

**CITY OF UMATILLA  
COUNCIL MEETING  
August 07, 2018**

1. **CALLED TO ORDER:** Council President Ray called the regular council meeting to order at 7:00pm.
2. **ROLL CALL**  
**PRESENT:** Councilor Keith via conference call, Councilors Roxbury, Ray, and TenEyck.  
**ABSENT:** Mayor Dufloth, Councilor Wheeler, and Councilor Torres – Medrano.  
**STAFF PRESENT:** Recorder Sandoval, Rec Planner Tsui, Public Works Director Barron, Planner Seitz, Interim City Manager Mabbott, Community Development Coordinator Horn, Planning and Code Specialist Coffey, Attorney SpicerKuhn, and Chief Huxel.
3. **PLEDGE OF ALLEGIANCE:** Pledge of allegiance was recited at 7:02pm.
4. **APPROVAL OF AGENDA:** It was moved by Councilor TenEyck to remove item 11.3 Resolution No. 04-2019 – A Resolution Approving Inclusion of the City of Umatilla in the Animal Control Services District and item 11.6 Resolution No. 07-2019 – A Resolution Supporting the Umatilla River Front Advisory Council Effort for Conveyance of Federally Owned Lands along the Columbia and Umatilla Rivers to City Ownership from the agenda. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

Councilor TenEyck pointed out a typo on page 48, Simplot Growers Solution address was incorrect in the Emergency Response Plan.

It was moved by Councilor TenEyck to approve the amended agenda. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

5. **PRESENTATION:** None.
6. **APPROVAL OF MINUTES:** It was moved by TenEyck to approve minutes for June 28, 2018 Executive Session, July 03, 2018, and July 17, 2018 workshop. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.
7. **PUBLIC COMMENT:**
  - 7.1 Larry Nelson – The resolution that was pulled from the agenda was of interest to the people of Southshore Drive.
  - 7.2 James Magoteaux – He attended a previous meeting asking questions about the re-conveyance of land near the Columbia River. The Council at that meeting stated they did not know much of what was happening with that. He was frustrated to see a resolution in support of the re-conveyance of federal lands to city. He had a petition signed by people who live on Southshore Drive, which stated they did not want anything to happen there. They do not get any policing down there even though they were in the UGB. Items were constantly stolen from their homes and developing that land would open them up for more issues. They had a lot of elderly people who live on Southshore Drive and they were scared.

Interim City Manager Mabbott stated the city could host a meeting to discuss where they lived and what lands needed to be re-conveyed or be left alone. She would ensure everyone on the petition would get an invitation.

7.3 Jim Lund – After he reviewed the ODFW rules, he discovered it stated there would be no permanent structure or substantial change made to that specific area near Southshore Drive. It will be converted to other uses if necessary. The second part he had an issue with was that it was incredibly dry down there. There have been several fires, which created threats to their homes.

7.4 Leslie Smith – Invited Council and the audience to a wine and cheese tasting on Friday, August 17, 2018 from 6pm – 8pm. Tickets were ten dollars each. They have done a lot of work to the museum and were trying to showcase the hard work they had done. Echo Ridge would be providing the wine, and Smith’s Tiny Farms would be providing the cheese.

7.5 Lyle Smith – Explained to Council this was the best Planning Commission could draft considering the time restriction in regards to the ADUs. The city had to accept applications for ADUs. He asked Council to adopt what was being presented by staff. It was better to have something than nothing at all.

- 8. CONSENT AGENDA:** It was moved by Councilor TenEyck to approve item 8.1 (a) CRIS, Inc. (June). The motion was seconded by Councilor Roxbury. Voted: 3-1-0. Councilor Ray abstained. Motion carried.

It was moved by Councilor TenEyck to approve item 8.1(b) All Remaining Invoices for June. Seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

It was moved by Councilor TenEyck to approve item 8.2 (a) CRIS, Inc. (July). The motion was seconded by Councilor Roxbury. Voted: 3-1-0. Councilor Ray abstained. Motion carried.

It was moved by Councilor TenEyck to approve item 8.2(b) All Remaining Invoices for July. Seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

**9. COMMITTEE REPORTS:**

9.1 The Police Committee reported on the meeting they held on July 12, 2018, presented minutes and the emergency response plan. They would be updating the ERP within the next several months. The Police Department will be working towards accreditation again. They were one of two departments in all of EO to hold accreditation for best practices.

9.2 The Personnel Committee presented minutes on the meeting they held on July 25, 2018. Interim City Manager Mabbott explained it was a productive meeting that set a lot of different things in motion.

- 10. UNFINISHED BUSINESS:** None.

**11. NEW BUSINESS:**

Interim City Manager Mabbott clarified that both liquor license applications were reviewed by staff and were in compliance with our current zoning ordinance. Doñita’s Tacos was a new outlet, and TT’s Mini Mart, LLC was the former Sam’s Stop and Shop #7.

Liquor License Application – Doñita’s Tacos – It was moved by Councilor TenEyck to approve a liquor license application for Doñita’s Tacos. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

Liquor License Application – TT’s Mini Mart, LLC - It was moved by Councilor TenEyck to approve a liquor license application for TT’s Mini Mart, LLC. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

Resolution No. 05-2019 – A Resolution Authorizing the City’s Participation in the League of Oregon Cities’ Pilot Program Providing Limited Free Legal Advice to Oregon Cities Located in Eastern Oregon – Interim City Manager Mabbott explained this was a pilot program that was being offered by the League of Oregon cities that provided ten hours of free legal services to the city.

It was moved by Councilor Roxbury to approve Resolution No. 05-2019. Seconded by Councilor TenEyck. Voted: 4-0. Motion carried.

Resolution No. 06 -2019 - A Resolution Authorizing the Mayor to Sign a Letter Requesting Signage be added to the Interstate 82/395 Bridge - Interim City Manager Mabbott explained that this resolution would help us set our foot in the door to include art or decorative items on the overpass bridge. It would not decide what the art was, it would just ask for permission to place the feature there at the city’s expense. We could decide at a future date what feature we could place on the fence. The contractor would do the installation and we would reimburse the cost.

It was moved by Councilor TenEyck to approve Resolution No. 05-2019. Seconded by Councilor Keith. Voted: 4-0. Motion carried

Resolution No. 08-2019 – A Resolution Authorizing the Mayor to Sign an Improvement Agreement Between the City of Umatilla and Richard Wood, DBA Wood Construction and Development – Planner Seitz explained that when a new subdivision is approved the city requires that all road improvements and infrastructure be installed before we sign off on the final plat, and actually let that subdivision be recorded. Due to some changes with power companies, more specifically Pacific Power & Light, they will no longer install their facilities until their easement is recorded. That way they have a guaranteed legal right to have access to their equipment. That creates a chicken and egg type of problem. City cannot sign off on a final plat unless we have the improvement agreement. It requires the developer to have a surety bond with the city for an amount, in case those improvements are not made the city can recover those costs and finish the improvements. This allows the developer to move forward with the subdivision and get the final plat recorded. The city will have the surety bond and this improvement agreement to make sure all the development is finalized and in accordance to city standards.

It was moved by Councilor Roxbury to approve Resolution No. 08-2019. Seconded by Councilor TenEyck. Voted: 4-0. Motion carried.

Adoption of City’s Mission Statement – It was moved by Councilor TenEyck to keep the original mission statement, as adopted in the handbook. The mission of the City of Umatilla is to continue working for a safe, livable, desirable, and economically viable community, which promotes

managed growth, while maintaining small-town values. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

City Manager Recruitment –Authorize the Mayor to Approve an Application, Select City Residents to be Part of the Recruitment Committee, and Set a Due Date - It was moved by Councilor TenEyck to authorize the Mayor to select 2 citizens who resided within city limits to serve on the City Manager Recruitment Committee at the September 4, 2018 meeting, and set the due date for the application to be turned in to staff by August 24, 2018. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

ZC-1-2018 - Public Hearing – Council President Ray opened the public hearing for ZC-1-2018 at 7:57pm. He proceeded to announce the procedure to follow, report from staff/planning commission, applicant's testimony, other members of the audience who wish to speak on the proposal, applicant's rebuttal, other public agency reports, and close the hearing. He asked individuals who wished to testify to come to the podium state their name, address, and sign in for the record.

Planner Seitz explained this application was a zone change to implement siting standards for the development of Accessory Dwelling Units (ADU). The proposed amendments is a legislative text amendment of the City of Umatilla Zoning Ordinance (CUZO). He elaborated on the fact that due to the passage of Senate Bill 1051, all cities with a population greater than 2500 were required to allow ADUs in any lot where a single family detached home were currently allowed. In City of Umatilla it effected the R-1 and R-2 zones. There were a number of things to consider with the application. City is required to accept applications for Accessory Dwelling Units with or without standards in place. The standards currently being presented were a result of two Planning Commission hearings held on June 26<sup>th</sup> and July 24<sup>th</sup>. The Planning Commission recommended the current text amendment for Council approval. The short version is ADUs have an impact primarily on parking and the city's existing public facilities, mainly water and sewer. Over 90% of the residential lands within city limits were R-1 zoned. This has the potential to double the residential density for over 90% of our lands. That is something that will need to be addressed in a future capital improvement update. ADUs will need to be considered. The proposed amendments wouldn't change any zone designation within city limits, so this is not effecting any residential land supply, but it will allow a more affordable option and cheaper option. A siting standard is focused on two primary things. One is requiring off street parking space, and the other major issue is requiring detached ADUs to be in a rear lot, that way it maintains the residential appearance. Most of the other recommended siting standards were recommendations from the State.

Councilor TenEyck stated he had a few concerns. His understanding was that this was statewide mandated. Planner Seitz confirmed. He believed this was another example of the State's good intentions that have brought unintended consequences. He understands the need is real for affordable housing, but at the same time there are unintended consequences that haven't even been realized, yet. Councilor TenEyck asked Planner Seitz how soon Council needed to make a decision in regards to the matter. He believed it made sense to have a joint Planning Commission and Council work session to discuss options and different things that are potentially offered. They had a short Council tonight. He was not comfortable in making a decision right away.

Planner Seitz stated there was no definitive deadline that they needed to make a decision right away. However, as of July 1, which already passed, he had to accept applications. City has no standards in place and the only thing he could really enforce were setback requirements. He has

not had an application for an ADU, but he has had interest from a couple people. He personally believed there was time to hold a joint work session with Council and Planning Commission. The only real risk was if someone came in with an application for an ADU without having any siting standards in place.

Councilor TenEyck asked Planning Commission Chair Lyle Smith if there was anything that they were missing.

Planning Commission Chair Smith stated he wasn't sure that they were missing anything. Right now, if this isn't passed. People can start putting ADUs in, and Planner Seitz hands were tied. He preferred to see something passed tonight and then do a workshop. That way we have something in place.

Councilor Keith wanted to see the ADUs identifiable with the main house. There were issues in Bend, OR that could potentially affect us. People need Accessory Dwelling Units. He hoped to have that regulated and was not sure we needed to pass the zone change today.

Councilor Ray explained to Councilor Keith that if they passed it, they would still meet with the Planning Commission to see what needed to change.

Planner Seitz explained the Zone Change only applied to zones within city limits. The planning department was still looking at ways on how to handle property in the UGB.

Councilor TenEyck asked if there was a limit to how many ADUs could be placed on a property. Planner Seitz stated only one ADU per legally established detached single family dwelling.

Carla McClane was advocating for Council to take the time before they passed anything. When you drive down Tyler Street to get to their house, you drive down what looks like a used car lot because there is not off-street parking. Their mail does not get delivered often because someone is parked in front of their mailbox. They are concerned what happens to parking. She is not opposed to this, it has a place, but a place that needs to be evaluated. They are not convinced in her household that one additional off-street parking is enough to cover the shortage. There should be a provision that there be enough on-street parking. What are those impacts and how does it impact the community. She had several questions. If her shop was 1000 sq. ft. she wanted to be able to build on the second floor an ADU that was 1000 sq. ft. Our text did not cover that. She wanted clarity because it was unclear how the standard were written.

If she had 5000 sq. ft. lot and one dwelling was allowed per 3500 sq. ft., then based on our code she would need 7000 sq. ft. in the R-2 zone for an ADU. Are you allowing ADUs regardless of the density standards?

The last issue she was addressing was in regards to short-term dwellings. She wanted to know how short-term dwellings were going to be addressed. If there was a need for housing, then these standards needed to be clear that they were for long-term dwellings and long-term occupancy. If an applicant wanted to build an ADU for people who were vacationing then there were clear defined limitations.

Ms. McClane concluded by saying she hoped the City would conduct a buildable land inventory soon. She would advocate that Council takes the time address the issues she has brought forth.

She encouraged a robust evaluation of what daily trips to a house looked like. She stated that the average trip back and forth to house was around 10 times a day. She wanted to know what the impact would be for a short-term rental to a neighborhood.

Councilor TenEyck thanked Ms. McClane. He asked her if there were any conflicts of interest if she served on the Planning Commission. He encouraged her to attend the workshops.

Interim City Manager Mabbott stated we set funds aside to conduct the buildable land inventory early next year.

It was moved by Councilor TenEyck to approve ZC-1-2018 as recommended by staff findings. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried.

Ordinance No. 830 – An Ordinance Amending Title Ten of the Municipal Code of the City of Umatilla to Adopt a New Definition, Modify the Zoning Regulations for the Single-Family Residential (R-1) and Medium Density Residential (R-2) Zones and Implementing Siting Standards for Accessory Dwelling Units

It was moved by Councilor Roxbury to have a first reading of Ordinance No. 830. The motion was seconded by Councilor Keith. Voted: 4-0. Motion carried.

Recorder Sandoval read ORDINANCE NO. 830 AN ORDINANCE AMENDING TITLE TEN OF THE MUNICIPAL CODE OF THE CITY OF UMATILLA TO ADOPT A NEW DEFINITION, MODIFY THE ZONING REGULATIONS FOR THE SINGLE-FAMILY RESIDENTIAL (R-1) AND MEDIUM DENSITY RESIDENTIAL (R-2) ZONES AND IMPLEMENTING SITING STANDARDS FOR ACCESSORY DWELLING UNITS.

It was moved by Councilor Roxbury to adopt Ordinance No. 830. The motion was seconded by Councilor TenEyck. Voted: 4-0. Motion carried.

Resolution No. 09-2019 – A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement between Umatilla County and City of Umatilla - It was moved by Councilor TenEyck to approve Resolution No. 09-2019 with the amendments suggested by Attorney Spicerkuhn on the agreement. Those suggestions were as follows:

The first paragraph of the intergovernmental agreement should include the word “the” prior to “Pacifcorp transmission line.”

Paragraph 1.0 C should read, “The applicant (Pacifcorp) has filed for an amendment to the Condition Use Permit (“Amendment”).” This defines the term amendment as used throughout the agreement.

Paragraph 1.0 D should be modified. It is not grammatically correct. It should be changed to read “To allow the Amendment to be more easily processed, the parties agree to allow the County to process the Amendment as provided in this agreement.

Paragraph 2.0. It should be made clear in the terms of the agreement that the agreement is only applicable to those properties within the Urban Growth Boundary. The first paragraph does not specify that the F-2 and C-1 zones covered are within the Urban Growth Boundary.

The parties should include an integration clause into the contract. The clause should read:

This Agreement constitute the entire agreement between the parties on the subject matter herein. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of a party to enforce any provision of this Agreement shall not constitute a waiver by a party of that or any other provision.

The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried

**12. CORRESPONDENCE:** None.

**13. PUBLIC COMMENT:** None.

**14. MAYOR'S MESSAGE:** None.

**15. STAFF REPORT:** Manager's Report.

**16. COUNCIL INFORMATION & DISCUSSION:**

The Personnel Committee would be meeting on September 13<sup>th</sup> or 14<sup>th</sup> after 2pm. Recorder Sandoval needed to follow up with each member and staff to set the date.

**17. ADJOURN TO EXECUTIVE SESSION:** N/A

**18. RECONVENE:** N/A

**19. ADJOURN:** The next regular meeting will be held on September 04, 2018 at 7:00pm. It was moved by Councilor TenEyck to adjourn the meeting. The motion was seconded by Councilor Roxbury. Voted: 4-0. Motion carried. Meeting adjourned at 8:52 pm.

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Daren Dufloth, Mayor

ATTEST:

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Nanci Sandoval, City Recorder