

**Exhibit A**  
**Findings of Fact**  
**Reyes Comprehensive Plan Map Amendment and Annexation**  
**1088 E Newport Ave**  
**August 12, 2024**

*Findings of Fact on Comprehensive Plan Map Amendment*

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

1. Notice of the proposed planning commission hearing on annexation and amendment was published in the local newspaper on June 18 and 25, 2024 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 city council hearing on annexation and amendment was published in the local newspaper on July 3 and 10, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was physically posted on the property on June 18, 2024, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
4. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on June 18, 2024, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
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 amendments to the comprehensive plan map and zoning map are quasi-judicial in nature and may be citizen or city initiated.
8. 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.
9. 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 June 18, 2024.
10. The subject property is within the urban growth area and has the “urbanizable” plan designation and a FR (Future Residential) comprehensive plan designation and FU-10 zoning designation. The owners have evaluated the market demands and analyzed appropriate and compatible uses in the neighborhood surrounding the subject property. Testimony provided before the planning commission and city council indicated that surrounding property owners prefer low density housing. The owners propose duplex or multi-family housing.

11. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additionally, multi-family housing is permitted conditionally in the R-2 zone, requiring additional review and public process prior to city approval, thereby guaranteeing the right of due process for multi-family housing and providing additional opportunities for public participation.
12. The proposed R-2 zoning will add 2.01 acres of medium density land adjacent to existing single-family development.

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

13. As land immediately adjacent to the city limits and current terminus of both city roads and city utilities, it provides a logical continuation of urban development into the urban growth boundary. The change will promote compact urban development and ensure efficient utilization of land resources.
14. It will facilitate economic provision of urban facilities and services because it provides reasonable extensions of the existing local street network and utility infrastructure. Section 157.164(E) of the Hermiston Code of Ordinances requires extension of services *"...in a logical fashion to the extent of the development site so as to be readily available for adjacent development."* The property proposed for amendment and annexation has benefitted from prior extensions of streets and utilities within the Highland Summit subdivision directly adjacent to the north, thereby demonstrating orderly urban growth principles and preparing future extensions consistent with this policy.
15. The land was included within the city's acknowledged comprehensive plan and within the urban growth boundary as part of the 1983 adoption and implementation process. The land was designated in 1983 as Future Residential and thereby designated as land for urban level residential development through the appropriate land use procedures in place at the time. The land is planned for residential development and is compatible with existing adjacent property uses. The R-2 zoning provides single and two-family dwellings as outright uses and the city council finds that development at single and two-family density is compatible with the surrounding urban single-family and rural single-family development. Additionally, two-family dwellings are considered equivalent to single-family dwellings under state law in ORS 197A.420 and as codified in the Hermiston Code of Ordinances in §157.025(A).
16. The property is within the urbanizable portion of the UGB and has a county FR (Future Residential) comprehensive plan and an FU-10 zoning designation. The property is adjacent to the city limits and the proposed annexation is consistent with Policy 5. Following amendment of the plan map designation to a mix of low density residential, the property will become part of the urban portion of the UGB.
17. The applicant is proposing annexation and incorporation to the city prior to residential development. Therefore Policy 6 is satisfied.

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

18. The subject property is vacant and not under cultivation. It is located within the city's acknowledged urban growth boundary and is designated as urbanizable land. 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)**

19. 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)**

20. The properties do not have any identified natural resources, scenic and historic areas, open spaces, surface water, mineral or historic resources, therefore an exception to the Statewide Planning Goals 5, 8, 9 and 10 is not required.

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

21. 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)**

22. Figure 12 of the Hermiston Comprehensive Plan indicates this property is subject to potential natural hazards due to a high water table.

23. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources.

24. 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.

**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 portion of the urban growth boundary is not identified in either document as a potential park site.

**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. This land is listed on the Comprehensive Plan as F-R and not meant for economic development. Employment lands are not affected by this amendment to the comprehensive plan. Therefore, Goal 9 and the implementing policies are not applicable.

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

27. Changing the subject property from county F-R to city R-2 Medium Density helps 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. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1%

between 2020 and 2040. 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, resulting in a need for 2,030 new housing units by 2040.

28. The subject property is currently zoned county FU-10, which allows for one housing unit per 10-acre lot. The proposed change includes 2 acres zoned R-2 Medium Density Residential which the applicant believes will yield 10 single-family or up to 45 multi-family housing units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 735 new multi-family units are needed by 2040. Thus, the proposed zone change would go further to satisfy this projected need than the current zoning.
29. This residential development is close to public services and schools.
30. The proposed amendment and annexation will provide additional housing opportunities in the southeast quadrant of the city helping to balance growth which is now concentrated in the northeast and southwest quadrants.
31. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additional, denser housing types are permitted conditionally through a Type III hearings process.
32. The creation of new housing units, middle housing units, will have a positive impact on housing availability and affordability, in alignment with Policies 21 and 22.

**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)**

33. Water and sewer are currently adjacent to the property in SE 11th Street.
34. The site is bounded by E Newport Ave, SE 11<sup>th</sup> Street, and E Tamarack Ave. All streets are classified as local residential streets. Street improvements, compliant with the city's transportation plan and proportional to the impact of development will be required at such time as development occurs.
35. All storm water will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
36. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
37. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
38. 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.
39. 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.
40. Concurrent with development, 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)**

41. Applicant has provided a transportation study and transportation impact analysis.
42. The following summary and recommendations have been extracted from the transportation study performed by PBS Engineering and Environmental, Inc.
  - 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.
  - Development on the site will not change the functional classification of any impacted street.
  - All study intersections have adequate storage available on all approach movements to accommodate vehicle queues.

### **Goal 13 (Energy Conservation)**

43. 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 low-scale density residential development in close proximity to schools, parks, and existing 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)**

44. 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 owners for approximately 2.01 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 June 18 and 25, 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.
3. Notice of public hearing was physically posted on the property on June 18, 2024.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on July 10, 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 July 3 and 10, 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 July 22, 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 11th Street. A 12" 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 adjacent to the property in SE 11th Street. An 8" line is available to service the property and may be extended into the development site. Sewer sizing will be determined at the time of development.
- 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 Low Density Residential. Proposed map designations are attached as a map to this report.
- 2. The proposed Medium Density Residential zoning designation (R-2) appropriately implements the Low Density Residential comprehensive plan map designations adopted for the property.