

**Exhibit A**  
**Findings of Fact**  
**Hermiston Home Works Inc**  
**Comprehensive Plan Map Amendment and Annexation**  
**1295 SE 10<sup>th</sup> Street**  
**February 14, 2024**

*Findings of Fact on Comprehensive Plan Map Amendment*

**Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)**

1. Notice of the proposed annexation and amendment was published in the local newspaper on December 20 and 27, 2023 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed land use action was physically posted on the property on December 20, 2023, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on December 20, 2023, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
4. The notices listed in findings 1, 2, and 3 above listed January 10, 2024, as the date of hearing. At the January 10 meeting the planning commission chair verbally announced to those in attendance that the hearing was rescheduled to February 14, 2024.
5. Comments received as a result of all required publications are incorporated into the record of proceedings.

**Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)**

6. The city is required to review its land use designations and supply adequate amounts of all zoning types.
7. The proposed map amendments are citizen initiated to fulfill perceived market demand rather than city initiated. The city applies all applicable comprehensive plan policies and statewide planning goals to determine the appropriateness of the proposed amendments to land supply.
8. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, and the Confederated Tribes of the Umatilla Indian Reservation on December 20, 2023.
9. The subject property of approximately 80.46 acres of land is within the urban growth boundary and has the "urbanizable" plan designation and the F2 General Rural zoning. The parcel also has a Future Industrial Overlay designation on the comprehensive plan map. The owner has evaluated the market demands as well as analyzed appropriate and compatible uses in the neighborhood surrounding the subject property and proposes a combination of residential and commercial zoning.
10. The proposed zoning includes 54.79 acres between the A Line Canal and the railroad tracks and 25.67 acres located between the railroad tracks and the Feed Canal. The 54.79

acres comprises 48.89 acres to be zoned R-3 residential and 5.9 acres to be zoned C-2 commercial. The 25.67 acres is to be zoned C-2 commercial. Proposed map designations are attached as a map to this report.

#### **Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)**

11. The change will promote compact urban development to ensure efficient utilization of land resources and facilitate economic provision of urban facilities and services adding commercial space adjacent to an existing professional commercial node containing higher education and government buildings (SE Columbia Dr). It will also convert land that is not considered high value farmland to medium density (R-3) residential lots.
12. Commercial space is needed in this area for future expansion of higher education facilities, businesses which will serve the nearby commercial node, and for businesses that do not rely on heavy traffic volume, but which prefer a presence in the southeast part of Hermiston.
13. Residential development is needed in this area and will provide a compatible mix of residential and commercial uses for existing adjacent and nearby properties.
14. Future plans for the Gettman Rd extension will add a convenient transportation route to and from the subject property.
15. The property is within the urbanizable portion of the UGB and has a county F2 (General Rural) designation. The property is contiguous with the city limits and annexation is consistent with Policy 5. Following amendment of the plan map designation from General Rural to a mix of medium density residential and commercial, the property will become part of the urban portion of the UGB.
16. The applicant is proposing amendment of the comprehensive plan map designation of the subject property from its current urbanizable industrial status to an urban commercial and urban residential status, implementing Policy 6 prior to annexation.

#### **Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)**

17. The Subject property has been utilized for pasture and hay production for years, however it is located within the city's acknowledged urban growth boundary and is designated as urbanizable land for non-farm development. The land is not considered high value farmland and is not protected as Goal 3 farmland and therefore an exception to Statewide Planning Goal 3 is not required.

#### **Goal 4 (Forest Lands) and Policy 7 (Natural Resources)**

18. There are no forest lands identified within the Hermiston UGB. Goal 4 is not applicable.

#### **Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)**

19. The property is identified on the Hermiston comprehensive plan as having 1.44 acres of wetland. The applicant intends to review options for developing the area identified as wetland. Options include obtaining an updated wetland delineation, following all pertinent regulations to legally develop the area, or leaving the area undisturbed. A map showing the existing city wetland inventory for this site is attached to this report.

**Goal 6 (Air, Water and Land Resources Quality and Policies 11 (Air Quality), 12 (Noise), and 13 (Water Quality))**

20. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

**Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)**

21. In Figure 12 of the Hermiston Comprehensive Plan (1984) two natural hazards and development limitations on a portion of the subject property are identified. These include excessively well drained soils and restrictive foundation soils.
22. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources and structural safety.
23. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
24. Where restrictive foundation soils are evident, the city shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the city shall prohibit development.

**Goal 8 (Recreational Needs) and Policy 16 (Parks, Recreation and Open Space)**

25. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This property is not included on either inventory. This policy is not applicable.

**Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)**

26. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. Although the subject property is zoned F2, General Rural, it also has a future industrial overlay zone. This application considers the impact of removing approximately 60% of this land from the employment land inventory for residential development, and maintaining 40% for commercial development.
27. The proposed change includes a zoning of 31.57 acres of C-2 (commercial).
28. According to the 2017 Economic Opportunities Analysis update by Johnson Economics, LLC there were 605.4 acres of Goal 9 industrial buildable land inventory within the Hermiston UGB. At the time, this equated to 447 years of supply. Since then, Amazon's data centers and other industrial construction has consumed over 100 acres. The proposed change would also remove 80.46 acres of buildable industrial lands leaving 385 acres in the industrial inventory. The 385 industrial acres are adequate to meet the city's industrial land needs through the planning horizon. The projected industrial demand through 2037 requires 145 acres.

Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)

29. Changing the subject property from county F2 General Rural to city R-3 Medium-Density would help satisfy the city's projected housing need. The 2021 City of Hermiston Housing Capacity Analysis shows the existing housing supply of 8,051 housing units.
30. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1% between 2020 and 2040 resulting in a 2040 population of 26,045. To accommodate the growth in population, the city's projected need within the city's housing needs analysis will require a total of 10,081 housing units in 2040.,
31. To accommodate a total population of 26,045 distributed over 10,081 housing units, an additional 2,030 housing units are required.
32. The subject property's current zoning allows for a density of one housing unit per 19-acre lot.
33. The proposed amendment will designate 48.89 acres as R-3 Medium-High Density Residential. 48.89 acres of R-3 land can accommodate up to 300 single or two-family lots as a low-density development, or up to 1,000 multi-family dwelling units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 1,164 new single family detached units are needed by 2040. There is an identified demand of 512 new units within the Medium-Density zoning by 2040 thus the proposed zone change further satisfies this projected need adding the capacity to meet up to half the single and two-family demand through 2040 or satisfying up to 100% of the multi-family demand. It is anticipated that the development will encompass a mixture of low-density detached and multi-family attached dwellings.
34. While recent residential development has been focused in the northeast quadrant of the city, there remains a demand and need for housing in the Southeast quadrant of the city which is close to public services, educational facilities, and retail services, as well as public transit.
35. Applicant has expressed plans to develop lots primarily for single-family detached homes that would range in sales price from low to mid \$300s. Additionally, the applicant has expressed plans to develop a minority portion of the land into duplexes, and/or single-family homes with accessory dwelling units.
36. The creation of new 48-acre housing subdivision will have a meaningful impact on housing availability and affordability, in alignment with Policies 21 and 22. Specifically, increasing the available housing supply contributes to maintaining an affordable supply of housing units at a range of prices.

Goal 11 (Public Facilities and Services) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)

37. Water is currently adjacent to the property in SE 10<sup>th</sup> Street. An 8" and 10" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
38. Sanitary sewer is currently available near the intersection of E Highland Ave and SE 10<sup>th</sup> Street and at the intersection of SE 10<sup>th</sup> Street and the Union Pacific Railroad. A 10" line

crosses under the railroad at the southwest corner of the property and an 8" line is available near E Pine Ave.

39. Applicant is willing to extend both sewer and water to the subject property.
40. SE Columbia Drive is an urban minor collector and fully improved city street that will be extended into the property once it develops.
41. SE 10<sup>th</sup> Street is an urban minor collector that crosses the A Line Canal and borders the west property line, with a single lane bridge just north of the property border. The section of SE 10<sup>th</sup> Street between the A Line Canal and E Highland Ave is a county road improved with minimum width paving only. It is not improved to urban minor collector status. The section of SE 10 Street between the A Line Canal and the southwest corner of the development site is unimproved.
42. The A Line Canal crossing is a single-lane, paved bridge. According to the included traffic impact analysis, the crossing is functional but will not accommodate traffic at an acceptable level of service at full buildout. Improvements to the bridge will be required, likely requiring replacement of the bridge with a new full-width culvert crossing.
43. Improvements to SE 10<sup>th</sup> Street and the A Line Canal crossing will be installed by the city prior to or at such time that the peak hour trips generated by the development reach a recommended cap of 642 peak hour trips. A proportional fee shall be added to each building permit issued on the property to help with the financial requirements for any improvement. The city will also use system development charges dedicated for transportation improvements to fund improvements.
44. The specific transportation impact fee cannot be established as part of the comprehensive plan map amendment under consideration by the city at this time. A full land use application for either subdivision, multi-family development, commercial development, or other permitted uses will be necessary to calculate both the total trip generation and the proportional impact of each dwelling unit or commercial structure constructed.
45. East Highland Ave is an urban major collector that runs along the northeast border of the property. All streets abutting the property will be improved to comply with the city's transportation plan at such time as development of abutting phases occurs.
46. All stormwater will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
47. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
48. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
49. The Hermiston Police Department provides public safety services to the area under consideration. The police department has adequate capacity to patrol and protect the area with no additional actions required by the developer.
50. Umatilla County Fire District #1 provides fire and life safety services to the area under consideration. The UCFD#1 has adequate capacity to service the area with no additional actions required by the developer.
51. Applicant will extend power and telecommunications services to the property after adoption of annexation and zone changes.

Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)

52. Applicant has provided a transportation study and transportation impact analysis. A copy of the study is attached to this report and is also in the project file.
53. The following summary and recommendations have been extracted from the transportation study performed by Clemow Associates LLC.
- All study intersections are anticipated to operate within agency mobility standards in the 2043 Current and Proposed Zone Designation scenarios. As such, no improvements are specifically necessary to mitigate the Proposed Zone Designation transportation impacts.
  - All study intersections have adequate storage available on all approach movements to accommodate the 95th percentile vehicle queues.
  - A trip cap of 642 peak hour trips is recommended to mitigate potential impacts to transportation facilities, especially the intersections of SE Columbia Drive/US 395 and Highland Ave/395.
  - As part of the development plan and land use approval process, the developer will be required to provide trip generation assumptions for commercial development and residential dwelling units. These generation assumptions will be tracked by the city for compliance with the trip cap and in the event trip generation exceeds the cap of 642 peak hour trips, amendments to the TIA shall be required by the city and additional mitigation measures may be required.

#### Goal 13 (Energy Conservation)

54. This goal requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The proposed zoning of the subject property will promote mid-scale density residential development in close proximity to existing and future commercial neighborhoods thereby minimizing travel needs.

#### Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)

55. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

#### *Findings of Fact on Annexation*

1. The City has received consent to annexation from the property owner for approximately 80 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on December 20 and 27, 2023. 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.
3. Notice of public hearing was physically posted on the property on December 20, 2023.
4. Affected agencies were notified.

5. A public hearing of the planning commission was held on February 14, 2024. Comments received at the hearing are incorporated into the planning commission record.
6. 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 February 7 and 14, 2024. 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.
7. A public hearing of the city council was held on February 26, 2024. Comments received at the hearing are incorporated into the record.
8. 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.
9. Since the property is contiguous to the existing city limits, 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. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
12. Water is currently adjacent to the property in SE 10<sup>th</sup> Street. An 8" and 10" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
13. Sanitary sewer is currently available near the intersection of Highland Ave and 10<sup>th</sup> Street and at the intersection of SE 10<sup>th</sup> Street and the Union Pacific Railroad. A 10" line crosses under the railroad at the southwest corner of the property and an 8" line is available near E Pine Ave.
14. Applicant is willing to extend both sewer and water to the subject property.

#### *Findings of Fact on Zoning Designation*

1. Following amendment by the city and adoption by Umatilla County, the comprehensive plan map will designate the area as Medium Density Residential and Commercial. Proposed map designations are attached as a map to this report.
2. The proposed Medium-High Density Residential and Outlying Commercial zoning designations appropriately implement the Medium Density Residential and Commercial comprehensive plan map designations adopted for the property.