, 20 are applicable to the Amendment.

A. Policy 1: Citizen Involvement

FINDING: The City’s acknowledged citizen involvement program is codified in HMC 157.229. As explained above, the Amendment satisfies this section.

B. Policy 2: Planning Process

FINDING: Policy 2 calls for periodic updates of the Comprehensive Plan, including the modifications of the urban growth boundary. Adoption of an EOA is a necessary predicate to long-term planning for employment lands.

C. Policy 3: Intergovernmental Coordination

FINDINGS:

1. Public agencies received notice as directed in HMC 157.229.
2. DLCD received notice as required in ORS 197.610–625.

D. Policy 4: Urbanization

“City will monitor development activity to insure sufficient vacant land in the city and urban portion of UGB to accommodate the residential, commercial, industrial and community service needs and adopts procedures for converting property from urbanizable to urban when needed subject to Policy 6: CONVERSION.”

FINDING: The amendment identifies vacant lands and future industrial land need throughout the City.

E. Policy 17: Agriculture and Agriculture-Related Economy

Implementing Actions

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“Has designated sufficient vacant buildable commercial and industrial land within the City to provide the full range of goods and services needed by area farmers, and agriculture-related industries.”

FINDING: The Amendment furthers Policy 17 by identifying the City’s vacant industrial lands.

F. Policy 18: General Industrial Development

“A) The City will maintain an adequate supply of designated industrial land to meet anticipated demand, including large developable parcels;”

Implementing Actions

* * *

“Has designated and zoned sufficient vacant buildable land for industrial activity to meet projected 20-year demand. In determining the location of future industrial development, the following has been considered: availability of large acreages, sufficient transportation access, adequate level of urban services and facilities, and segregation from residential and other sensitive uses.”

FINDINGS:

1. The Amendment implements this policy by identifying developable industrial lands.
2. The Amendment also implements this policy by projecting the future industrial land needs for the City.

G. Policy 20: General Economic Development

FINDING: The Amendment will update the projected industrial employment growth and land needs stated in the current Comprehensive Plan.

III. Oregon Statewide Planning Goals

Pursuant to ORS 197.175(2)(a), the City is required to amend the Comprehensive Plan in compliance with the Oregon Statewide Planning Goals (the “Goals”). The Amendment adopts an exhibit to the Comprehensive Plan but does not implicate all 19 of the Goals, because it does not change any of the Plan’s Goals or Policies or the Plan Land Use Map. The Council finds that Goals 1, 2, and 9, are applicable to the Amendment.

A. Goal 1 – Citizen Involvement

FINDING: The City’s acknowledged citizen involvement program is codified in HMC 157.229. As explained above, the Amendment satisfies this section.

B. Goal 2 – Land Use Planning

FINDINGS:

1. Goal 2 requires that the City’s Comprehensive Plan goals and policies be supported by an adequate factual basis. This includes inventories of “population and economic characteristics of the area.” The Amendment directly furthers this component of Goal 2.
2. OAR 660-018-0020 provides the notice requirements for a Comprehensive Plan amendment. The City provided notice of the Amendment in conformance with this section.

3. Submittal of the adopted Amendment shall be conducted according to OAR 660-018-0040.0

C. Goal 9 – Economic Development

FINDINGS:

1. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. In particular, Goal 9 requires that jurisdictions plan for a 20-year supply of commercial and industrial capacity.
2. The detailed employment forecasting analysis within the subject EOA is provided to meet the City's obligation under Goal 9 and its implementing policies. The EOA's forecast of employment growth within the City will guide the City's future planning decisions regarding the City's employment capacity, which is the physical space necessary to accommodate new workers in the production of goods and services. Therefore, the employment forecast within the EOA will guide the City's planning decisions to plan for a 20-year supply of commercial and industrial capacity as required by Goal 9.
3. The primary goals of the EOA are to (1) project the amount of future employment growth within the Hermiston city limits and employment land areas in the Urban Growth Boundary (UGB) between 2024 and 2044, (2) evaluate the existing employment land supply within Hermiston to determine if it is adequate to meet that need, and (3) fulfill state planning requirements for a 20-year supply of employment land. The EOA includes but is not limited to the following:
 - a. An analysis of economic trends nationally and locally.
 - b. An analysis of the available and projected future workforce in Hermiston.
 - c. An employment forecast for Hermiston, which includes separate "safe-harbor," adjusted, and five-year incremental assumptions.
 - d. An analysis of employment land demand and land supply.
 - e. Projected land needs for different types of employment lands.
4. The EOA complies with Goal 9, as codified at Oregon Administrative Rules (OAR) 660, Division 9 to implement Oregon Revised Statutes (ORS) 197.712(2).