

## **Exhibit B**

### **Findings of Fact for Denial**

**August 24, 2020**

1. The city council finds the amendment of accessory dwelling standards is a legislative amendment. The proposed amendment involves the text of the Hermiston zoning code and has widespread and significant impact to the City of Hermiston.

#### **Goal 1 and Policy 1. Citizen Involvement**

2. The planning commission held a public hearing on August 12, 2020 in accordance with §157.266(F) of the Hermiston Code of Ordinances.
3. The city council held a public hearing on August 24, 2020 in accordance with §157.266(F) of the Hermiston Code of Ordinances.
4. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing on July 22, 2020 in accordance with §157.226 of the Hermiston Code of Ordinances.
5. Notice of the city council hearing was published in the Hermiston Herald at least 20 days prior to the hearing on August 5, 2020 in accordance with §157.226 of the Hermiston Code of Ordinances.
6. The proposed amendment is citizen-initiated and filed in accordance with §157.226(A) of the Hermiston Code of Ordinances.
7. The city council finds that the citizen involvement requirements in Statewide Planning Goal 1 and Policy 1 of the Hermiston Comprehensive Plan are satisfied.

#### **Goal 2 and Policy 3. Intergovernmental Coordination**

8. A notice of public hearing was provided to all affected agencies by direct mail on July 22, 2020. Affected agencies notified were as follows: Hermiston Irrigation District, Hermiston School District, Confederated Tribes of the Umatilla Indian Reservation, Oregon Department of Transportation, Umatilla County, Umatilla County Emergency Management, US Bureau of Reclamation, Umatilla County Fire District 1, and Fair Housing Council of Oregon. No comments were received as a result of that mailing.
9. Notice of a post-acknowledgement plan amendment was provided to the Oregon Department of Land Conservation and Development using the online submission system on July 6, 2020 more than 35 days before the initial evidentiary hearing.
10. The city council finds that the citizen involvement requirements in Statewide Planning Goal 2 and Policy 3 of the Hermiston Comprehensive Plan are satisfied.
11. The decision is supported by an adequate factual base as required by Goal 2.

#### **Policy 2. Planning Process**

12. Policy 2 requires the City to monitor the comprehensive plan and periodically undertake revisions to respond to changing conditions.

13. Adoption of the proposed ordinance maintains the implementing ordinances for the city providing additional opportunities for housing. Accessory dwelling units are mandated for all single-family zones in ORS 197.312(5). The proposed amendment provides additional design options for state mandated accessory dwelling units.
14. The city council finds that the citizen involvement requirements in Policy 2 of the Hermiston Comprehensive Plan are satisfied.

**Goal 14 and Policies 4, 5, and 6. Urbanization and Orderly Urban Growth, Annexation, and Conversion.**

15. The city council finds that Goal 14 and Policies 4, 5, and 6 are not applicable to this amendment. The proposed amendment applies only to urban land within the city limits and urban growth boundary of the City of Hermiston. No expansion of the city limits or urban growth boundary is necessary.

**Goals 5, 6, 7, and 13 and Policies 7, 8, 9, 10, 11, 12, 13, 14, and 15. Natural Resources**

16. The city council finds that Goals 5, 6, 7, and 13 and Policies 7, 8, 9, 10, 11, 12, 13, 14, and 15 are not applicable to this amendment. The proposed amendment applies to all residentially zoned property within the City of Hermiston. It is not possible to consider all potential impacts as the result of amending the design standard for accessory dwellings on natural resource land. To the extent that any specific development proposal is considered by the city, all applicable natural resource protection requirements will apply and be considered at the time an application for development is considered by the city.

**Goal 8 and Policy 16. Parks and Open Space**

17. The city council finds that Goal 8 and Policy 16 are not applicable to this amendment. Although parks and open space uses are permitted conditionally in all residential zones, provision of accessory dwellings is allowed only in conjunction with an existing single-family residential use. Accessory dwellings are permitted only on land which is already developed and committed to residential use. Therefore, the city's ability to provide park and open space land in the future is not hindered as the provision is not applicable to vacant, developable land in the city's buildable land inventory.

**Goal 9 and Policies 17, 18, 19, and 20 Local Economy**

18. Accessory dwellings are not permitted in any commercial or industrial zone in the City of Hermiston.
19. The city council finds that Goal 9 and Policies 17, 18, 19, and 20 are not applicable.

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

20. The proposed amendment accommodates needed housing as defined in ORS 197.303.
21. The proposed amendment creates an opportunity for accessory housing using a standard which is not permitted for other single-family housing in the same zones within the city, as prohibited by 197.312(2)(b).
22. Hermiston has an existing housing supply of 6,649 units per the 2010 housing needs analysis. The projected need within the city's housing needs analysis will require 10,531 housing units in 2030.
23. Hermiston has a net buildable residential acreage of 1,995 acres per the 2010 buildable land inventory. The net buildable acreage in the inventory has a projected capacity of 11,893 housing units. Per the BLI, 3,881 units are needed.
24. If no changes are proposed to the city's development code, the city will have an excess capacity of 8,012 housing units.
25. Accessory dwelling units create an opportunity for the construction of additional dwellings on existing and future residential lots which were not considered when the existing housing needs analysis and buildable land inventory were adopted in 2010. Accessory dwelling units will create an additional excess capacity above the 8,012 potential surplus units in the BLI when constructed.
26. Under the framework imposed by the legislature in ORS 197.296, cities shall assume that no more than three percent of land will take advantage of increases in density afforded by accessory dwellings and middle housing for planning purposes. Therefore, it can be assumed that 3% of existing dwelling units ( $6,649 \times 0.03 = 199$ ) and 3% of future dwelling units ( $3,881 \times 0.03 = 116$ ) have the potential to be added to the city's future dwelling unit capacity as a result of this amendment. Therefore, the text amendment will add an additional 315 dwelling units to the city's residential buildable land inventory and housing needs analysis.
27. Under this amendment, the city's residential capacity will increase from 11,893 housing units to 12,208 housing units. With the projected need remaining constant at 3,881 housing units, the city will have an excess capacity of 8,327 housing units.
28. Accessory dwellings are intended to supplement lower income housing stock. ADUs are typically rental units or occupied by family or friends who may pay little or no monthly fee. Therefore, the housing occupies the lowest tiers of the housing needs analysis' cost tables. These tiers are \$0-\$70,000 for owned units and \$0-\$375, \$376-\$625, and \$626-\$875 per month for rental units.
29. The buildable lands inventory shows that the city has an oversupply of 1,211 units at the lowest three tiers for rental units.
30. The city's housing needs analysis shows a need for 2,457 rental units at the lowest three tiers for year 2030. The current supply at this level is 2,854 units. This represents an existing oversupply of 397 units over the 2030 need.
31. The text amendment will add the ability to add an additional 315 housing units at this income level, creating a potential supply of 3,169 units.
32. The city council finds that the proposed amendment creates an excess supply of potential residential units above and beyond that which is needed to satisfy the city's comprehensive plan as detailed in the housing needs analysis and residential buildable land inventory.

33. The city council finds that the intent of the manufactured dwelling standards in 157.145 restrict the placement of single-wide manufactured dwellings to manufactured home parks in order to preserve residential neighborhood character. Single-family dwellings are not permitted to utilize single-wide manufactured dwellings. ORS 197.312(2)(b) would permit accessory dwellings at a standard more lax than that applied to primary single-family dwellings.
34. The city council finds that the requirements of Goal 10 are not satisfied.

#### **Goal 11 and Policies 23 through 30. Public Facilities**

35. The City of Hermiston has an acknowledged public facilities plan dated April 11, 2017. This plan details the availability and capacity of the City of Hermiston to provide water and sewer services to all locations within the city's urban growth boundary. According to the acknowledged public facilities plan the city has adequate capacity to service all areas within the city limits and urban growth boundary with water and sewer service through the 20-year planning horizon. Improvements to the system will be constructed with the city's capital improvement plan as needed to ensure adequate service levels.
36. Police service is available to all areas within the city limits. Police protection is provided by the Hermiston Police Department, a municipal department.
37. Fire protection service is available to all areas within the city limits and urban growth boundary. Fire protection is provided by Umatilla County Fire District #1, a special district which provides service to the City of Hermiston through an urban services agreement authorized under ORS 195.060 through 195.085.
38. The city council finds that Goal 11 and Policies 23 through 30 are satisfied.

#### **Goal 12 and Policies 31, 32, 33, and 34. Transportation**

39. The City finds that Goal 12 is satisfied because the legislative amendment to its acknowledged land use regulations will not create additional vehicle trips above the design level of affected local residential streets and, therefore, will have no impact on the City's safe, convenient and economic transportation system.

#### **Goal 13 Energy Conservation**

40. Accessory dwelling units provide additional housing opportunities on developed and committed residential land. Additional development and increased density on these lands provides additional development opportunities without requiring additional street or utility construction. This type of increased intensity of use promotes efficient transportation and utility use.
41. Manufactured dwelling standards for the city require all manufactured dwellings to have a thermal envelope which is compliant with a Super Good Cents standard, promoting energy efficiency.
42. The city council finds that Goal 13 is satisfied.

**Goals 15, 16, 17, 18, and 19**

43. The city council finds that Goals 15, 16, 17, 18, and 19 are geographic based planning goals focusing on the Willamette River and coastal resources. Hermiston is not located within a close proximity to any of these resource lands. The city council finds that Goals 15, 16, 17, 18, and 19 are not applicable to this amendment.