



# CITY COUNCIL

## Regular Meeting Minutes May 26, 2026

Mayor Primmer called the regular meeting to order at 7:00pm. Present were Councilors Hayward, Roberts, Myers, McCarthy (arrived at 7:50pm), Duron, Linton, Kelso, and Barron. City Staff in attendance included: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Richard Tovey, Finance Director Ignacio Palacios, Police Chief Jason Edmiston, Planning Director Clint Spencer, Assistant City Recorder Heather La Beau, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

### **Citizen Input on Non-Agenda Items**

None given.

### **Consent Agenda Items**

Councilor Duron moved and Councilor Hayward seconded to approve Consent Agenda items A-I, to include:

- A. Committee Vacancy Announcements
- B. Appointment Confirmation for Kyleen Kosirog to the Budget Committee Position #6 ending December 31, 2029
- C. Appointment Confirmation for David Korb to the Airport Advisory Committee Position #2 ending October 31, 2029
- D. Appointment Recommendation for Ann Minton to the Budget Committee Position #6 ending December 31, 2029
- E. Right of Way Acceptance- E Jennie Ave.
- F. Minutes of the April 27, 2026 Public Safety Committee Meeting
- G. Minutes of the April 27th City Council & Urban Renewal Agency Work Session and Regular Meetings
- H. Minutes of the May 11, 2026 Solid Waste & Curbside Recycling Advisory Committee Meeting
- I. Minutes of the May 11, 2026 City Council Work Session & Regular Meetings

Motion carried unanimously with Councilors Hayward, Roberts, Myers, Duron, Linton, Kelso, and Barron voting in favor.

### **Items Removed from the Consent Agenda**

No items were removed.

### **Public Hearing- Appeal of Planning Commission Decision- Henry K's Subdivision Phase 4 Preliminary Plat**

**4N2813 TL 210 1200 SE Columbia Dr-** Hearing no conflicts of interest or ex parte contacts Mayor Primmer presented the hearing guidelines, Planning Director Clint Spencer confirmed that the entire file on this matter was physically before the City Council, and Mayor Primmer opened the hearing at 7:13pm.

Planning Director Spencer presented information from the agenda packet regarding the Hermiston Irrigation District filing an appeal of the Planning Commission's approval of the preliminary plat for Phase 4 of the Henry K's Subdivision specifically related to Condition #1.



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### Public Testimony in Favor of Appeal

Marika Sitz, from Jordan Ramis, counsel for the Hermiston Irrigation District (HID) (appearing via Zoom) asked that the Council remand the Planning Commission decision and allow that new information to be reviewed and accepted. Ms. Sitz spoke regarding concerns impacting the A-Line Canal if development continues, HID did not know about the boundary change from HID to Stanfield Irrigation District (SID) and denies that the property in question is in fact in the SID's property boundary and would like additional time to find proof to dispute this claim, and stated the Planning Commission needs this correct and critical information to be added to the record. (Request for Remand Letter attached).

### Public Testimony in Opposition to the Appeal

Tyler Brant representing Hermiston Home Works, Inc., asked the Council to uphold the Planning Commissions decision. Mr. Brant stated he believes HID's motivation to go through this process is to force him to pay for fencing and other unknown improvements, since his crews capped what appeared to be an unused underground pipe that was not shown on any infrastructure maps; a while later he was contacted by HID stating BMCC parking lot was flooding because the pipe had been capped, since then HID has been asking him to sign a Project Agreement with unknown conditions as the agreement has missing attachments and provisions that HID has refused to give him for review before he signs. After trying numerous times to obtain this information and have his questions answered by HID staff and the HID Board during Board meetings, he contacted attorney Wendi Kellington who discovered the property is in SID's boundary per the Umatilla County GIS System and therefore SID has the authority to sign off on the certification. SID also acknowledges that this is their property boundary as well.

Wendi Kellington, from Kellington Law Group, PC, counsel for Tyler Brant representing Hermiston Home Works, Inc., asked that the Council uphold the Planning Commission decision as the certification from Irrigation District's just acknowledges that the developer will not be using the irrigation districts water-nothing more. The reason HID is asking the Council to remand the Planning Commission decision is so that HID can try to force Mr. Brant into a development agreement to get extra things that they want and aren't entitled to, none of Mr. Brant's development will destroy HID's A-Line Canal as they have stated. HID and their attorney are asking for additional time to find proof that this property boundary is HID's and not SID's, however, they are gathering this information from the same sources that are confirming the property is in fact SID's, ie: Pioneer Title and Umatilla County Taxation and Assessment; yes, HID provides water to this property but that is all. HID was notified over two weeks prior to the Planning Commission meeting when information regarding the property being SID's was presented yet they chose not to attend the meeting in person or via Zoom. These proceedings are financially burdensome, and unfortunately these fees will be passed onto the costs associated with housing development making housing more expensive. Ms. Kellington asked the Council to uphold the Planning Commission decisions as if they don't it will be setting precedence that people don't have to take these meetings and hearings seriously. (Response to HID Request for Remand Letter attached).



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Councilors asked the following questions and were given responses to include:

- How the discrepancy in property boundaries happened and how long it would take HID to find the documents they are searching for.
  - Ms. Sitz and Karra Van Fossen, HID District Manager, stated property boundaries changed in 2003 by the Federal Government- however, HID did not keep records of these changes as they did not anticipate something like this could happen. HID's main concern is to make sure the facilities are protected and damage does not occur. HID does not believe it would take long as they are working with Pioneer Title and Umatilla County to find records confirming this as many records are in boxes and have not been scanned yet.

Mayor Primmer recognized the arrival of Councilor McCarthy at 7:50pm and Councilor McCarthy confirmed he did not have a conflict of interest or ex parte contacts.

- Why did HID not locate and provide this information prior- that this is HID's property boundary?
  - Ms. Sitz stated they did not know the applicant was going to provide information that the property boundary was SID and not HID and therefore did not prepare to provide this information. Ms. Sitz stated SID does not have any intention of providing water to this property and never has previously.

After additional questions were answered, Planning Director Spencer, after being asked by Mayor Primmer, spoke regarding how each plat was presented and approved by phase and not for the entire development and irrigation districts providing water to other properties/irrigation districts is common practice and confirmed that irrigation district water is not being used in this development.

Hearing no others who wished to provide testimony, Planning Director Spencer gave a staff summary stating he recommends the Council uphold the Planning Commission's recommendation and uphold their decision. If the Council would like to add conditions, staff would not oppose.

- Councilor McCarthy moved and Councilor Kelso seconded to close the hearing at 8:51pm. Motion carried unanimously with Councilors Hayward, Roberts, Myers, McCarthy, Duron, Linton, Kelso, and Barron voting in favor.
- Councilor Kelso moved and Councilor Barron seconded to affirm the Planning Commission's decision. Motion carried 7-1 with Councilors Hayward, Roberts, Myers, McCarthy, Duron, Kelso, and Barron voting in favor; and Councilor Linton voting against.
- Councilor McCarthy moved and Councilor Roberts seconded to direct the City Attorney to draft an Order consistent with this decision for adoption at the next meeting. Motion carried unanimously with Councilors Hayward, Roberts, Myers, McCarthy, Duron, Linton, Kelso, and Barron voting in favor.

### **Resolution No. 2425- Rejecting the Recommendation to Rename E Airport Road**

City Manager Smith stated this resolution confirms the Council's decision from the May 11<sup>th</sup> City Council meeting and public hearing, to not rename E Airport Road.



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Councilor Duron moved and Councilor Hayward seconded to approve Resolution No. 2425 and lay upon the record. Motion carried unanimously with Councilors Hayward, McCarthy, Roberts, Myers, Duron, Linton, Kelso, and Barron voting in favor.

### **Resolution No. 2426- Master Fee Schedule Including Garbage Rate and Franchise Fee Adjustments**

Assistant City Manager Mark Morgan presented information (PowerPoint Presentation attached) found in the agenda packet specifically related to changes in the Garbage Rate as Sanitary Disposal requested a 5% rate increase. Sanitary Disposal has agreed to a 3.5% increase in exchange for reducing the City's portion of garbage revenue collection, known as the Franchise Fee, by 1.5% effective; if approved, this change would become effective July 1, 2026.

Assistant City Manager Morgan answered questions from the Council stating the City can expect to see small rate increases annually from Sanitary Disposal instead of larger increases periodically. Councilors asked if Sanitary Disposal can present future increases six months in advance and prior to Budget Committee meetings so this can be discussed as these increases are especially difficult for people on fixed incomes.

### **Public Comment**

Virginia Rome-Garcia, City of Hermiston Resident- Asked if the Council knew that Sanitary Disposal charges an additional \$10.00 fee for leaving the garbage can lid open more than one inch and stated she does not know when this started but she is now making sure her can is completely closed and would like the Council to consider this and that this increase is difficult for people to pay as water and electricity rates have also increased.

Angela Pursell, City of Hermiston Resident- Stated there is an additional change for persons who can not close their lids all the way, but does believe that curbside recycling will help residents not incur additional actual garbage fees. Asked that the Council consider having all increases in July instead of spread throughout the year as it is easier for people to handle instead of hearing about various increases throughout the year.

After Assistant City Manager Morgan addressed further Council questions, Councilor Hayward moved and Councilor Roberts seconded to approve Resolution No. 2426 and lay upon the record. Motion carried 6-2 with Councilors Hayward, Roberts, Myers, Duron, Kelso, and Barron voting in favor; and Councilors McCarthy and Linton voting against.

### **Continuation of Meeting**

City Manager Smith stated according to Council Rules, the Council must vote to continue or adjourn the Council meeting once the meeting has reached the hour of 9:30pm, which it is 9:18pm and there are additional items on the agenda that have yet to be heard.

Councilor Roberts moved and Councilor Linton seconded to continue the meeting for an additional hour. Motion carried unanimously with Councilors Hayward, McCarthy, Roberts, Myers, Duron, Linton, Kelso, and Barron voting in favor.



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## **Review, Discussion, and Next Steps of Charter Review Committee Results Including Term Limits**

City Manager Byron Smith presented information (PowerPoint Presentation attached) and as provided in the agenda packet regarding previously presented Charter Review Committee recommendations and information regarding Term Limits that was inquired about when being presented this information previously.

After some discussion, Councilor McCarthy moved and Councilor Duron seconded to direct staff to prepare necessary documents to place the proposed Charter Amendments on the November 2026 ballot as presented with no term limits. Motion carried 7-1 with Councilors Hayward, McCarthy, Roberts, Myers, Duron, Kelso, and Barron voting in favor; Councilor Linton voted against.

## **April 2026 Monthly Financial Report**

Councilor McCarthy moved and Councilor Hayward seconded to accept the April 2026 Monthly Financial report as presented by Finance Director Ignacio Palacios, Assistant City Manager Morgan, and City Manager Smith (PowerPoint Presentation attached). Motion carried unanimously with Councilors Hayward, Roberts, McCarthy, Myers, Duron, Linton, Kelso, and Barron voting in favor.

## **Committee Reports**

Recreation Projects Fund Advisory Committee- Councilor McCarthy reminded the public that the application deadline is May 31<sup>st</sup> and the Committee plans to meet in June for review.

Airport Advisory Committee- Councilor Roberts gave updates regarding Life Flight's end of rental lease and discussion regarding a grass landing strip as many pilots prefer this.

Hispanic Advisory Committee- Councilor Kelso stated HAC welcomed their newest member Janziee Serrano and heard presentations from Good Shepard Health Care Systems, Oregon Rural Action, Kari Bazan from FFA regarding Agriculture and Immigrants in Oregon- stating she was an excellent speaker and did a great job, and also encouraged voter registration.

Vacancy Review Committee- Mayor Primmer stated the Committee has recommended appointments to many open positions.

## **Mayor's Report**

Mayor Primmer spoke regarding:

- League of Oregon Cities Conference
- Armed Forces Day at the Rees Training Center
- Groundbreaking ceremony for Veterans Housing by the Umatilla County Housing Authority
- City Chat at Kopacz was not well attended and encouraged public participation

## **Council Presidents Report**

Council President McCarthy spoke regarding the unofficial election results, thanked all those who ran, and congratulated victors.



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## Council Reports

Councilor Barron thanked the public members of the Budget Committee for their dedication and preparedness.

Councilor Hayward thanked all those who participated in I Love My City Event that was very successful and asked property owners to look at their property for potential fire hazards and correct those issues.

Councilor Linton read comments (attached) into the record, thanked Captain Karen Primmer for her previously presented report and Mayor Primmer and Councilor Roberts for their professionalism and decorum. Councilor Linton spoke regarding the passive aggressiveness she has faced because she is thorough and reviews all financial department documents supplied and asks many questions. She is not a Councilor for any other reason but to represent the public as everyone has value.

Councilor Kelso spoke regarding the Cinco de Mayo Event at EOTEC, his participation in another Hermiston Police Department ride-a-long and how he is impressed by the professionalism and enthusiasm of PD staff along with Oregon State Patrol staff when he has also participated in ride-a-longs, I Love My City event – specifically the participants in the recycling area in which he volunteers were much more respectful and kinder than in years past which he and other volunteers really appreciate, Donkey Basketball at the High School, Juneteenth Holiday, HHS Scholarship Night with some of the best and brightest kids, and thanked the School District for everything they do for our youth.

## Youth Advisory Report

None present.

## City Manager's Report

City Manager Smith thanked City Staff and PAC West for their facilitation and design of a printed monthly newsletter for those individuals who are unable to access technology, and stated the next City Chat is scheduled for September 4<sup>th</sup> at the Food Pod from 11:30am to 1:30pm, the next scheduled City Chat will be held in the evening.


## Adjourn

There was no other business and Mayor Primmer adjourned the regular City Council meeting at 10:00PM.

SIGNED:

  
\_\_\_\_\_  
Doug Primmer, Mayor

ATTEST:

  
\_\_\_\_\_  
Lilly Alarcon-Song, CMC, City Recorder

May 22, 2026

VIA EMAIL ONLY

Clinton Spencer  
Planning Director  
Hermiston Planning Department  
180 NE 2<sup>nd</sup> St.  
Hermiston, OR 97838

Re: ***Request for Remand Following April 28, 2026 Notice of Appeal for Henry K's Phase 4 Subdivision Preliminary Plat Approval***  
Our File No. 52415-79110

Dear Mr. Spencer:

The purpose of this letter is to notify the Hermiston Planning Department ("Department") that Hermiston Irrigation District (the "District") will request that the Hermiston City Council ("Council") remand the Hermiston Planning Commission's ("Commission") decision to approve the amended conditions of approval for the Henry K's Phase 4 Subdivision Preliminary Plat ("Commission Decision") to the Commission for additional fact finding. For the reasons set forth in this letter, the evidentiary record that the Commission relied upon is deficient and should be appropriately supplemented to allow the Commission to evaluate all evidence regarding the location of the Henry K's Phase 4 subdivision, which will be located on a portion of 4N2813 Tax Lot 210 ("Phase 4 Property"), in relation to the District's boundaries.

**A. Matter Background**

As you know, the District submitted a Notice of Appeal on April 28, 2026 ("District Appeal") pursuant to 157.231 and 154.76 of the Hermiston City Code ("Code"). The District Appeal identified five documents that are directly relevant to the relationship between the Phase 4 Property and the District boundaries but were not included in the record before the Planning Commission. As further explained in this letter, the sole document that the Phase 4 Preliminary Plat applicant ("Applicant") relied upon to demonstrate to the Planning Commission that the Phase 4 Property is not within District boundaries is not legally sufficient and does not meet the substantial evidence standard.

In order to address the deficient record and avoid future proceedings before the Land Use Board of Appeals ("LUBA"), the District will request that the Council remand the Commission Decision to the Planning Commission pursuant to 157.231(4) of the Code.

**B. District Interest**

The District is a public, quasi-municipal entity that is charged with protecting its water supply and water supply systems on behalf of its patrons. Additionally, it is contractually obligated to protect

federal infrastructure owned by the U.S. Bureau of Reclamation. As relevant here, the District operates and maintains the A-Line Canal pursuant to a contract with the U.S. Bureau of Reclamation, and HID is obligated to protect the A-Line Canal from damage and to ensure the canal remains operational. The northern boundary of the Phase 4 Property receives water deliveries from the District under District water rights and is located less than 100 feet from the A-Line Canal.

In the course of managing District lands, the District must protect the public interest and public safety. Any actions the District takes to advance these goals are driven by the District's statutory obligations, not by profit or by other motivations unrelated to the District's legal and contractual obligations.

### **C. Incomplete Evidentiary Record**

The evidentiary record that the Planning Commission relied upon to make the Commission Decision is deficient. For the reasons set forth below, the Council should remand the Planning Decision to the Planning Commission pursuant to 157.231(4) of the Code.

#### **1. The evidentiary record is missing critical evidence.**

In the District Appeal, the District identified five documents that provide evidence related to the District's boundary. Further, the District is continuing to review its own historic records and Umatilla County ("County") records to identify additional relevant documents. The Planning Commission must have the opportunity to review this evidence.

#### **2. The GIS screenshot the Applicant relied upon is not legally sufficient.**

To support its assertion that the Phase 4 Property is not within District boundaries, the Applicant relied on a single document on the record: a screenshot from the County online GIS mapping application ("GIS Screenshot").

However, the Applicant cropped out the disclaimer that appears on the bottom of the screen in the County's GIS mapping application, which states: "The Umatilla County Interactive Map is prepared for and intended for Assessment & Taxation purposes only. This map is NOT prepared nor is it suitable for determining property boundaries, legal documentation, or professional engineering/surveying work." ***The GIS Screenshot is not legally sufficient for boundary determinations, and this disclaimer must be included on the record for review by the Planning Commission.***

#### **3. The Applicant's reliance on the title report is not sufficient and its characterization of the title report is erroneous.**

In the Applicant's Response to Hermiston Irrigation District Objections, submitted April 15, 2026, ("Applicant Objection Response"), the Applicant referenced a "title report from Pioneer Title Company of Umatilla County dated March 21, 2024" that that purportedly states that the Phase 4 Property is within District boundaries ("Title Report"). However, the Applicant did not include a copy of the Title Report in its Applicant Objection Response, nor is the Title Report contained in the record that the Planning Commission reviewed.

Clinton Spencer, Planning Director  
May 22, 2026  
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Given that the Applicant failed to submit the Title Report and its attached documents for review by the Planning Commission, the Planning Commission could only rely upon the Applicant's representations regarding the implications of the Title Report for the District boundary question.

Further, in the Applicant's Response to the Notice of Appeal, dated May 19, 2026, the Applicant provides a screenshot from the Title Report showing that, at one point in time, Stanfield Irrigation District owned the Phase 4 Property and sold it to a third party subject to undefined reservations. The Applicant uses this screenshot to support its argument that the Phase 4 Property is within Stanfield Irrigation District boundaries. However, an irrigation district's reservation of rights on a property *does not* mean that the property is within the district's boundaries.

To the extent the Applicant relied on this logic in its Applicant Objection Response to assert that the Phase 4 Property is located within the boundaries of Stanfield Irrigation District, such an assertion is legally unsupportable.

**D. Timing Considerations**

The District understands that remanding the Commission Decision back to the Planning Commission may delay this process by a few weeks. However, the issue underlying the District Appeal is of critical importance to the District in the management of its state and federal public affairs. Therefore, it is imperative that the evidentiary record is supplemented as appropriate to remedy the deficiencies noted in this letter. Ultimately, a delay of weeks will be far less time and resource-intensive than a delay associated with future LUBA proceeding.

Please do not hesitate to reach out if you have any questions.

Sincerely,

JORDAN RAMIS PC



Marika E. Sitz  
Admitted in Oregon and Washington

May 26, 2026

City Council of the City of Hermiston  
c/o City of Hermiston Planning Department  
180 NE 2nd Street  
Hermiston, OR 97838

**Re: Henry K's Phase 4 Subdivision Preliminary Plat Approval — Response to Hermiston Irrigation District Request for Remand — 4N2813 Tax Lot 210**

Dear Council President McCarthy and Councilmembers:

This firm represents Hermiston Home Works, Inc., the applicant for Henry K's Phase 4 Subdivision Preliminary Plat approval. Please include this letter in the record of the above matter. This letter responds to Hermiston Irrigation District's May 22, 2026 letter requesting that the City Council remand the Planning Commission's decision to the Planning Commission for additional fact finding. For the reasons below, the Council should deny HID's request for remand and affirm the Planning Commission's decision.

**I. Summary**

HID's request for remand does not identify a legal error in the Planning Commission's decision. Instead, HID asks for a second opportunity to submit documents it did not present to the Planning Commission, and even now says it is still searching for additional historic documents. That is not a proper basis for remand. Remand is for the correction of errors committed by the Planning Commission. The Planning Commission committed no error and HID does not identify any error.

Respectfully, the delay HID requests is unreasonable. This is an application for the development of housing. Under ORS 197A.400, the City may apply only clear and objective standards, conditions, and procedures. The question HID wishes to pursue is not based upon any clear and objective standard, procedure or condition. The applicant should be able to look at the Umatilla County GIS system and a title report, determine which irrigation district is the certifying entity under ORS 92.090(7), and then its land use conditions should require certification from that district. HID seeks to turn a clear and objective exercise into an impermissibly unclear one.

Further, under ORS 197A.400(b)(B), the City is not permitted to impose requirements or conditions that add unreasonable cost or delay to the development of housing. The application here is for the development of housing. If granted, HID's request would add unreasonable and wholly unnecessary time and cost to this application for the development of housing based on

speculation that some still-unidentified historic document may exist and may matter. That is exactly the type of uncertain and open-ended process ORS 197A.400 is intended to prevent and the kind of added cost and delay that is unreasonable.

HID is also mistaken in asserting that the Pioneer Title report was not included in the record below. It was. The applicant submitted and relied on the Pioneer Title materials before the Planning Commission, and those materials were discussed at the Planning Commission hearing. The Planning Commission also had Umatilla County GIS information and the applicant's testimony, all showing the same thing: the subject property is within Stanfield Irrigation District's boundary, not HID's.

HID has shown nothing, in or out of the record, that would change the outcome. None of HID's materials identifies an ORS Chapter 545 boundary order, inclusion order, recorded district-boundary document, or any other operative legal document placing the Phase 4 property within HID's boundaries. At most, HID's materials concern historic water delivery, water-right place of use, federal project service relationships, or proximity to HID facilities. Those things are not the same as irrigation-district boundaries and they do not make HID the certifying district under ORS 92.090(7).

If HID intends to appeal to LUBA on the theory that the property is in HID or that the City must require ORS 92.090(7) certification from HID – the wrong irrigation district, then HID is apparently going to do so regardless of what occurs on remand. Nothing HID has submitted, and nothing HID says it is still searching for, demands that the City require certification from the wrong irrigation district. Remand would therefore not avoid a LUBA appeal. It would only delay housing, increase applicant costs, and reward an appellant for failing to submit its evidence when the record was open.<sup>11</sup>

## **II. HID's Request for Remand Is an Improper Attempt to Supplement the Record**

HID's remand request is built on the premise that additional documents should be considered because HID did not submit them to the Planning Commission. HID says its appeal identified five documents "directly relevant" to the boundary issue that "were not included in the record before the Planning Commission." HID also says it is continuing to review historic HID and County records to identify additional documents.

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<sup>1</sup> The applicant does not suggest that attorney-fee issues should distract the Council from deciding the merits of the local appeal. However, HID's threatened LUBA appeal should not be treated as a reason to remand where HID has identified no document, in or out of the record, showing that the Phase 4 property is within HID's boundaries. Under ORS 197.830(15)(b), LUBA may award attorney fees against a party who presents a position "without probable cause to believe the position was well-founded in law or on factually supported information." LUBA has stated that a position is presented without probable cause where "no reasonable lawyer would conclude that any of the legal points asserted on appeal possessed legal merit." *Contreras v. City of Philomath*, 32 Or LUBA 465, 469 (1996). Respectfully, an appeal asserting that the City must require ORS 92.090(7) certification from HID, despite the absence of any proper boundary document placing the property in HID and despite record evidence identifying SID and the certifying district, would raise serious questions under that standard.

Respectfully, that admission defeats HID's request. The issue is not that the Planning Commission ignored evidence. The issue is that HID did not submit the evidence it now wants considered.

The City Council appeal is on the Planning Commission record. HID cannot transform an on-the-record appeal into an open-ended evidentiary proceeding simply by asserting that it now wishes to submit more documents. Nor should the Council remand for the purpose of allowing HID to do indirectly what it cannot do directly on appeal.

It is respectfully submitted that remand is not appropriate where the alleged "deficiency" is caused by the appellant's own failure to timely submit evidence. HID's position would reward a wait-and-see strategy: submit a narrow objection below, see how the Planning Commission rules, and then ask for remand to build a broader evidentiary record after the fact. That is not how limited land use decision processes are supposed to work.

### **III. The Planning Commission Had Sufficient Evidence to Amend Condition 1**

HID argues that the Planning Commission lacked sufficient evidence to determine that Condition 1 should refer to SID rather than HID. That argument overstates both the legal issue and the evidentiary burden.

Condition 1 is not a general irrigation-facility-protection condition. It is the condition that implements ORS 92.090(7), which concerns certification from the irrigation district within whose boundaries the subdivision is located. The question before the Planning Commission was therefore narrow: for purposes of ORS 92.090(7), which irrigation district's certification is required before final plat approval?

The Planning Commission considered that question. Staff reviewed ORS 92.090(7), explained that the property was not within HID's boundary and was instead within SID's boundary, and recommended amending Condition 1 to require SID certification. The applicant also explained that Pioneer Title materials and Umatilla County GIS information showed the property within SID, not HID.

Based on that record, the Planning Commission amended Condition 1 to require certification from SID before final plat approval. The motion approving the amended condition expressly changed Condition 1 to require Stanfield Irrigation District certification. That was a reasonable decision based on the record before the Planning Commission. HID does not really claim otherwise. HID's disagreement with the evidence or wish it showed something else, does not make the evidence legally insufficient. Nor does HID's desire to submit additional materials after the hearing make the Planning Commission's decision unsupported.

#### **IV. HID's Pioneer Title Argument Is Factually Mistaken and Legally Immaterial**

HID's May 22, 2026 letter asserts that the Pioneer Title report was not in the Planning Commission record. That is incorrect. The Pioneer Title materials were included in the record below and were relied upon before the Planning Commission.

But even if HID were correct about that point, which it is not, HID's argument still would not justify remand. HID does not identify any competing legally operative boundary document showing that the property is within HID. HID instead attacks the weight of evidence showing SID is the ORS 92.090(7) certifying district and then asks for more time to search for evidence that might support HID playing that role. That is not substantial evidence of HID boundaries. It is speculation.

Nor is the applicant's position that a deed reservation alone, in isolation, redraws irrigation-district boundaries. The point is much simpler: the record contains evidence identifying SID, not HID, as the relevant irrigation district, and HID has produced no operative boundary document showing otherwise. HID's water delivery, water-right, assessment, and federal-project arguments do not answer the ORS 92.090(7) boundary question.

#### **V. HID's GIS Disclaimer Argument Does Not Support Remand**

HID argues that the applicant's GIS screenshot omitted the County's disclaimer stating that the map is for assessment and taxation purposes and is not suitable for determining property boundaries, legal documentation, or surveying work. Regardless of that disclaimer, it certainly does not prove that the Planning Commission erred. If a document is for assessment and taxation purposes, it better be right.

Moreover, the disclaimer at most bears on the weight of the GIS evidence.; it does not establish that the subject property is within HID's boundary. It does not supply an ORS Chapter 545 boundary order, inclusion order, recorded district-boundary document, or other operative evidence placing the subject property within HID. It also does not defeat the other record evidence and testimony that identified SID as the relevant district.

At most, HID's disclaimer argument says that one piece of evidence should not be treated as conclusive. But the Planning Commission was not required to treat the GIS material as conclusive. It was entitled to consider the record as a whole, including staff's analysis, the applicant's testimony, the Pioneer Title materials, and the absence of any timely-submitted HID boundary document showing that the subject property is within HID.

#### **VI. HID Still Confuses Water Delivery and Facility Concerns with ORS 92.090(7) Boundary Certification**

HID emphasizes that it operates the A-Line Canal, has obligations to protect federal infrastructure, delivers water to the northern boundary of the property, and has public-safety

concerns. The applicant does not dispute that HID may have legitimate operational interests in the A-Line Canal. And nothing suggests that anything the applicant will do, will harm that interest.

But those interests do not make HID the ORS 92.090(7) certifying district – which is HID’s issue. ORS 92.090(7) turns on whether the subdivision is located within the boundaries of an irrigation district. It does not turn on whether a district delivers water nearby, operates infrastructure nearby, has a federal contract, or has concerns about drainage. Those issues may be relevant to engineering coordination, civil drawings, public works standards, or separate legal relationships. They do not justify rewriting Condition 1 to require certification from a district whose boundaries do not include the subdivision.

The Planning Commission and staff understood that distinction. Staff explained that stormwater and drainage issues would be addressed through the civil design process, that the applicant’s stormwater design must comply with City standards, and that Condition 11 addressed wetland-related requirements. The Planning Commission also amended the findings to make clear that civil details, including storm drainage facilities, were waived at the preliminary plat stage but required at the civil drawing/final plat stage.

That is the correct procedural path. HID’s canal-protection concerns do not require remand, and they do not authorize HID to become the ORS 92.090(7) certifying district for property outside HID’s boundaries.

## **VII. Remand Would Add Unreasonable Delay and Cost Contrary to ORS 197A.400**

HID argues that remand would cause only “a few weeks” of delay and might avoid a LUBA appeal. That is not a legal basis for remand. It is also not accurate in any practical sense. A remand would add delay, professional costs, engineering/legal coordination costs, carrying costs, and procedural uncertainty to a housing application. ORS 197A.400 does not permit an open-ended process driven by unclear, uncodified, and non-objective concerns. HID’s remand request is based on precisely that type of uncertainty: it asks the City to delay a housing approval while HID continues searching historic files for documents that may or may not exist and that HID has not shown would matter even if located.

The City should not delay housing based on speculation. HID has already submitted the materials it says support its position. Those materials do not show that the property is in HID’s boundary. They do not require HID certification under ORS 92.090(7). They do not undermine the Planning Commission’s decision to require SID certification. And they do not establish any basis to remand.

If HID appeals, it will apparently do so regardless of remand. The Council should not impose delay and cost on the applicant merely to give HID another opportunity to search for a legal theory and documents it did not timely present.

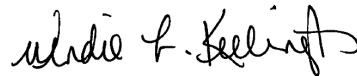
## VIII. Conclusion

It is respectfully submitted that HID's May 22, 2026, request should be denied. HID has not shown that the Planning Commission erred. HID has shown only that it wants the Planning Commission to review documents HID failed to submit before the Planning Commission acted, and that it wants more time to look for still more documents.

The Council should affirm the Planning Commission's decision and retain Condition 1 as amended to require certification from Stanfield Irrigation District under ORS 92.090(7). If the Council wishes to add a redundant condition expressly requiring compliance with the City's public works stormwater standards, the applicant does not object. Perhaps that will resolve HID's concern. But the Council should not remand the decision, reopen the evidentiary record, or revise Condition 1 to name HID, the wrong irrigation district.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is written in a cursive, flowing style.

Wendie L. Kellington

WLK:wlk  
CC: Clients

# Res 2426- Garbage Rates

City Council: May 26, 2026



## Resolution 2426

- Increases Garbage Rates by 3.5%
- Reduces Franchise/Billing Fee from 15% to 13.5%




## Timeline

- March, 2024: Current Garbage Rates Approved
- November, 2025: Rates adopted for State-Mandated Recycling
- April, 2026: Request for 5% Garbage Increase




## Franchise Fee & Billing

- City Currently Receives 15% of all Garbage Revenue
  - 12%: **Billing Fee (staff, postage, etc.)**
  - 3%: **Franchise Fee**





## Franchise Fee & Billing

- City Currently Receives 15% of all Garbage Revenue
  - 12%: Billing Fee (staff, postage, etc.)
  - 3%: Franchise Fee
- Prior to February, 2023 (13.5%)
  - 11% Billing Fee
  - 2.5%: Franchise Fee



## Recommendation

- Dial-Back Franchise & Billing Fees to 13.5%
- Data Center Industry Growth Allows
  - Offset impact of latest rate request
  - Right-Size Revenues
  - Preserve Future Flexibility



## Timeline

- May 11, 2026: Solid Waste Committee
  - **Recommends**
    - 3.5% Rate Increase
    - Dial-Back Billing/Franchise Fee
- July 1, 2026: New Rates Take Effect



## City "Eats" 1.5% of Increase?

- Projected Franchise Fee Revenue Loss: ~\$65,000
- Projected FF New Revenue from Recycling: ~\$65,000
- Projected Net-Zero Fiscal Impact to City.





# Fiscal Information

- 35 Gallon Garbage: \$0.61/month Increase
- 90 Gallon Garbage: \$1.02/month Increase



# Fiscal Information

- CPI Inflation since March, 2024: 6.62% (3.18% annualized)
- Proposed Increase 3.5% = 1.62% (annualized)
- Social Security Payments Since 2024: +5.37% (2.69% annualized)
- Umatilla County Avg. Wage Since 2024: +7.7% (3.85% annualized)



## QUESTIONS?

*Where Life is Sweet™*



## City Charter Follow-up

May 26, 2026



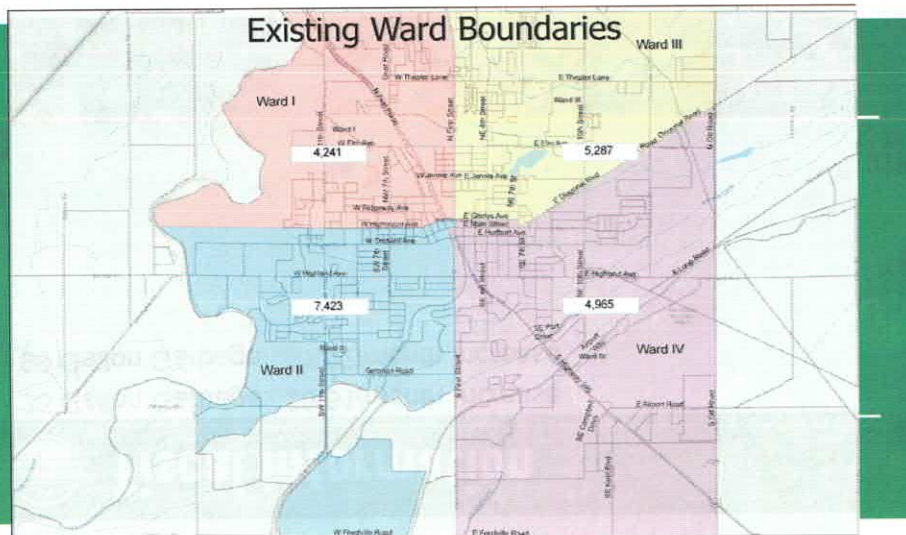
## Outline

- Quick Review Proposed Changes
- Discuss Term Limits Research
- Possible Action on Ballot Referral



## Recommended Changes

- **Elections**
  - Redraw City Council Ward boundaries
  - Ward councilors elected by voters in the individual wards
- **Elected Official Roles**
  - Changing to an appointed municipal court judge
  - Changing the selection of city council president to every year from every other year



## Recommended Changes

- **City Manager Roles**
  - Allowing a newly hired city manager up to 12 months to move inside city limits
  - Clarifying day to day supervision of the city attorney lies with the city manager
- **Charter Maintenance**
  - Requires a review of the charter at least once every 10 years.
  - Makes various minor language changes to align the charter with the League of Oregon Cities Model Charter.





## Term Limits

- Looked at 45 Oregon cities
  - Only three of these cities are smaller than 10,000
  - 10 have some form of term limits
    - Various forms



# COMMENTS/QUESTIONS??

*Where Life is Sweet™*



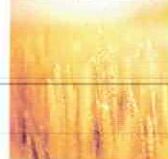
## Next Steps

- Include some Term Limit language
- Refer committee recommendations to ballot (+term limits/not)



## Monthly Financial Report

May 26, 2026



## Hermiston Urban Renewal Agency (HURA)

- Hermiston URA
  - **83% through current fiscal year**
  - **Property tax receipts - 100%+**
- North Hermiston Urban Renewal Area – ROW acquisition complete, design finalizing, bidding anticipated fall/winter 2026.



## General Fund

- Tenth month (or 83.0%) of 2025-26 fiscal year
- Monthly Revenues ended over projection by ~\$1.7 million
  - **Primarily due to receipt of property taxes and franchise fees**
  - **Received 100% of budgeted property taxes**



## General Fund

- Monthly Expenses were under projection by ~\$379k
  - **Several Departments are 'over' projected budget (City Council, Finance, Parks/Utility, Community Center, PS Center & Non-Departmental) and were further evaluated**
  - **City Council and Non-Departmental are over budget due to annual LOC membership and transfer to building inspection fund, respectively.**
  - **Public Safety Center over budget due to single time purchases for PD building renovation.**



## Special Revenue Funds

- Observations:
  - **EOTEC**
    - **revenues reflect partial reimbursement from campground project**
    - **RV project underway**



## Utility and Street Funds

- Observations
  - Regional Water Fund ~\$174k under revenue projections and expenditures are ~\$291k under projection.



## Capital Projects

- A number of projects in design:
  - Geer/Harper Realignment – contract awarded, construction anticipated early summer
  - NW 2<sup>nd</sup> Street Paving – anticipated construction through Fall
  - RWS Backup Generators – purchase contract awarded, 2027 estimated install
  - Aquifer Storage/Recovery – ASR testing has begun
  - Orchard Water Line replacement – project anticipated Summer through Fall
  - Well #6 Chlorination Structure – contract awarded, construction through 2026
  - Dogwood Street – contract awarded, construction anticipated summer through fall 2026
  - SE 10<sup>th</sup> Street Bridge – design proceeding, anticipated construction during winter '26-'27 during off-season
  - E. Evelyn Avenue gravity sewer line – contract awarded, anticipated summer construction
  - Lift Station #7 Rebuild – bid package released, construction anticipated summer/fall
- TBD (budgeted and part of CIP):
  - Well #4 Controls – delays may require rescheduling project
  - Lift Station #5 – design to begin



## Capital Projects

- Sherman Park – Bid package in review
- Public Safety Center – Move-in complete, punch list items remaining



Discussion

Questions?

*Where Life is Sweet™*

**Myrtle Thompson**

The high school I went to had a pool. The walls were glass and slide opened for nice days if it was cold and rainy the doors were closed. It was a Olympic size pool. It was open year round. I can't believe a pool with metal and glass would be 20 million. Some one is gouging the system. Just my opinion.

May 25, 2026

To Whom it May Concern:

In regards to Councilor Linton, the failings in those opposing her are glaringly apparent. Her informed constituents both see through them, and see them for what they are: smear campaigners, being the most repugnant.

A handwritten signature in cursive script that reads "Susan Brooks". The signature is written in dark ink and is positioned to the right of the main text block.