

**CITY OF UMATILLA
COUNCIL MEETING
May 19, 2015**

- 1. CALLED TO ORDER:** Mayor Trott called the regular council meeting to order at 7:00pm.
- 2. ROLL CALL:**
 - PRESENT:** Councilors Dedrick, Farnsworth, Ray, Fenton, Lougee, and TenEyck.
 - STAFF PRESENT:** Recorder Sandoval, City Manager Ward, Finance Director Ince, Planner Searles, and Public Works Director Pelleberg.
- 3. PLEDGE OF ALLEGIANCE:** Recited at 7:01pm.
- 4. APPROVAL OF AGENDA:** It was moved by Councilor Fenton to approve the agenda. The motion was seconded by Councilor Ray. Voted: 6-0. Motion Carried.
- 5. PRESENTATION:** None.
- 6. APPROVAL OF MINUTES:** None presented.
- 7. PUBLIC COMMENT:**
 - 7.1 Esteban Rodarte - Wanted to bring information about a lawn and garden. It was suggested by Planner Searles to wait until public testimony would open again for the zone changes.
- 8. CONSENT AGENDA:** None.
- 9. COMMITTEE REPORTS:** None.
- 10. UNFINISHED BUSINESS:**

Mayor Trott asked Council Members if they had had any ex parte communication. None was announced. Mayor Trott inquired if Council Members would like to open public testimony. Councilor Ray announced that the more information they could get, the better. Councilor Dedrick wanted to hear only new information. Councilor Farnsworth, Fenton, Lougee, and TenEyck conceded with Councilor Dedrick. Councilor Ray moved to open the floor for further testimony from the public. Councilor TenEyck seconded the motion. Voted 5-1. Councilor Dedrick voted against the motion. Motion Carried.

Mayor Trott announced that any new testimony can be limited to a specific issue, allowing certain information related to an issue already raised, or you can open the hearing to any new testimony. Any new testimony allowed, anyone at the hearing has a right to respond to the new testimony.

Esteban Rodarte – Thanked Council Members for re-opening public hearing. Declared that after the previous council meeting, he did more research and discovered that a lot of downtown commercial was shut down to some businesses that are already existing. He believed this to be extreme considering business have been there for years, considering the shops were made for those specific uses. He inquired about a garden store, a garden supply store, and was told by

Planner Searles that it was not permitted outright in that zone. Mr. Rodarte explained to Planner Searles what would be in the stores, what kind of products, and recommended that the best idea would be to put something in writing and present to Council. He presented a statement to Mayor Trott to be included right after G in the site plan review requirements. Use is permitted subject to standards, and that is an exception. The use is limited to 7,500 sq. ft. there will be no outside storage or display of goods or materials. The use may include usage for repair of lawn and garden equipment provided the services are incidental to the primary retail use.

Mayor Trott inquired if Planner Searles had any response to what Mr. Rodarte had presented.

Planner Searles stated that best he could come up with using the NAIC system, the store Mr. Rodarte describes probably fits best under a lawn and garden supply store. His is probably a bit more specialized. What he recommended to Mr. Rodarte was that he purpose that Council allow this type of use in the zone, probably subject to similar standards that he read. Planner Searles stated that as staff, he would support that usage.

Councilor Lougee asked if they were discussing something that was an enclosed store, that did not include like a home and garden places that had outdoor material as well. Mr. Rodarte state no, that it would be wholly enclosed. Mayor Trott wanted to confirm that staff would be supportive of allowing that usage, subject to similar standards. Planner Searles affirmed.

Councilor Farnsworth inquired where Mr. Rodarte would put such a store. Mr. Rodarte explained that there were some location available, but the possibility of being able to open one in general was more appealing.

Boyd Sharp – Explained that these arguments were heard during Planning Commission’s work sessions, to regard medical marijuana downtown. The Planning Commission listened thoroughly, asked questions, and had lively discussion. The Planning Commission came to the conclusion that the citizens of Umatilla did not want dispensaries downtown. If the Council opens up downtown to medical marijuana dispensaries, they would open up all of downtown, not just the west side or the east side. Mr. Sharp recommended that if the Council decided to have dispensaries downtown that they do it with conditional use, not with standards. This would allow the Planning Commission the time to respond to what the community wants in terms of how you would regulate that. In the documents there are also descriptions of medical marijuana. The description was made specifically to determine where it would be best suited in the community. The Planning Commission had heard the same argument present to Council. They were firm on where they wanted it.

Councilor Dedrick wanted clarification on what was presented by Mr. Rodarte. She did not hear anything about medical marijuana in the description. Mr. Rodarte answered no. Medical marijuana was not part of his presentation. Mayor Trott clarified that what Mr. Sharp was saying did not have anything to do with what Mr. Rodarte was testifying.

Mr. Sharp stated that he believed what Mr. Rodarte was asking the Council to do was to include a gardening center and that Mr. Rodarte was interpreting that it would allow medical marijuana to be within those clarifications. He needs to clarify if he is asking the Council to allow that a medical marijuana facility downtown.

Mr. Rodarte was requested to take the podium and answer the question, about the establishment of a lawn and garden center in the downtown commercial zone being a rouse or a segue or some other mean to later on, make a plea to change the business operation to a medical marijuana outlet. Mr. Rodarte wanted to state that he believed Mr. Sharp did exactly what they were instructed not to do, to bring up old news, old business. Mr. Rodarte clarified that no, he was not looking at allowing lawn and garden centers as a means to later change the business operation.

He further indicated that what Mr. Sharp stated was false about opening up downtown to dispensaries because most of downtown was within the 1,000 ft. range of a school. It was a complete inaccurate statement, because Oregon State guidelines would not allow such businesses to be conducted within that 1,000 ft. range.

Mayor Trott wanted to clarify Mr. Rodarte's intent. There is a difference, with Mr. Sharp providing what is essentially expert testimony to Council with what was discussed with the Planning Commission. Mayor Trott did take exception to Mr. Rodarte's comment, about striking Mr. Sharp's remarks. Mayor Trott further explained that there was a matter at hand where discussion and the document that was rendered through the Planning Commission and the Planning Staff needed to be clarified for the record. Mr. Rodarte then stated that he believed adult entertainment and medical marijuana needed to be addressed separately. Planner Searles specified that City Staff's understanding of Mr. Rodarte's intended was limited to lawn and garden supplies stores with no marijuana in titling what so ever.

Councilor Fenton was disappointed that there were so many pages that outlawed something like a lawn and garden center. He would think that they would be able to include some wording to change that. Is the Council going to have to identify each and every business? Planner Searles explained that the use is included as being allowed in other zones. Whether it was an oversight by Staff and Planning Commission to not include in the downtown commercial zone, it was just not what the Planning Commission was looking at as a usage downtown. Councilor Fenton stated he was not tempted to change it because the purpose to doing all this work was not accomplished. Planner Searles stated that it was up to the Council to discuss and decide. Mayor Trott inquired if there was anybody wishing to address the Council and provide public testimony. Seeing none, he closed the Public Hearing at 7:32pm and opened the floor for discussion.

Councilor Lougee indicated that in this case that would be a perfectly suitable usage for downtown. They started with a vision of what they wanted downtown to look like. They were looking at stores with mostly street parking, walking in, and this sounds to him like it was just an oversight.

Councilor Ray detailed that he believes this is one of the most important pieces of legislature the City will see in many years. Because of the importance he is being quite critical. It will affect the lives and businesses of people in the town well into the unforeseeable future. His intent is to ensure they get it right. The first issue at hand for Councilor Ray was the Written Narrative in the application on page 29 (of the Council packet for May 05, 2015). The second paragraph, the zoning map, there is a difference from the zoning map text to the text, there is NC for neighborhood commercial zone, and on the map there is GC for general commercial zone or GCCS for general community commercial service zone. The GCCS and NC codes are in the text and not on the map.

Planner Searles explained that the issue Councilor Ray was talking about doesn't just affect the GC zone, it also affects the R2 medium density commercial zone and maybe one or two others, the light industrial and R1. Upon further examination Planner Searles stated that just about all the zones are affected by what Planner Searles believes Councilor Ray is talking about. You can see that GC zone stands out the most, which is a dark pink. The light indicates GC/CS (CS stands for community service). Planner Searles believes that what happened years ago, the 1999 map, the City zoned a whole bunch of areas and called it CS. CS uses were public type uses, parks, hospitals, and things like that. It tended to be more public in nature and not private. It didn't really allow for private type businesses. So, when that was pointed out to the City, the City went back and changed it to GC/CS, the City sort of looked at it like it was an overlay zone, but when

you look at how our ordinance works, it's really not an overlay zone. The distinction between dark pink and light pink, there really isn't any. It's only in the color, it's still all GC. Typically what an overlay zone would do, it either limits or allows more business. Every zone has a CS uses, and those are the uses that are allowed in each zone with conditional uses. The CS has no distinction. Councilor Ray wanted to know what the differences between GCCS and GC were. Planner Searles stated that there were really no differences. Councilor Ray then inquired if the plan was to take that off once the rezone occurs. Planner Searles said yes, in order to clean the map up and simplify it. If the CS was truly an overlay zone, then it would make sense to leave it, but because it's not, there really is no need to distinguish a CS.

Councilor Ray wanted to know if reading the map was something that was being addressed tonight. Planner Searles said no, nothing was really changing, just the colors. Councilor Ray stated that he was still not 100% clear, he believed that what they were doing was changing the zones, and the zoning ordinances, and it would appear that they are just dropping one, without explaining why or how it happened. He feels unclear about that.

He then redirected discussion to uses not allowed on page 31 (of the Council packet for May 05, 2015) and read the last sentence for the first paragraph. "For each zone, the intent for any use not permitted under one of these categories meant the use would not be allowed in the zone." What happens if something happens, when new technology comes along, or something gets left out? He didn't see a mechanism anywhere for putting that use in a zone. Planner Searles explained that the City can initiate an application through the Planning Commission. An individual property owner can make a request to amend the zoning text to include a use if it is not there, and that would go through Planning Commission and City Council to decide that. It would be the same process that we are going through now. This isn't something that once adopted can't be changed. The proper process needs to be followed and the Council would have to approve that. Councilor Ray's concern is how much trouble it would be to go through something like that. It worries him that it specifically says, if you're not listed in the zone, you can't be here. So what is that saying? Basically, an individual can go and argue with the Planning Commission and in a couple of months he/she can go before the City Council and maybe the Council will allow that usage. Councilor Dedrick stated that you cannot ever put everything in the text because in 20 years something could come along and be nothing that any one has heard about. Councilor Ray conceded to that, but also acknowledged that it would make it difficult for change.

Planner Searles stated that the reason they are going this route is to purposely leave certain usages in those areas. Councilor Ray stated that it was his point exactly, so how do you distinguish what was left out and what didn't. However is trying to get in there will have an uphill battle all the way. Planner Searles explained that his position on it has been that the way the planning process works is somebody has the right to make the application to change something, if they are willing to pay the fee and go through the process. It is not a process that will occur overnight, it may be two, three, four months. Councilor Ray said that if we had thought of it and included it at the time, there would not be a problem. He believes that it would make things fairly difficult, especially with the language that is used.

Councilor Dedrick wanted to know what Councilor Ray was thinking about that might have been forgotten. Councilor Ray stated that a Segway office would be a good example. It is not included in there, but if someone wanted to put one in, that person would have a difficult time trying to bring that business in. Councilor Dedrick wanted to know if it was a commercial business. Councilor Ray replied that it was not, that you had to look for it. He then wanted to

know the thinking, behind excluding motels from downtown commercial. Planner Searles explained that motels need a bigger parking area to accommodate that aspect of the use. The intent was to make it a pedestrian friendly zone. The reason that motels didn't fit was because they are more auto oriented. Councilor Ray then wanted to know how to differentiate between a hotel and a motel. Planner Searles stated that he would distinguish a motel would be if is a change. A hotel would be much more likely to maybe include a parking area underneath the structure. Planner Searles stated it that it was up to the Council to decide if they agreed with the Planning Commission's recommendations. He was not going to argue with the Council on any given use. Councilor Ray responded by stating that there were about twenty other things that were allowed downtown that were similar to a motel and motel was particularly taken out. Another issue brought up by Councilor Ray was the driveway standards, which was a written as a minimum of ten feet on page 50 (of the Council packet for May 05, 2015). Public Works Director Pelleberg stated ten feet was a narrow clearance and that it should be left open to whatever specific use might be required. Councilor Dedrick suggested the minimum be at least fifteen to twenty feet for driveways. Councilor Ray suggested we leave open language for the minimum. Planner Searles recommended to Councilor Ray to purpose a change for the Council to approve. Councilor TenEyck chimed in by saying that if it were one way, then ten feet would be sufficient, but you're not going to pass another vehicle in traffic.

The flood zone was brought up for discussion by Councilor Ray. He was not aware that there was a flood plain in commercial zones of Umatilla. Planner Searles explained that it was not a rule. It was a current standing rule in the Ordinances. Councilor Ray wanted to know what the point of having that rule in the Ordinances, if we didn't have a flood zone. Planner Searles stated that his best guest was that someone might have private property that runs clear up to the river, and they wanted to develop, then there might be a reason for this to apply. Planner Searles suggested that before any changes are made he could have the opportunity that this rule isn't something that we might need for flood insurance rates, or anything related. He was unclear about why it would be unclear and agreed with Councilor Ray. If it was something that can be removed then it can be done later down the road, but was not confident enough to provide guidance to the Council.

It was then suggested by Mayor Trott that any questions be submitted to City Staff for review and that Council not act on the application presented.

Councilor Dedrick wanted to know if they would be changing anything after Mr. Rodarte's presentation. Mayor Trott said that it would be brought up at the time when they are done with discussion and work toward a motion to put an end to this.

On page 44 (of the Council packet for May 05, 2015) there was statement about alcoholic beverage drinking places not being located within five-hundred feet of a school. She suggests a one-thousand feet. Councilor Ray wanted to know how many blocks would include one-thousand feet. Planner Searles stated that if you included the width of the streets probably four. If you just count the number of blocks, it would be more about five. Manager Ward wanted to clarify that measurements all start from the same place, at the edge of the property line. Staff can respond to questions in regards to technical measure, but cannot respond in regards to what the Planning Commission was thinking.

Boyd Sharp took the podium to explain that what the Council was doing at the moment was what they did for five months.

It was moved by Councilor Ray to submit question to staff by Friday, May 22, 2015 evening, and staff an opportunity to respond, and suspend discussion on the matter at hand until until the June 16, 2015 meeting. Seconded by Councilor Fenton. Voted: 6-0. Motion Carried.

11. NEW BUSINESS: None.

12. CORRESPONDENCE: None.

13. PUBLIC COMMENT:

13.1 Tamra Mabbott just wanted to thank the Council for having a robust discussion. She showed up to observe because it is really overage that the Planning Commission has undertaken. Umatilla is the leader in the county on many topics, adult entertainment is one. She is also the chair on County's medical marijuana study committee, and they are wrestling on how to regulate to allow marijuana. She will be popping into many council meetings to see what was going on.

Mayor Trott enquired if there was anyone else wanting to address council. Seeing none, he closed public comment.

14. MAYOR'S MESSAGE: Announced that there was a high school senior present in our audience. The City Manager and the Mayor addressed three civic classes, and allowed the opportunity for each of the classes to have discussions. He wanted to emphasize how important it was for the younger generation to get engaged in local government.

15. STAFF REPORT: Manager Ward explained that the Budget Committee adopted the budget on the 21st. Two line items have been added since then. Municipal Court is a double edge sword. We are generating significant income through the fines and tickets generated by the Port of Entry, but it also puts a tremendous burden on the court system to properly file and enter all those things. It was budgeted to have someone come in to help when Judge Krogh was not around, but unfortunately that will not suffice. They are requesting to have someone come in one day a week to help do data entry. That added an additional \$3,280.00 over what had been budgeted. The next was the licensing fees to cover the outdoor movies showing this summer. Both line items will come out of the unappropriated funds balance.

Landing Days will need an exception from Ordinance No. 800. Manager Ward would like to have it set up so it perpetually gives the authorization for Landing Days to collect funds as needed, so they don't have to come back every year, so long as the way it occurs does not change.

Staff has been working on a tri-party agreement with the Tribes and the Department of Corrections on extending the road that goes to the south of the prison along the boundary line with State property and Port property. Manager Ward feels they are close to reaching an agreement that justifies what those dollars will be spent for and who will be responsible for things. They need these first steps completed in order for the State to release those funds. In companion to the medical marijuana issues that are being discussed there will be a need for a licensing ordinance. Manager Ward has been working on it. It is based on the Keizer usage.

16. COUNCIL INFORMATION & DISCUSSION:

16.1 Councilor Dedrick – Wanted to thank community members for coming. Wanted to let councilors know that she is still working on the property which belonged to Floyd Matthews.

16.4 Councilor Ray – Wanted to know if it were possible to get packets in advance since there would be so much to cover.

16.4 Councilor Lougee – Thanked Andrew for coming.

16.5 Councilor TenEyck – Wanted to thank staff for efforts. Great to see that our staff going above and beyond. It is nice to drive through downtown and not see panhandlers.

17. ADJOURN TO EXECUTIVE SESSION: ORS 192.660 (2)(g)

18. RECONVENE:

19. ADJOURN: It was moved by Councilor Ray to adjourn the meeting. It was seconded by Councilor Lougee. Voted: 5-0-1. Councilor Fenton abstained. Motion Carried. Meeting adjourned at 8:47pm.

David Trott – Mayor

ATTEST:

Nanci Sandoval – City Recorder