

**CITY OF UMATILLA  
SPECIAL COUNCIL WORKSHOP  
AUGUST 06, 2015**

**CALLED TO ORDER:** Mayor Trott called the special council workshop meeting to order at 6:00pm.

**ROLL CALL:**

**PRESENT:** Councilors Dedrick, Ray, Fenton, Lougee, and TenEyck, Planning Commission Chair Sharp, and Mayor Trott.

**ABSENT:** Councilor Farnsworth

**STAFF PRESENT:** Recorder Sandoval, Planner Searles, Public Works Director Pelleberg, and Chief Huxel.

**PURPOSE:**

To reach an understanding, if not consensus, as to the City Council's current intentions and subsequent directions to the City of Umatilla Planning Commission regarding ZC-2015 Proposed Zone Map and Zone Text Amendments, as proposed under Ordinance No. 799 and as originally presented to Council on May 19, 2015. Formal direction to the Planning Commission will be codified as a Council action at the next City Council Meeting.

**GROUND RULES:**

- All Councilors will be given an opportunity to speak when recognized by the Chair (Mayor)
- Councilors will not interrupt or preempt another Councilor, wait your turn, you will get one
- All discussion will be civil and professional in demeanor, no attacks on each other, City staff, or Planning Commission Members
- Councilors will do their best to stay on point with the discussion currently in focus, or the discussion will be stopped and refocused by the Chair

**SECTION 1:**

Identify the issue, or issues, each Councilor sees in regards to the subject matter that has been previously presented, and what they think can be done to best mitigate those issue(s). Each Councilor has 5 minutes to articulate their basic position.

Councilor Dedrick – Had no real problem with the recommendation.

Councilor Ray – Stated that it was a complicated issue that can be made worse, if the Council loses track of the request they made to the Planning Commission. Councilors requested from the Planning Commission to look at what can be done to control the proliferation of strip clubs or adult entertainment and the marijuana industry. What they received back was a complete new zoning ordinance that basically does not allow new businesses in business populated areas. It would also change to a system that allows or disallows applicants qualification based under NAICS (North American Industry Classification System) numbers. There are two different ways of doing business. In general, he believes it is not a business friendly ordinance. It does not take into account new technology, is used by one other city in the entire State, is approximately ten

times the size of the existing ordinance, is intimidating to him, and is not complete because the standards are not updated and have no probability of being updated. There are some criterion required in the ordinance that no one can explain or use. The example for that is the pedestrian usage. There is useless criteria, an example is the open space required for flooding plane that we don't have. We have other standards that are outdated and should be replaced, the example for that is the ten foot driveways. There are mistakes in the NAICS numbers, an example of that is the hotel numbering in the DC zone that he pointed out months ago. He only checked one zone, so he is unaware of how many other errors were made. No prevision for updating the uses allowed for new technology. They only way to add new technology item to the zone is for an applicant to petition for a zone amendment. In other words an act of Congress to fight City Hall.

The entire purposed Highway Commercial zone will never be used because it is a State and federally designated wetlands that we as government officials and planners are supposed to protect. It is swampland. There is no need for that zone at all. The highway commercial zone and general commercial zone have exactly the same purpose, except one has allowance for more than fifty-thousand feet and the other one under fifty-thousand. The purposed McNary mixed zone is to provide for shopping and services within a reasonable walking distance for all neighborhoods in McNary. Does anyone believe that McNary can support local shopping services on its own? The retail services in McNary rely nearly entirely on people for the outside of McNary. We have a hard time getting businesses downtown where the whole City can participate. There are no guidelines for determining when or how special businesses are subject to conditional usage. According to the Planner, the decision remains some degree of subjectivity. In other words, pretty much whatever is decided at the time. We completely eliminated all the sites for big box stores, and made no efforts to finding new ones. We can't build downtown, can't build in McNary, or any commercial property across the Umatilla Bridge on 730. That leaves us with about three and a half acres on Buck's corner. So under this plan we are successfully eliminating any opportunities for businesses such as Safeway and Applebee's, Home Depot, a bowling alley, a movie theater, an auto or farm equipment dealership, or any other business requiring large amounts of space from coming to Umatilla. He does not think that is a good idea. We will end up with seven zones more than anyone else in Oregon, except for Keizer and Portland, as far as he knows. Hermiston has two zones with one overlay zone. Keizer is the only city in the State of Oregon that he is aware of that uses this type of zoning. That should tell us to be weary of this type of zoning system. Keizer incidentally has over 550 pages in their ordinance. That is where they are headed if they start down this road. We have over 100 pages to explain the commercial zones. Hermiston has seventy-nine pages total for all zones, and only 10 dedicated to commercial zones. They do not appear to be having too much trouble. So why isn't there a way to fix this? He supposes that is what they are there to talk about.

As far as marijuana is concerned, he believes the temporary solution is to completely ban. Then they need to monitor the issue, and see how our neighbor communities are dealing with them. If we feel a need to allow marijuana sales, he has a much better feeling for the necessary controls in the future. The best and easiest way to control them is a four prong approach. First, finish the sign code ordinance that they have been hearing about for the last two years. Second, set boundaries between strip clubs and schools, as far as legally possible. Third, establish criteria for owners and managers of adult businesses that all owners and managers must meet to have something to do with running the strip club, past dealings with the City and their criminal records. Finally, they have to be allowed in some zone by law. We have to pick a zone and

allow the capitalistic system to work. We can only support two establishments. That's why we only have two now. He believes the best place for them is right where they are currently located. As far as the zoning ordinance is concerned, he believes there are so many issues with them that he does not believe it can be fixed. They are better off to amend the current zoning with the above suggestion. Our current code is similar to current cities and they get along with it just fine. He brought Hermiston's code, and if they get into later he would like to show the rest of the Council things that Hermiston does that he thinks we could do, come close to, but miss the bat just a little bit on. That is all he had to say.

Councilor Fenton – He has no problem with it, other than he believes it is complicated. Possibly too many rules. He respects the amount of work the committee did to create this document. He believes they should show him some respect. He suggests they investigate the definition of what a school is, and talk about it. Right downtown there is a shop owned by school district. There are somethings that should be considered.

Councilor Lougee – First of all whether it's these zoning changes that have been purposed by the zoning commission or something along the lines of what Councilor Ray was purposing, great either way. There needs to be changes to the zoning in some way they need to tighten things up. To say that making zoning changes of the nature that have been purposed is not business friendly, he would say yes, they are more business friendly. In fact, what we have had existing forever is not business friendly, and we can attest that by seeing how much business downtown. He thinks there needs to be standards, and he thinks people will thrive with standards more so than a wide open anything goes. The other issue he has is that he really thinks that if they go with the zoning purposed, there needs to be a mechanism for changing and amending, going through proper channels of course, when there is something that they see is not working, that there is a clear path to fix it. He is not concerned with passing as is, because it can be fixed down the road. He is not opposed to downsizing the zones either. He thinks maybe that it is something that does need to be looked at. He is definitely not opposed at looking what works for Hermiston or others, as long as there are some standards that will control the downtown area and McNary to the point where it is more family friendly. Then that will bring in and attract more family oriented businesses.

Councilor TenEyck – Just wanted to start with saying that he is not a planner and he has no formal training, but some of the first experience he had with it was going through this process right here. This all brand new to him, and going through this process, he has learned a lot since they had their last Council meeting. Initially, he did not understand why it needed to be so long. He didn't understand at all why they needed to have so many zones. When he puts his feet in the shoes of a perspective business owner that is coming into town that is really the only way he has to look at this. When he sits down in front of that code book and ordinances, it is so daunting and overwhelming. It's like good grief. It seems like it such a steep and unsurmountable code climb, that it makes him wonder if he is really going to do that or look for somewhere else to go, if he was looking at starting a business. How can we long term build this community and the businesses within it. It did not make sense to him why it needed to be so complicated. When it is broking down it is not so complicated. It was a lot of repetitive zone. The initial driver of this thing was to limit the ability for adult entertainment to be downtown. Which is what the community and the good folks of the community has made it well known. He agrees that they should have a wholesome family friendly community that they could be proud of, that does not have this negative clouds.

The marijuana issue progressed very quickly and surprised him that it went so fast. It is coming whether they like it or not. He agrees that there are needs for medical marijuana for folks that need it. He does not agree with the recreational part of it. If things go the way it looks like it is going to go, it's going to be all around them. They are going to be all over. Do they really need recreational outlets if people are going to be able to find it, just fine without having to buy it from the store? Do we need to have a medical outlet here? No, he does not believe they do.

He understands what the Planning Commission has done, and wants to give props to the Planning Commission for their work on this document. He knows that a lot of time, blood, sweat, and tears went into it. He thinks it's important to take a look at this thing, and simplify it as much as they can. He does not have a solution to it.

There is a long term goal to have downtown Umatilla be pedestrian friendly, and he gets that. It is a vision, it's a dream, but is it realistic? It has been in play for fifteen years, is it going to be another fifteen years before they can get all the cards played out, to make it work. You are talking a span of a career for folks, thirty years, that's a long time. At what point do we keep throwing cards on the table trying to get this thing lined up, look back and say, man we wasted a lot of time. This town has sat here and not moved for this whole period of time. Is that really a good decision? He does not see where seven zones are necessary. He thinks they need to try to break it down and simplify where they possibly can.

**SECTION 2:** Identify the four (4) most pressing issues each Councilor sees the City facing that impact the proposed Zoning Amendments, and their order of priority and importance. Each Councilor will have 5 minutes to articulate their position.

Councilor Dedrick- We need stricter sign standards, because what caused problems was Honey Bunnz. A lot of this wouldn't have come to light if hadn't changed. If you look at Riverside, they changed their sign. Honey Bunnz like the gentleman who was at the Council meeting, his granddaughter thought it was a bakery with all the flashing lights. The priority is do away with the highway zone. We do not really need it. She believes that the City has a lot of go-getters on staff, and things will get done, but we also have to remember the business owners. The sign ordinance needs to be cleaned up.

Councilor Ray – He stated that it was really strange, but he and Councilor Dedrick were on the same page. The main priority is the sign ordinance. Number two is some kind of standards that establish eligibility for future adult entertainment businesses. Number three would be stricter enforcement for the standards we already have.

Councilor Fenton – He agrees with all of what was previously mentioned. We need to clean up downtown.

Councilor Lougee – We need to rehabilitate Umatilla. Need to clean up the appearance overall, reestablish the City's identity in the positive way, and need a simplification of the zones.

Councilor TenEyck – Echo what the other Councilors have stated. We have a need for standards. The most important thing to him is to simplify the zoning and reduce the number of zones. All the zones are duplicated he would like to know why it does need to be there.

**SECTION 3:** In the context of upcoming Council actions that may reflect on the proposed Zoning Amendments, i.e., Adult Entertainment and Marijuana, what should the other Councilor's know about your position on those matters prior to future Council action. Keep your answers focused toward the proposed zoning amendments and not a philosophical expose' on how you feel about those subjects generally.

Councilor Dedrick- She believes that there should be an outright ban on marijuana until they can learn more about it. She has strong reservations about it. In regards to adult entertainment she really does not a big issue with it.

Councilor Ray – He thinks there should be an outright ban for marijuana. Adult businesses should have four prong approach. Fix the sign ordinance, set the zoning boundaries between clubs and the schools as far apart as legally possible, establish criteria for business owners and managers of adult businesses and that adult businesses must meet, and that should have something to do with run-in with the law, past dealings with the City, and criminal record. He would like to find a way to search and add commercial size lots.

Councilor Fenton – He is very liberal in regards to most things others are conservative about, but he agrees with the community.

Councilor Lougee – I regards to adult entertainment, it will be best fixed with the zoning ordinance. He is not necessarily okay as to where the adult businesses are currently located. In regards to marijuana he supports the ban.

Councilor TenEyck – He is liberal than most of the Councilors, but he agrees with the community. They spoke very loudly when the voted against marijuana.

**SECTION 4:** Specific questions directed to the City Planner that may be appropriate/needed for ultimate Councilor (Council) clarification to the City Planning Commission.

Councilor Dedrick- Wanted to know if we could limit or cap adult business by populations.

Councilor Ray – Had no questions.

Councilor Fenton – Wanted to know if there was any way to fix the complexity of the zoning ordinance.

Councilor Lougee – Wanted to know if there was there a way to differentiate the difference between medical marijuana and recreational marijuana.

Councilor TenEyck – Had no questions.

**SECTION 5:** Closing remarks/Adjourn Workshop

Mayor Trott asked the Council if they knew what Gooley in her face was. The Council did not. He compared that what was currently going on. When computers first became available, they were pretty much coding everything. Microsoft came in and changed that entire interface of the computer and what a computer could do. He believes this is what the Council needs to do in

terms of zoning. IF someone comes in here and we handed them the whole enchilada, go figure it out. As a potential business owner, I'm never going to get the picture. If we get our process put together and do as the Mr. Sharp explains. Identify where the business intends to locate itself, and then give them the appropriate ordinances and any other information that is germane to what is going on. Then send them away for data gather and return with knowledge. We have the process and interface put together, then we can ask to do an assessment and figure out if the business can get a green light to at least get started. That will not work for every business, if we have waste water issues, other environmental restriction, and Title 5 stuff in terms of air pollution. Then as a business owner I don't have to worry about the minutia, because the City and staff will help me.

Councilor Lougee wanted to know if there was much difference between McNary and the Downtown zoning in term of what is allowed. Planner Searles stated that the McNary zone was put together with the intent to resemble a small downtown but also accommodate more general commercial, with the mix of residential development support. Rather than just eliminate the whole middle of McNary to commercial. Councilor Lougee was just wondering if they were so similar if they could be merged. Planner Searles explained that the McNary commercial zone had more flexibility than the Downtown zone.

Councilor Dedrick wanted to know if would be beneficial to have our own city inspector. If we have our own city inspector we could get stuff done right.

Mr. Sharp believes the Planning Commission has gotten some bad publicity over the last year about harassing businesses. He wanted to let the Council be aware of incidents that have occurred. The prime example is Apos. They came in to apply for a business license. They talked to Planner Searles. Planner Searles said yes, you can open business. Apos told the Planner that they wanted to use the drive through window. Planner Searles explained to them that they needed to go through the Planning Commission if they wanted to use the window for conditional use. They told him that they would deal with it later. Several months went by and they came back in to say they wanted to use the window. The window that is present at Apos is you drive through and exit right at the intersection. They explained to the owners that they had to move it nineteen feet back, needed to put a curbing, and then they would receive their conditional use permit. They said okay. The owner then backed out and said no to the person who was running it. The man said that the City harassed the business enough that they had to close. That was just not true. The City did not harass them, the owner backed out on the renters. People agree to the conditional use, but do not follow it. The Planning Commission is only try to do what is allowed. What is the recourse? The Planning Commission has to call them back in and let them know that they are in violation of their conditional use permit, which appears to be unfriendly to business.

Councilor TenEyck wanted to thank Mr. Sharp for breaking it down to him. The zoning ordinance was so daunting and overwhelming that he couldn't find the trees. He feels the explanation on the Highway zone, he now understand.

Planner Searles wanted to share some thoughts on what he had heard. The sign ordinance issue was brought up, the current sign ordinance is severed from the zoning ordinance. The sign ordinance that is currently in place was last updated in the mid-nineties. The ordinance puts the responsibility on the building official for that. Not having a full time building official does not work. The way signs are being treated now, does not make them a land use condition. If you put them in the land use code they would be. This is something that needs to be explored further. The other thing that makes sign codes difficult is that you start to deal with free speech issues. The League of Oregon Cities has a sample sign ordinance available on their website that he as looked at, and we might want to look at it and modify it to fit our needs. He is not sure that they

can get where they want to be with adult entertainment business with just a sign ordinance. Part of the reason they have not pushed the issue with Honey Bunnz is because sometimes you need to be careful what you ask for because when you are dealing with some people, they will give you something worse. Between free speech issues and the complexity of the sign ordinance the vagueness in trying to understanding, and dealing with someone who might come back with something worse. He is going to disagree with Councilor Ray's suggestions on coming up with standards on adult entertainment business. If we are going to put something together you need to run it by the attorney.

Mayor Trott thanked the Councilors for participating, the Planning Commission Chair Sharp, Planner Searles, Recorder Sandoval, and the audience. Meeting adjourned at 7:42pm.

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David P. Trott – Mayor

ATTEST:

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Nanci Sandoval – City Recorder