

## **Exhibit A to Ordinance No. 2308**

### **Findings of Fact**

**September 14, 2020**

1. The city council finds the addition of temporary emergency shelter to the uses permitted in the Light Industrial Zone and Heavy Industrial Zone 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 city council held a workshop on the proposed temporary emergency shelter text amendment to solicit public input and determine best practices. This workshop was held on June 8, 2020.
3. The planning commission held a workshop on the proposed temporary emergency shelter text amendment to solicit public input and determine best practices. This workshop was held on June 10, 2020.
4. The city council and planning commission workshops were available for physical attendance and streamed live over the internet on Youtube and Amazon Chime to promote wider citizen involvement. Citizens also had the opportunity to participate by phone at each workshop.
5. The planning commission held a public hearing on July 8, 2020 and August 12, 2020 in accordance with §157.266(F) of the Hermiston Code of Ordinances. Testimony in support and opposition was received by the planning commission.
6. The city council held a public hearing on September 14, 2020 in accordance with §157.266(F) of the Hermiston Code of Ordinances.
7. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing on June 17, 2020 in accordance with §157.226 of the Hermiston Code of Ordinances.
8. Notice of the city council hearing was published in the Hermiston Herald at least 20 days prior to the hearing on July 1, 2020 and a rescheduled date was announced by the mayor in a regular city council meeting on August 27, 2020 in accordance with §157.226 of the Hermiston Code of Ordinances.
9. 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**

10. A notice of public hearing was provided to all affected agencies by direct mail on June 17, 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.

11. Notice of a post-acknowledgement plan amendment was provided to the Oregon Department of Land Conservation and Development using the online submission system on June 1, 2020 more than 35 days before the initial evidentiary hearing.
12. The city council finds that the citizen involvement requirements in Statewide Planning Goal 2 and Policy 3 of the Hermiston Comprehensive Plan are satisfied.
13. The decision is supported by an adequate factual base as required by Goal 2.

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

14. Policy 2 requires the City to monitor the comprehensive plan and periodically undertake major revisions to accommodate the changes in growth patterns and insure adequate buildable land for a 20-year demand.
15. On April 27, 2020, the Hermiston City Council held a work session to review a potential temporary emergency shelter within the city. The proponent requested the city to provide assistance drafting an amendment to the city code which would facilitate development of the project and similar shelters in the future.
16. On April 27, 2020, the Hermiston City Council made a motion to begin a legislative amendment process to the Hermiston Zoning Code creating a zoning definition for temporary emergency shelters.
17. Adoption of the proposed ordinance maintains the implementing ordinances for the city providing additional opportunities for the housing of Hermiston's homeless residents. Provision of temporary shelter is a need that has been identified in the community by residents and the city council and was not considered at the time of adoption of the comprehensive plan.
18. 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.**

19. 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**

20. 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 Light Industrially zoned property within the City of Hermiston. It is not possible to consider all potential impacts as the result of adding a new permitted use to the zoning code. 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**

21. The city council finds that Goal 8 and Policy 16 are not applicable to this amendment. The Hermiston Light Industrial zone does not permit park and open space uses. Development of land within the Light Industrial zone will not negatively impact the city's ability to provide park land in the future and will not preempt the city from developing parks on appropriate land in the future.

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

22. The permitted temporary emergency shelters are not considered housing under the definitions of ORS 197.303. Additionally, Goal 9 lands are not included in the City's Residential Buildable Lands Inventory under ORS 197.296. Therefore, there will not be any residential incursion into Hermiston's employment land supply.
23. Hermiston's employment land supply is further protected from depletion through the requirement in subsection (g) of the code which requires any temporary emergency shelter to be sited only upon land already in industrial use and not upon vacant land. Thus, this requirement ensures that only land already in productive industrial use can be added to with a shelter and that shelters will not be located upon vacant industrial parcels.
24. All emergency shelters are required to be removed from a parcel within 60 days of termination of shelter operations or 60 days of termination of the permitted industrial use in subsection (j) of the code. Thus, the industrial land will revert to available development status rather than providing housing within an industrial zone when permitted uses on the property cease.
25. Emergency shelters are limited in size to a maximum of one and one half acres in size in subsection (b) to preserve Hermiston's large industrial parcels for future development.
26. Emergency shelters must be spaced at least 1,000 feet from any other shelter in subsection (h) to preserve as much available industrial land as possible for future development and avoid creating a de facto residential cluster in an industrial area.
27. The city council finds that Goal 9 and Policies 17, 18, 19, and 20 are satisfied.

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

28. The city council finds that Goal 10 and Policies 21 and 22 are not applicable to this amendment. Additionally, Goal 9 lands are not included in the City's Residential Buildable Lands Inventory under ORS 197.296. The city council finds that a temporary emergency shelter as used in this amendment is not consistent with the definition of needed housing in ORS 197.303 and is therefore not considered a residential use.

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

29. 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.
30. Police service is available to all areas within the city limits. Police protection is provided by the Hermiston Police Department, a municipal department.
31. 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.
32. The city council finds that Goal 11 and Policies 23 through 30 are satisfied.

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

33. The City finds that Goal 12 is satisfied because the legislative amendment to its acknowledged land use regulations will not create additional vehicle trips and, therefore, will have no impact on the City's safe, convenient and economic transportation system.

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

34. The proposed amendment encourages siting of shelters within existing industrial zoning. This requirement assists in reducing necessary vehicular trips for patrons to access the site. Additionally, siting in industrial zones places shelters in closer proximity to urban services, food, and health care options than siting outside of an urban growth boundary or at the urban fringe.
35. This siting requirement assists the city's most vulnerable residents in accessing urban services through the use of the Hermiston HART public transportation system rather than using personal vehicles, further reducing necessary trips.
36. The city council finds that Goal 13 is satisfied.

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

37. 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.