

HERMISTON CITY COUNCIL

Regular Meeting

August 24, 2020

Mayor Drotzmann called the regular meeting to order at 7:00pm and announced the meeting was streaming live on YouTube and the public can also listen to the meeting and/or offer comment remotely by phone with the call-in information. Present were Councilors Hardin, Myers, Davis, Smith, Gutierrez, Primmer, and McCarthy. Councilor Barron was excused. In attendance were City staff to include: City Manager Byron Smith, City Attorney Gary Luisi, Assistant City Manager Mark Morgan, Chief Edmiston, Finance Director Mark Krawczyk, Planning Director Clint Spencer, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Citizen Input on Mom-Agenda Items

Jackie Linton, 111 W Beech Ave- Stated Hermiston is a place where you can voice your opinions, no matter what side you're on, while being respectful to all parties. Unfortunately, while participating in the Black Lives Matter Protest over the weekend, both sides began hurling insults at each other, and the other side, which she believes a majority came from Portland also tried causing discontent. There was also a truck that continued to drive past and "rolling coal". She does not condone this type of behavior and let the BLM side know that the protest was meant to be peaceful. She would like to thank the Police Department (PD) for their work making sure both sides were being safe and stopping those that were rolling coal.

Mayor Drotzmann thanked Mrs. Linton for her positive leadership and the PD for all of their work this weekend and asked that she stay as there would be further discussion regarding these issues later in the meeting.

Consent Agenda Items

Councilor Primmer moved and Councilor Smith seconded to approve Consent Agenda items A-D, to include:

- A. Committee Vacancy Announcements
- B. Minutes of the July 27, 2020 Public Safety Committee meeting
- C. Minutes of the July 27, 2020 Public Infrastructure Committee Meeting
- D. Minutes of the August 10, City Council regular meeting

Motion carried unanimously.

Public Hearing- South Hermiston LID #322- Continued from 06-08-2020

Mayor Drotzmann stated at the August 12, 2019 City Council meeting, this hearing was opened and continued to October 28, 2019. At the October meeting, the hearing was then again continued to January 13, 2020. At the January meeting, the hearing was again continued to March 23, 2020. At the March meeting the hearing was continued to June 8, 2020. At the June meeting the hearing was continued to August 24, 2020.

City Manager Smith stated the hearing continuations are due to the fact that the Federal Economic Development Administration is continue to review the City's application. They have also asked for additional information, which the City has supplied. The City is asking that the Council consider a motion to continue the hearing to November 9, 2020 City Council meeting.

Councilor Primmer moved and Councilor Gutierrez seconded to continue the hearing to November 8, 2020. Motion carried unanimously.

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Public Hearing- Annexation 4N2815 portion of TL 200 - 1307 SW 3rd St

Councilor Primmer declared an actual conflict of interest as he is related to the applicant; hearing no other declarations of conflict of interest from the Council, Planning Director Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:13pm.

Planning Director Clint Spencer gave information regarding annexation of 13.8 acres of land located on the south and east side of SW Desert Sky Drive, approximately 500 feet west of S 1st Street to develop the property into a single-family subdivision of 31 lots as explained in the agenda packet.

Proponents

Dave Lorenzen, CK3 Engineering- stated he is working on this project which will include 31 lots with lot sizes ranging from 1/2 acre to 1/3 acre lots with larger lots having irrigation rights. Some surrounding property will continue to be developed in the future as well.

Hearing no opponents or neutral parties who wished to address the Council, the hearing was closed at 7:17pm.

Councilor McCarthy moved and Councilor Hardin seconded to approve the Findings of Fact as presented by Planning Director Clint Spencer. Motion carried 6-1, with an abstention from Councilor Primmer.

Councilor Davis moved and Councilor Myers seconded to approve the annexation as presented by Planning Director Clint Spencer. Motion carried 6-0, with an abstention from Councilor Primmer.

Public Hearing- Text Amendment- Section 157.136 Accessory Dwelling Unit (Ordinance No. 2307)

Hearing no declarations of conflict of interest from the Council, Planning Director Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:21pm.

Planning Director Clint Spencer gave information regarding an application by Kelly Nobles to amend the text of 157.136 of the Hermiston Code of Ordinances to modify the city's requirements for Accessory Dwelling Units (ADUs) to allow the placement of single-wide manufactured homes as accessory dwellings as explained in the agenda packet. Fair Housing Council of Oregon letter to defer approval is also attached.

Proponents

Kelly Nobles, 1050 Stevens, Umatilla- stated his plan would be to acquire good quality super good cents single-wide manufactured homes and place them at other rental properties, that meet lot requirements, in an effort to continue to provide affordable housing. He understands some concerns the planning commission had regarding mobile homes, however, he would make sure they are not an eye sore and would like an opportunity for at least a pilot project that can be revoked if it does not meet the vision of the City.

Hearing no opponents or neutral parties who wished to address the Council, the hearing was closed at 7:30pm.

After some discussion, Councilor Myers moved and Councilor Davis seconded to approve the Findings of Fact in denial as presented by Planning Director Clint Spencer. Motion carried unanimously.

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Ordinance No. 2307-Text Amendment Section 157.136 Accessory Dwelling Unit

Mayor Drotzmann stated no action will be taken on Ordinance 2307 as the Council approved the Findings of Fact in denial as presented during the public hearing earlier in the meeting.

Resolution No. 2165- Authorization to Execute and Deliver a Full Faith & Credit Financing Agreement

City Manager Smith gave information regarding authorizing this Resolution which will refinance two bonds and provide approximately \$880,000 in Net Present Value savings and approximately \$1.4 million in gross interest savings over the life of the loans.

The Council thanked the City for their work saving money to constituents and the City as a whole. Councilor Primmer moved and Councilor McCarthy seconded to adopt Resolution No. 2165 and lay upon the record. Motion passed unanimously.

WORC- Workforce Taxi Incentive Program

Assistant City Manager Mark Morgan gave information regarding possibly implementing a limited-time change to the WORC Taxi Ticket Program. This Program helps employees commuting to and from work, and aids employers being able to hire and keep employees who are struggling with transportation. The proposed limited-time change will provide 40 free rides to new (and current) riders who sign up for the program through the end of December; it is designed to encourage new riders to sign up for the Program and determine if they like and feel comfortable using the service before investing in purchasing WORC punch cards. Residents in Hermiston, Umatilla and Stanfield may use this Program.

Councilor Davis moved and Councilor Gutierrez seconded to amend the WORC Taxi Program's pricing model to allow 40 free rides, in the form of four free punch cards, through December 2020, to all WORC participants. Motion carried unanimously.

July, 2020 Financial Report

Councilor Hardin moved and Councilor McCarthy seconded to accept the July, 2020 Financial Report as presented by Finance Director Mark Krawczyk. Motion carried unanimously.

Committee Reports

None given.

Mayors Report

Mayor Drotzmann spoke regarding:

- Conversations with Governor Brown regarding:
 - Recognition on the work the community has done to decrease COVID numbers
 - Kids not returning to school until possibly April, 2021
 - Making sure the community continues to follow guidelines such as wearing masks, social distancing and washing hands regularly
 - Asking police departments (PD) to enforce restrictions in social gatherings, with no additional state resources. Mayor Drotzmann asked Chief Edmiston if police enforcement could be a possibility as Governor Brown is suggesting
 - Chief Edmiston stated the PD does not have the manpower and resources to do enforcement of social gatherings

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- Last day to apply for Council Candidacy is August 25 at 5:00pm with City Recorder Lilly Alarcon-Strong. There are currently five candidates.
- Eastern Oregon Trade and Event Center (EOTEC) Committee vacancies and the lack of public interest to participate in committees and the possibility of converting this Committee into something similar like the Public Infrastructure Committee, with Council appointments, and always have special invitations for partners such as the Hoteliers, Fair, and Rodeo representatives. Mayor Drotzmann asked the Council to consider these and other possible changes for future discussion.
- Asked Chief Edmiston for more information regarding: Weekend Protests, explanation of “rolling coal”, Friday shooting, and the increase of homelessness.
 - Chief Edmiston stated rolling coal is when diesel trucks purposefully create clouds of black smoke, through their exhaust, with the purpose of engulfing those near them in the black smoke, and gave information regarding how the PD was involved in informing, educating, and working with both sides of the protests and the rolling coal driver to facilitate a safe environment for both days of the protests. Detectives are continuing to work in regards to Friday’s shooting. There has been an increase of homeless calls that officers are responding to of which 30% of day shift calls and 24% of late shift calls are homeless related, this does not account for those with mental health issues, both of which also contribute from the decriminalization of controlled substances. The November ballot will host additional proposed changes that may have negative impacts on livability, as a whole, as well.
 - Mayor Drotzmann thanked Chief Edmiston, officers and detectives for all their work keeping the peace and community safe.

Council Reports

Councilor Gutierrez thanked Chief Edmiston for always informing and educating the Council and community on many topics and echoed Chief Edmiston stating the PD does not have the resources to enforce what Governor Brown is proposing, regarding the PD enforcing social distancing guidelines.

Councilor Hardin also thanked Chief Edmiston and his department for all of their good work but expressed his concern with protesters not social distancing or wearing masks.

There was discussion regarding when permits are required, which is when people will be occupying the right-of-way, which was not utilized in these protests. There was also some concern regarding where the protests took place (intersection of S. 395 and Highland Ave) as it has poor lighting.

Manager’s Report

City Manager Smith spoke regarding:

- Helping restart the Farmers Market while following guidelines
- COVID Response Team, which incorporates participation from local municipalities, health care systems, school district, and the Tribe
- Regulations of the Bond Market state that the City must circulate the Preliminary Official Statement to the Council. The Council can expect to receive this within the next week.

Recess for Executive Session- At or After 7:30pm

Mayor Drotzmann recessed the regular meeting at 8:50pm and announced the City Council will meet in Executive Session pursuant to ORS 192.660 (2) (i) which allows the Council to meet in Executive Session

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to review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are excluded. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No final decision may be made in executive session. At the end of the executive session, the council will return to open session which the audience may attend. The executive session will last approximately 20 mins.

Reconvene- Consider Approval of Changes to the City Manager's Employment Contract

Mayor Drotzmann reconvened the regular meeting at 9:21pm.

City Manager Smith asked the Council to consider a motion to extend his contract for one additional year, to August 25, 2022.

Councilor Primmer moved and Councilor Gutierrez seconded to extent City Manager Smith's contract as requested. Motion carried unanimously.

Mayor Drotzmann thanked City Manager Smith for all the work he and city staff do for the Council and community to grow the City and make Hermiston a sweet place to live.

Adjournment

There was no other City business and Mayor Drotzmann adjourned the regular meeting at 9:23pm.

SIGNED:

/s/Dr. David Drotzmann

Mayor

ATTEST:

/s/Lilly Alarcon-Strong, CMC

City Recorder



August 12, 2020

City of Hermiston Planning Commission
180 NE 2nd Street
Hermiston, OR 97838

Re: A text amendment to the accessory dwelling provisions of 157.136 is proposed. (Sec 157.136 (g) ADU Amendment)

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as reflected in the staff report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the ADU provision text amendment recommends its approval. This recommendation is contingent on the Goal 10 findings, stating that since the "proposed amendment accommodates needed housing as defined in ORS 197.303" the changes comply with Goal 10. However, the addition of housing to the City does not on its own provide an adequate factual basis to ascertain Goal 10 compliance. For example, what are the housing types and affordability levels most needed by the City, and how many units of this needed housing does the amendment help facilitate? HLA and FHCO applaud the City's efforts to make ADUs more financially feasible by allowing the use of manufactured units and striking the parking standards. Nonetheless, this does not excuse the City from fulfilling its Goal 10 obligations. Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, because the purpose of the amendments are to facilitate further development within the City, the City should reference its HNA and BLI to illustrate the need for these changes. Only with a complete analysis showing the City's status and plans to provide needed housing as dictated by the HNA and compared to



the BLI, can the public understand whether the City is achieving its goals through the text amendment to Sec 157.136(g).

While we support the City's allowance of manufactured dwellings as accessory units, we do not understand the importance of the size limitation imposed. If two dwellings exceeding 1,000 square feet can otherwise satisfy other code requirements such as setbacks and maximum lot coverage, then we do not believe the City should require potential removal of a preexisting dwelling. Also, this limitation is only be triggered if a manufactured dwelling is proposed, and there is no justification for this bias. The City should revise the language to allow manufactured dwellings as accessory units, and rely on subsection (h) of the code to address the allowed size. In the current statewide housing emergency, there is no justification to require removal of existing housing stock.

HLA and FHCO urge the Planning Commission to defer approval of this amendment until adequate Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)