



# CITY COUNCIL

## AGENDA

MONDAY, JULY 08, 2024

*Where Life is Sweet*

COUNCIL CHAMBERS - 180 NE 2ND ST.

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*Other ways of viewing or participating in live meetings are available through:  
YouTube at: <https://bit.ly/HermistonYoutube>*

*Zoom with Meeting ID: 829 0043 5622 Passcode: 417097 Telephone number to join is: 1 253  
215 8782; or submitting comments to [meetings@hermiston.gov](mailto:meetings@hermiston.gov)*

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**1. CALL REGULAR MEETING TO ORDER – 7:00 PM**

**2. DECLARATION OF QUORUM**

**3. FLAG SALUTE**

**4. CITIZEN INPUT ON NON-AGENDA ITEMS**

*Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.*

**5. CONSENT AGENDA**

[A.](#) Replat - Owens 4N2811DA Tax Lots 2400 & 2403 928 E Main St

[B.](#) Award Funding through the Transient Room Tax (TRT) Recreation Projects Grants.

[C.](#) Minutes of the June 24, 2024 City Council Work Session and Regular Meeting

**6. ITEMS REMOVED FROM CONSENT AGENDA**

**7. PUBLIC HEARINGS**

[A.](#) Annexation & Comprehensive Plan Map Amendment - 3 Rivers Oregon Property LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502, & 1503 - 1940/1990/2180 NE 10th St

**8. ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2358 - Comprehensive Plan Map Amendment- 3 Rivers Oregon LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500,1502, & 1503- 1940/1990/2180 NE 10th St
- B. Ordinance No. 2359- Annexation 3 Rivers Oregon LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502, & 1503 - 1940/1990/2180 NE 10th St
- C. Resolution 2332- Master Fee Resolution Update: Add Business License Fee

## **9. COMMITTEE REPORTS**

- A. City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Enhancement, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC, Stepping Stones Alliance (not a City Committee)

- B. Mayor's Report
- C. Council Report
- D. Youth Advisory Report
- E. Manager's Report

## **10. RECESS FOR EXECUTIVE SESSION (At or about 7:30PM)**

- A. The Executive Session is held pursuant to ORS 192.660 (2) (h) which allows Council to meet in Executive Session to consult regarding the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

## **11. RECONVENE AND ADJOURN**

### **\*\* AMERICANS WITH DISABILITIES ACT NOTICE\*\***

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
 For the Meeting of July 8, 2024

**Title/Subject**

Replat - Owens 4N2811DA Tax Lots 2400 & 2403 928 E Main St

**Summary and Background**

Brian Owens has submitted a replat application to adjust the boundary of two lots located at 928 E Main Street. The property is approximately 1.25 acres and contains a single-family dwelling and several accessory buildings. The proposal will adjust the boundaries between two lots. However, as these lots are within an existing subdivision, a replat is necessary to adjust the boundary between the two lots. The property is owned by Brian & Carolyn Owens and zoned Low Density Residential (R-1). The city council may take action to approve the final plat.

Each lot is a pre-existing lot of record. Lot 1 is an existing 87-foot-wide lot with an existing residence. Lot 2 is a pre-existing flag lot of 16 feet in frontage with several outbuildings. The purpose of the replat is to adjust the boundary between these two lots and transfer the location of the outbuildings to Lot 1 and facilitate construction of an additional shop on Lot 1. The minimum required width for the access portion of a flag lot is 25 feet. Lot 2 is a pre-existing lot with 16 feet of frontage on E Main Street. As a pre-existing lot of record, the 25-foot access requirement is not applicable. However, in order to further subdivide Lot 2 into two or more lots in the future, 25 feet of frontage on E Main Street is required unless access is provided from E Hurlburt Ave.

Public notice was provided for the proposed replat. Notice of the proposed land use action was mailed by direct mail to all property owners within 100 feet on May 29, 2024. A sign informing the public of the proposal was placed on the property on May 29, 2024. As a result of noticing, the Hermiston Fire Marshall requested that a fire access easement be added to the plat to preserve access for fire trucks. The access easement shall be added to the lots prior to signing the final plat.

The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.66, 157.025, and 157.101 of the Hermiston Code of Ordinances. The final plat requirements and findings are attached to this report as Exhibit A. The recommended conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets, and parcels is attached as Exhibit C. An aerial photo is attached as Exhibit D. The final plat as prepared by the surveyor is attached as Exhibit E.

**Tie-In to Council Goals**

Approval of plats is a matter of administration of City ordinances.

### **Fiscal Information**

There will be no financial change as a result of the partition. Subsequent residential development may generate additional revenue, but it is not possible to calculate at this time. The existing improvements on Lot 1 have an assessed value of \$166,500.

### **Alternatives and Recommendation**

#### **Alternatives**

The city council may choose to approve or deny the plat.

#### **Recommended Action/Motion**

Staff has reviewed the proposed plat and found that it is prepared in accordance with all requirements of 154.35 (B) and 154.46. The planning commission approved the plat on June 12, 2024. Staff recommends the city council approve the plat subject to the conditions of approval.

- Motion to approve the final plat subject to the conditions of approval

#### **Submitted By:**

Clint Spencer, Planning Director



**Exhibit A**  
**Findings of**  
**Fact Owens**  
**Replat**  
**928 E Main St**  
**July 8, 2024**

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is bordered by E Main St. The portion of E Main St adjacent to the property is a paved city street with a bike lane and no additional improvements. The site has 103 feet of frontage on E Main St. The south portion of Lot 2 is bisected by a 20 foot alley that aligns with E Hurlburt Ave. The alley is completely unimproved.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is serviced by E Main St which has a right-of-way width of 70 feet. An alley 20 feet in width bisects Lot 2.

§154.17 Easements.

No easements are shown on the plat.

§154.18 Blocks.

No additional block access is required.

§154.19 Lots.

Lot 1 is 18,320 square feet and Lot 2 is 49,420 square feet. The minimum lot size in an R-1 zone is 8,000 square feet. The access portion of Lot 2 is 16.40 feet in width. The minimum required width for the access portion of a flag lot is 25 feet. Lot 2 is a pre-existing lot with 16 feet of frontage on E Main Street. As a pre-existing lot of record, the 25-foot access requirement is not applicable. However, in order to further subdivide Lot 2 into two or more lots in the future, 25 feet of frontage on E Main Street is required unless access is provided

from E Hurlburt Ave.

§154.20 Character of Development.

Lot 1 contains a single-family dwelling and several accessory structures. Lot 1 has access to E Main St. Lot 2 is vacant, bisected by an alley, and bordered on the south by an open ditch. Lot 2 is accessed by E Main St. The lot sizes exceed the minimum requirement permitted in the R-1 zone for single-family dwellings. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition. There is an existing elementary school in the neighborhood.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

154.61 General Improvements

E Main St is a paved city street with no additional improvements. The alley is completely unimproved right-of-way that aligns with E Hurlburt Ave. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontages.

§154.62 Water Lines

Lots 1 and 2 are serviceable by a municipal water line in E Main St.

§154.63 Sanitary Sewer System.

Lots 1 and 2 are serviceable by municipal sewer. There is a municipal sewer line in E Main St.

Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**

- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities.  
**Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **No restrictions are proposed and none are referenced on the plat**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required.**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required.**

*Finding:* All items required for the final plat are shown on the final plat.

Chapter 157: Zoning

§157.025 Low Density Residential (R-1)

The proposed lots exceed the minimum lot size of 8,000 square feet. Uses permitted in the R-1 zone are listed in 157.025 of the Hermiston Code of Ordinances.

§157.101 Development Hazard Overlay

Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to a high water table. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

**Exhibit B**  
**Conditions of Approval**  
**Owens Replat**  
**928 E Main St**  
**July 8, 2024**

Subject to the public hearing and testimony presented to the city council, the following conditions of approval are proposed:

1. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on E Main St.
2. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has signed the final plat.
3. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to a high water table. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
4. A fire apparatus turn around easement compliant with Appendix D of the 2019 Oregon Fire Code shall be added to the final plat prior to signature.



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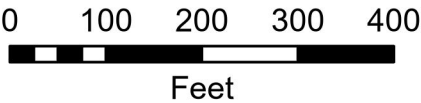






Legend

- Area of Proposed Replat
- Property Line
- City Limits
- Urban Growth Boundary





OF A PORTION OF LOTS 7, 8, 13 AND  
14, BLOCK G OF "HERMISTON  
ORCHARDS" (2-81) LOCATED IN A  
PORTION OF THE NE 1/4 OF THE SE  
1/4  
OF SECTION 11, T 4 N, R 28 E, W.M.  
CITY OF HERMISTON  
UMATILLA COUNTY, OREGON

SHEET 1 OF 2

- 1) PRIMM SURVEY, 22-124-C
- 2) "HERMISTON ORCHARDS" BOOK 2, PAGE 81
- 3) EDWARDS SURVEY, 03-327-B
- 4) "BRATTON REPLAT" BOOK 16, PAGE 83
- 5) EDWARDS SURVEY, L-087-A

- INDICATES SET 5/8" X 30" IRON REBAR WITH YPC STAMPED: "BETHLE 55437"
- INDICATES FOUND MONUMENT AS NOTED
- INDICATES CALCULATED POSITION, NOTHING FOUND OR SET
- (XXXX) INDICATES RECORD DATA PER SR NO. 1 UNLESS NOTED OTHERWISE
- (XXXX)\* INDICATES RECORD DATA AND MEASURED OR COMPUTED DATA ARE THE SAME

- 1) SURVEY, MONUMENT TIES, ROAD CENTERLINES AND RIGHT-OF-WAYS
- 2) SIGNATURES, LEGAL DESCRIPTIONS, VICINITY MAP, NARRATIVE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kevin L. Bethune*


OREGON  
JANUARY 9, 2001  
KEVIN L. BETHUNE  
55437

Expires 12-31-2025

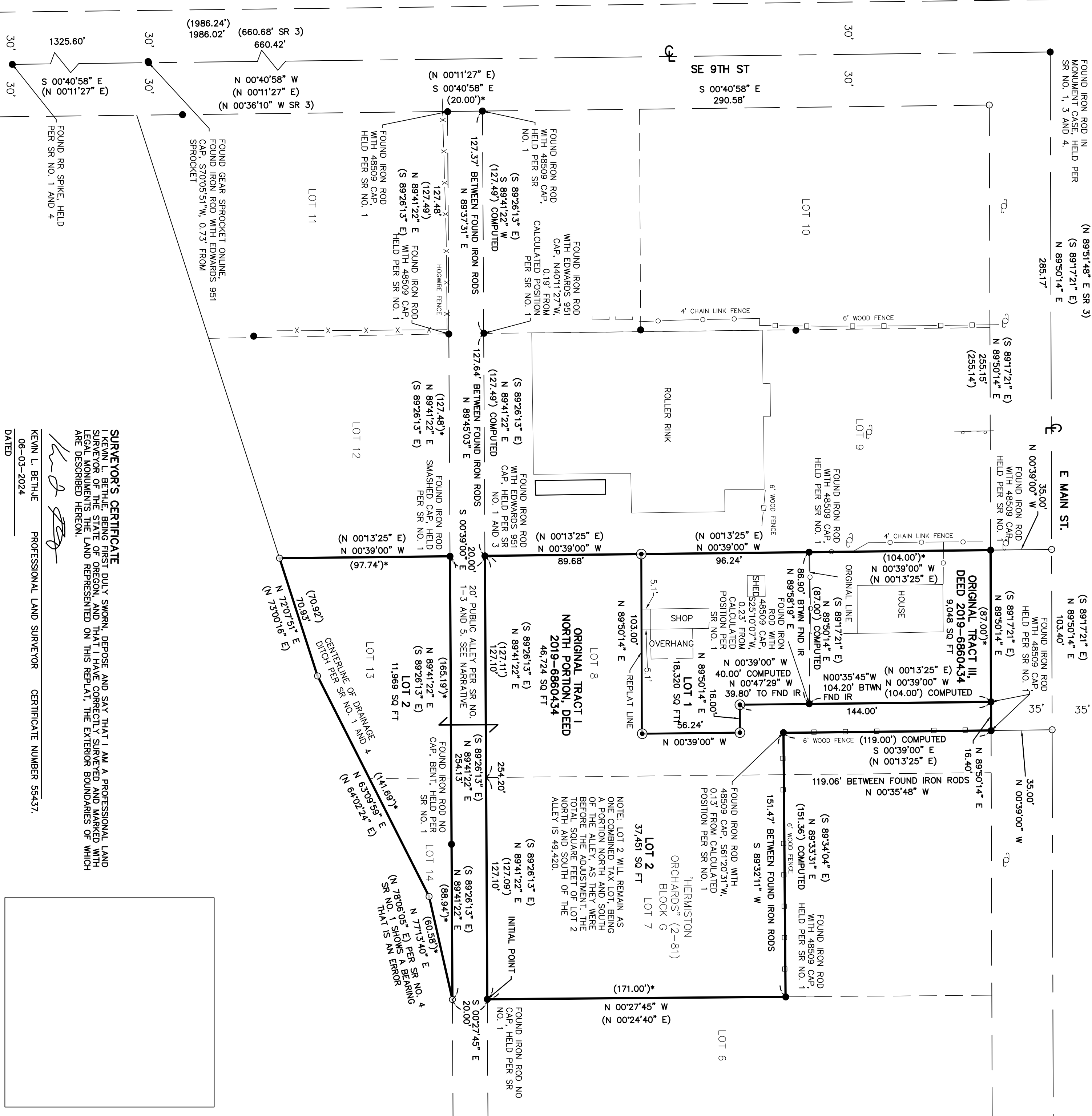
06-03-2024

The diagram shows a horizontal beam of length 10 units. A triangular load is applied, starting at 0 at the left end and increasing linearly to 10 at the right end. The shear force diagram is a straight line starting at 10 at the left end and decreasing linearly to -10 at the right end. The shear force crosses the zero line at the midpoint (5 units) of the beam.

**SURVEYOR'S CERTIFICATE**  
 I, KEVIN L. BETHLE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS REPLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.



KEVIN L. BETHLE	PROFESSIONAL LAND SURVEYOR	CERTIFICATE NUMBER 55437.
06-03-2024		
DATED		





OWENS REPLAT

OF A PORTION OF LOTS 7, 8, 13 AND 14, BLOCK G OF "HERMISTON ORCHARDS" (2-81) LOCATED IN A PORTION OF THE NE 1/4 OF THE SE 1/4 OF SECTION 11, T 4 N , R 28 E, W.M. CITY OF HERMISTON UMATILLA COUNTY, OREGON

JUNE 3, 2024  
JOB NO. 24-119

SHEET 2 OF 2

LEGAL DESCRIPTION:  
PER WARRANTY DEED-STATUTORY FORM INSTRUMENT NUMBER 2019-6860434

TRACT I  
A TRACT OF LAND LOCATED IN BLOCK "G", HERMISTON ORCHARDS, AN ADDITION TO THE TOWN, NOW THE CITY OF HERMISTON, UMATILLA COUNTY, OREGON AND DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK "G", THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 171 FEET; THENCE SOUTH 89°53'10" WEST, A DISTANCE OF 192 FEET; THENCE NORTH 00°11'39" WEST, A DISTANCE OF 119 FEET TO THE NORTH LINE OF LOT 8 OF SAID BLOCK "G"; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 16.40 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 8, A DISTANCE OF 10.4 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 87 FEET TO THE WEST LINE OF SAID LOT 8; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 186 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE EASTERLY ALONG THE SOUTH LINES OF SAID LOTS 7 AND 8, A DISTANCE OF 255.40 FEET TO THE POINT OF BEGINNING;

ALSO INCLUDING ALL THAT PORTION OF LOTS 13 AND 14 OF SAID BLOCK "G", LYING NORTHERLY OF THE HERMISTON IRRIGATION DISTRICT DRAINAGE CANAL.

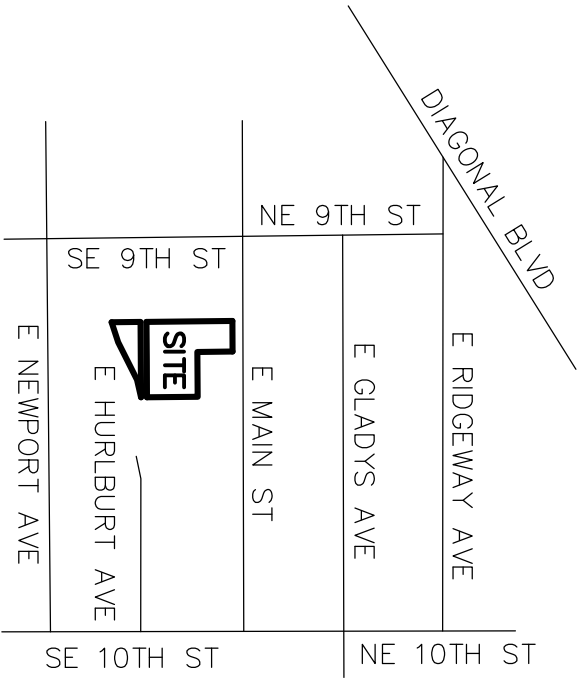
TRACT III  
THE WEST 87 FEET OF THE NORTH 104 FEET OF LOT 8, BLOCK "G", HERMISTON ORCHARDS, AN ADDITION TO THE TOWN, NOW THE CITY OF HERMISTON, UMATILLA COUNTY, OREGON.

ACKNOWLEDGEMENT:  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
THIS IS TO CERTIFY THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_, AND BEING DULY SWORN, I HAVE PERSONALLY APPEARED BEFORE ME, THAT SHE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE NOTARY PUBLIC-OREGON \_\_\_\_\_ DATE \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
COMMISSION NO.: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_  
ACKNOWLEDGEMENT:  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_, AND BEING DULY SWORN, I HAVE PERSONALLY APPEARED BEFORE ME, THAT SHE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE NOTARY PUBLIC-OREGON \_\_\_\_\_ DATE \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
COMMISSION NO.: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_



VICINITY MAP  
NOT TO SCALE

SURVEYORS NARRATIVE:  
THIS REPLAT IS INTENDED TO ADJUST THE BOUNDARY LINES BETWEEN TRACT I AND TRACT III AS SHOWN IN WARRANTY DEED-STATUTORY FORM UMATILLA COUNTY RECORDS, INSTRUMENT NUMBER 2019-6860434. IN ORDER TO CONDUCT THIS SURVEY, WE SETUP A TRIMBLE R12 GNSS BASE STATION ON THE FOUND IRON ROD AT THE NORTHWEST CORNER OF TRACT III AND COLLECTED DATA FOR 4 HOURS. THIS DATA WAS SUBMITTED TO TRIMBLE OPUS WEBSITE AND AN OPUS SOLUTION WAS ACQUIRED AT THAT POINT. COMBINED SCALE FACTOR 0.99994496 AS DETERMINED IN THAT OPUS SOLUTION, WAS APPLIED TO COMPUTE TO GROUND DATA. WE TIED THE IRON ROD IN THE MONUMENT CASE AT THE INTERSECTION OF MAIN ST AND SE 9TH STREET AS SHOWN IN SURVEY REFERENCES 1, 3 AND 4. WE THEN TIED THE RAILROAD SPIKE SOUTHERLY 1966.02 FEET ON THE CENTERLINE OF SE 9TH STREET AND HELD THAT. WE THEN TIED SEVERAL IRON RODS THAT ARE SHOWN IN SURVEY REFERENCE NO. 1 AND 3 AND THOSE ARE SHOWN HEREON. MANY OF THOSE IRON RODS WERE HELD WITH A FEW NOT WATCHING THE POSITION AS SHOWN IN SURVEY REFERENCE NO. 1. THE DISTANCE TO CALCULATED POSITION IS SHOWN HEREON. I THEN ANALYZED PRIMA'S NARRATIVE AND DETERMINED HIS SOLUTION TO BREAK DOWN HERMISTON ORCHARDS BLOCK G WAS REASONABLE AND HELD HIS BREAKDOWN PER SR NO. 1. THE CENTERLINE OF MAIN STREET WAS COMPUTED FROM FOUND IRON RODS SHOWN IN SURVEY REFERENCE NO. 1. THERE IS A 20.00 FOOT PUBLIC ALLEY WAY SHOWN HEREON. THIS WAS ESTABLISHED IN ORIGINAL PLAT OF "HERMISTON ORCHARDS" IN 1909.

SURVEYOR'S CERTIFICATE  
I, KEVIN L. BETHUE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS REPLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

KEVIN L. BETHUE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NUMBER 55437.  
DATED 06-03-2024

CERTIFICATE OF OWNERSHIP AND DEDICATION:  
WE, BRIAN OWENS AND CAROLYN OWENS, ARE OWNERS OF THE TRACT OF LAND DESCRIBED ON THE ACCOMPANYING REPLAT, AND DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS REPLAT TO BE PREPARED. WE ESTABLISH AND ACKNOWLEDGE THIS REPLAT AS THE OFFICIAL MAP OF OWENS REPLAT. ALSO, ACKNOWLEDGE EXISTING STREETS AND ALLEYS WILL NOT BE ALTERED FROM THE ORIGINAL "HERMISTON ORCHARDS" PLAT

BRIAN OWENS \_\_\_\_\_ DATE \_\_\_\_\_  
CAROLYN OWENS \_\_\_\_\_ DATE \_\_\_\_\_

UMATILLA COUNTY SURVEYOR:  
I, DAVID H. KRUMBEN, UMATILLA CO. SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING REPLAT, THAT IT COMPLIES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH REPLATS, AND I THEREFORE APPROVE SAID REPLAT FOR THE APPROVAL OF THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON, DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

UMATILLA COUNTY SURVEYOR  
CITY OF HERMISTON PLANNING COMMISSION  
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING REPLAT AND THAT IT COMPLIES WITH THE CITY OF HERMISTON REGULATIONS WITH REFERENCE TO SUCH REPLATS, AND I THEREFORE APPROVE SAID REPLAT.

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_  
HERMISTON CITY COUNCIL  
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY

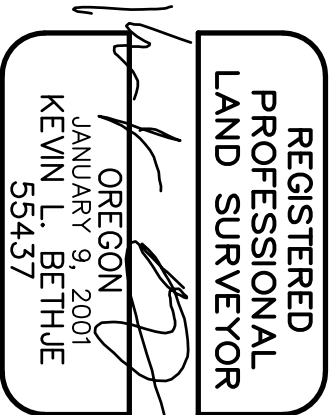
MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
HERMISTON IRRIGATION DISTRICT  
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING REPLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY.

MANAGER \_\_\_\_\_ DATE \_\_\_\_\_  
UMATILLA COUNTY COMMISSIONERS:  
THIS IS TO CERTIFY THAT THE ACCOMPANYING REPLAT IS APPROVED FOR FILING AND RECORDING IN THE "RECORD OF TOWN PLATS" OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED BY ITS ORDER. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.

CHAIRMAN \_\_\_\_\_ COMMISSIONER \_\_\_\_\_  
COMMISSIONER \_\_\_\_\_

ASSESSOR AND TAX COLLECTOR:  
WE, THE ASSESSOR AND TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING REPLAT AND THAT ALL MONIES DUE FOR STATE AND COUNTY TAXES AND ASSESSMENTS THAT COULD CONSTITUTE A LIEN ON SAID LAND HAVE BEEN PAID ADN WE HEREBY APPROVE SAID PLAT.  
DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_

COUNTY ASSESSOR \_\_\_\_\_ COUNTY TAX COLLECTOR \_\_\_\_\_



PREPARED BY: MGS PASCO, INC.  
809 S AUBURN ST, KENNEWICK, WA, 99336 509-491-1071  
MGS PASCO, INC. MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUISCEENCE, ESTOPPEL, ETC.

# ***HERMISTON IRRIGATION DISTRICT***

Section 5, ItemA.



366 East Hurlburt Avenue  
Hermiston, OR 97838-2445  
Office: 541-567-3024  
Mobile: 541-571-7698  
E-mail: [Office@HermistonID.org](mailto:Office@HermistonID.org)

June 3, 2024

City of Hermiston  
Clinton Spencer, Planning Director  
180 NE 2nd Street  
Hermiston, OR 97838

**RE: Replat for Brian & Carolyn Owens  
4N2811DA 2400 & 2403**

Director Spencer,

Thank you for the opportunity to review the replat for Mr. & Mrs. Owens. These parcels are located within the Hermiston Irrigation District boundaries and parcel 2400 is bordered on the south by a drainage canal. HID does not hold an easement nor does it maintain this drain. There are no water rights on either property.

HID has no objection to the replat of these properties. Thank you for the opportunity to comment on this request.

Respectfully,

*Karra*

Karra Van Fossen  
Water Right Specialist



Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of July 8, 2024

**Title/Subject**

Award Funding through the Transient Room Tax (TRT) Recreation Projects Grants.

**Summary and Background**

The Recreation Project Fund Advisory Committee met on June 18, 2024 to review twelve proposals submitted for the 2024-25 allocation. Present at the meeting were Committee members Val Hoxie, Jeffrey Kelso, James Whalley, Roy Barron, and Helen Nevin; staff present was Brandon Artz and Kelly Schwirser. Budgeted in FY 24/25 for distribution is \$85,000 and the total application amount was \$148,993. Total amount in the TRT/Tourism reserve account is \$195,000 with a budgeted proposed revenue of \$90,000 for 24/25. Council can approve the recommended amount over the amount budgeted.

Application packets were sent to prior applicants and known parties of interest and made available on the City's website. The distribution criteria for applicants is as follows.

**TRT Funding Criteria and Eligibility**

- Total budgeted project fund allocation for 2024/2025 is \$85,000.
- Projects must be within the City of Hermiston.
- Applicants must have a non-profit tax status.
- Projects that benefit Hermiston through enhanced tourism, promotion, marketing, and lodging will be given highest consideration.
- Projects that benefit the greatest number of participants will be given greater consideration.
- Projects that represent a broad base of other support shall be given greater consideration.
- Funded projects are required to submit a breakdown of expenditures on how the funds were spent including receipts prior to reimbursement.

Applicants were allowed 10 minutes to describe their project proposals and answer questions from the Committee. After review of the applications, the Committee discussed each proposal in detail and through consensus, settled on the award amounts in the following table.

The TRT Recreation Projects Grants Committee officially recommends the following allocation of grant awards:

<b>Applicant</b>	<b>Description</b>	<b>Request</b>	<b>Committee Award</b>
Hermiston Parks & Recreation	Annual Free Community Events	\$20,000	\$13,000
Cinco de Mayo	2025 Cinco de Mayo Event	\$15,000	\$9,750
Hermiston Basketball Club	Tournament Awards	\$10,000	\$6,500
Campus Life	Cargo Trailer	\$5,000	\$3,250
Cultural Awareness Coalition	2025 Juneteenth Celebration	\$5,000	\$3,250
Masonic Lodge	Oregon Masonic Celebration	\$3,500	\$2,275
Greater Hermiston Community Foundation	Pickleball Courts	\$15,000	\$9,750
Made to Thrive/HEROS	HEROS Sports Complex	\$50,000	\$32,500
AYSO	AYSO Equipment	\$5,393	\$3,505
Community Counseling Solutions	Summer Skills Group	\$4,950	\$3,218
Hermiston Downtown District	Melon Fest	\$8,000	\$5,200
Hermiston Downtown District	Downtown Flowers	\$7,150	\$4,648
		Total Requested <b>\$148,993</b>	Total Recommended to be Awarded <b>\$96,845</b>

### **Tie-In to Council Goals**

The awards of the TRT Recreation Projects Grants ties in to all four goals.

Goal 1 - Growing & Prosperous

Goal 3 - Sustainable

Goal 2 - Safe & Healthy

Goal 4 - Connected & Engaged

### **Fiscal Information**

The Recreation Projects Funds project is identified in the 2024/2025 City Budget.

## **Alternatives and Recommendation**

### **Alternatives**

The City Council may choose to approve, deny, or modify the funding allocations recommended by the Committee.

### **Recommended Action/Motion**

Motion to approve the TRT Recreation Projects funding allocations as recommended by the Committee.

### **Submitted By:**

Brandon Artz, Parks & Recreation Director



## CITY COUNCIL

### Work Session Meeting Minutes June 24, 2024

Council President Primmer called the regular work session meeting to order at 6:02PM. Present were Councilors McCarthy, Barron, Linton, Myers, Hardin, Duron and Peterson. Mayor Drotzmann was excused. Staff in attendance included City Manager Byron Smith, City Attorney Rich Tovey, Assistant City Manager Mark Morgan, Finance Director Ignacio Palacios, and Assistant City Recorder Heather La Beau.

#### **City Council Rules Review**

City Manager Byron Smith reviewed additional proposed revisions to the Council Rules document (attached) detailing the proposed revisions and answering council questions.

Councilors discussed the procedure for adding items to the agenda and whether a single councilor should be allowed to include an item. The rules require at least 2-3 councilors agree to add an agenda item. City Manager Smith stated it can place staff in a difficult situation working with only one councilor on an item as staff works at the direction of the entire council.

The Financial Report will remain at the end of the meeting. Councilors may decide to move the agenda item if needed.

City Manager Smith briefly explained the types of public hearings and the rules for each. A new quasi-judicial hearing section is proposed. Public comment and testimony for all hearings and comment periods should still be directed to the presiding officer as this allows for the meeting to remain on topic and comply with noticing requirements by not having a topic discussed that was not properly noticed. Further research is needed to determine if employee appeals are processed at a council hearing.

The process for adopting ordinances, resolutions and orders was taken from the City's charter and incorporated into the Rules document.

Councilors discussed the code of conduct and expectations for city officials, including handling the concerns of citizens.

City Manager Smith responded to a question that a councilor wishing to discuss a non-agenda item before the council would do so during the Council Report section of the meeting and not the Citizen Input section. Councilors may also discuss items with the City Manager during their regularly scheduled individual meetings with the City Manager.

Additional sections of the Council Rules will be reviewed at future meetings.

#### **Adjournment**

Council President Primmer adjourned the work session meeting at 6:51pm and stated the Council will take a short break and convene for their regular council meeting at 7:00pm.



# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

Council President Primmer called the regular city council meeting to order at 7PM. Councilors McCarthy, Barron, Linton, Myers, Hardin, Duron, and Peterson were in attendance. Mayor Drotzmann was excused. Staff members present were City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Finance Director Ignacio Palacios, Parks and Recreation Director Brandon Artz, Court Administrator Jillian Viles, Chief of Police Jason Edmiston, Hermiston Energy Services Manager Nate Rivera, and Assistant City Recorder Heather La Beau. The pledge of allegiance was given.

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

None given.

### **Consent Agenda Items**

Councilor McCarthy moved, and Councilor Hardin seconded to approve Consent Agenda item A to include:

- A. Minutes of the June 10<sup>th</sup> City Council and Urban Renewal Agency Meetings

Motion carried unanimously.

### **Public Hearing-Annexation & Comprehensive Plan Map Amendment – 3 Rivers Oregon Property LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502, & 1503 – 1940/1990/2180 NE 10<sup>th</sup> St**

Council President Primmer announced the public hearing has been rescheduled to the July 8, 2024, City Council meeting.

### **Resolution No. 2330 Install Stop Sign at the intersection of E Main Street & 9<sup>th</sup> Street**

Assistant City Manager Morgan used a PowerPoint presentation (attached) to provide information regarding stop sign installation at E Main St and 9<sup>th</sup> St. The two new stop signs will create a four-way stop at the intersection. The wider lot frontages and vacant lot in the area, along with the completion of additional phases of the Highland Summit subdivision may have caused some of the increase in traffic and vehicular speed. The necessary city departments have reviewed the proposal. The signs will not be lighted; however temporary signage may be used to bring attention to the traffic revision.

Councilor Myers moved, and Councilor Duron seconded to adopt Resolution No. 2330 and lay upon the record. Motion carried unanimously.

### **Resolution 2331 Authorizing the Transfer from Contingency to the Capital Outlay Line in the Hermiston Energy Services (HES) Fund**

City Manager Smith gave information regarding the transfer of funds from the contingency line to the capital outlay line in the HES fund. A project scheduled in a future budget year was able to be bid in conjunction with an existing project resulting in approximately \$75,000 in savings which is 15% of the City's total cost of the project. The money is required to be moved from contingency to the capital outlay line.

After Council discussion, Councilor McCarthy moved, and Councilor Myers seconded to adopt Resolution No 2331 and lay upon the record. Motion carried unanimously.



# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

### **Civic Leadership Academy Report**

City Manager Smith used a PowerPoint presentation (attached) to review the city's response to the recommendations of the participants, specifically in the areas of language, education, trust, and time. He expressed his gratitude to the participants. Staff appreciates the new perspective and opportunities to improve service.

Councilors thanked the academy participants and discussed restraints with time commitments, technology barriers and resources, coffee time with the public, and changing council meeting dates. Thanks was given to city staff and the police department for their daily work to protect citizens.

Stephanie Hughes 35 W Cedar Dr participated in the academy and thanked City Manager Smith for the presentation. She was grateful for the facts and liked the ideas that staff had come up with from the recommendations. She thanked the council for the opportunity to participate and for listening to their suggestions.

Adam Huxoll 1357 E Madrona Ave was an academy participant. Mr. Huxoll thanked the councilors and said in researching the topic they became aware of how much the city is doing. He stated the perception of those they spoke with should be considered when reviewing the survey results as they reached out to groups who felt uninvolved. He gained the most from coming together with participants and developing the group presentation. It was apparent to him that many individuals are not comfortable coming into the council chambers and would like to figure out how to make people more comfortable participating in meetings.

### **May 2024 Financial Report**

Councilor Linton moved, and Councilor McCarthy seconded to accept the May 2024 Financial report as presented (PowerPoint Presentation attached) by Finance Director Palacios and City Manager Smith. Motion carried unanimously.

### **Committee Reports**

**Recreation Projects Advisory Committee**- Councilor Barron spoke regarding the Transient Room Tax (TRT) fund meeting. There were twelve grant applications requesting a total of \$143,000, which was less than the amount available. The committee decided to approve 65% of all the projects that applied. The Parks & Recreation Dept applied for funding for several community events due to budget cuts to their programming. Councilor McCarthy clarified that while he attended the meeting, he is not a voting committee member at this time.

**Hispanic Advisory Committee**-Councilor Duron reported the June HAC meeting included a presentation from Agape House with updates on food distribution (feeding 3,970 folks a month, which is 1,190 families), backpack program, and the Hispanic heritage month celebration.

### **Council President's Report**

Council President Primmer reported he along with other staff and councilors participated in the Eastern Oregon Economic Summit. The two-day event included a tour of Moorehouse Apartments and McNary Dam. Numerous elected officials were in attendance and there were good conversations. The event was well organized.





# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

### **Council Reports**

Councilor Linton attended the Economic Summit and reported it was a good program. She found it helpful to meet and converse with the legislators and encouraged others to attend next year.

Councilor McCarthy spoke of the Chamber of Commerce lunch meeting tomorrow. The location has been moved to OMG Burgers. The Summer Mixer at Bennett Botanical Gardens is July 18<sup>th</sup> at 6:30PM. Tickets are available by emailing or calling the Chamber of Commerce. The Stars & Stripes celebration on July 4<sup>th</sup> at Butte Park will include fireworks with patriotic music on the local radio station (93.7FM).

Councilor Barron attended an embroidery event at the library and reported it was an enjoyable experience. He wished a belated Happy Father's Day to fathers.

Councilor Peterson confirmed the library embroidery event was very enjoyable and she enjoyed seeing her spouse's endeavor. She encouraged adults to keep an eye on the library calendar for upcoming events.

### **Youth Advisory Report**

None Present.

### **City Manager's Report**

City Manager Smith stated he will be leaving Wednesday for a week and half vacation. Assistant City Manager Morgan will be available in his absence.

### **Adjournment**

Council President Primmer adjourned the City Council meeting at 8:27PM as there was no other business.

SIGNED:

\_\_\_\_\_  
Doug Primmer, Council President

ATTEST:

\_\_\_\_\_  
Heather La Beau, Assistant City Recorder

Proposed  
Rules of Order and Procedure  
For the City Council  
Of  
The City of Hermiston, Oregon

Adopted June 24, 1991

Revised April 13, 1992

Revised April 27, 1992

Revised February 28, 1994

Revised February 24, 2003

Revised December 23, 2013

Revised March 9, 2015

Revised December 12, 2016

Revised May 29, 2018

Working Document Updates – Revised After the City  
Council Meeting of June 12, 2023

## I. RULES

### 1. AUTHORITY

The City of Hermiston City Charter, Section 11, provides that the Council shall adopt Council Rules by resolution to govern its meetings and proceedings. The following Council Rules shall be in effect upon their adoption by the Council until they are amended, or new Council Rules are adopted. These Council Rules shall be presented to all Councilmembers prior to participating in their first meeting after taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City Recorder shall retain the signature copy. These rules apply to the City Council but also to the Council's role as the governing body of the Hermiston Urban Renewal Agency.

### 1.2. RULES OF ORDER

—All meetings of the council shall be conducted in accordance with, and pursuant to, the provisions of ~~Roberts~~Rosenberg's Rules of Order, will be used as revised, which said rules are herewith adopted by reference thereto the guideline for conduct of Council meetings, except as the same may be where these Rules specifically varied apply. The City Attorney or changed herein or hereafter City Manager, in the absence of the City Attorney, shall act as parliamentarian for the Council.

### 2.3. PUBLIC MEETINGS LAW

All council, committee, commission or board meetings shall will be held pursuant to in accordance with the Oregon Public Meetings Law of (pursuant to ORS 192). No final action by the State of Oregon Council shall have legal effect, unless the motion and vote by which it is disposed of take place at a proceeding that is open to the public.

### 3.4. SUSPENSION OF RULES

Any provision of these rules not governed by the charter or law may be temporarily suspended at any meeting of the council, by a majority vote of the council. The vote on any such suspension shall be taken by YES and NO and entered upon the record. If the motion is carried, the rules shall be suspended for that item only.

### 5. AMENDMENT OF RULES

Amendments, deletions, or additions to these Council Rules shall be by Resolution approved by the City Council.

## II. MEETINGS

### 4.6. REGULAR COUNCIL MEETINGS

Pursuant to City Charter, Section 12 the City Council must meet at least once a month at a time and place designated by its rules. ~~The City Council shall convene~~ will meet in the council chambers at City Hall, 180 NE 2nd Avenue, or at another place in the City which the Council designates.

The City Council will meet in regular session on the second and fourth Mondays of each month. ~~Unless otherwise specified all, with the exception of designated holidays and/or council cancellations of meetings.~~

The City Council meeting will generally be in the council chambers in city hall and held from 7:00-10:00p.m. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 10:00p.m. Meetings shall be called to order adjourned at 7:10:00 p.m. ~~(Amended 2/24/03).~~ if the Council is still in session at 9:30 p.m., the Council will decide whether to continue with the agenda, allowing for one-hour increment extensions upon a majority vote of the council, or move items to a future agenda.

### 5.7. QUORUM

Pursuant to City Charter, Section 13, Five members of the Council shall constitute a quorum. ~~In case a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present are authorized to send a police officer or other person for any or all absent members, as such majority of members shall agree, to conduct business.~~ In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule ~~13~~14, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

### 8. WORK SESSIONS

The City Council may hold a work session on the second Monday or fourth Monday of each month immediately preceding the Regular scheduled City Council meeting. Unless otherwise specified, all work sessions will be held in the council chambers at city hall and begin at 6:00p.m. Work sessions are to be scheduled by the City Manager. Such sessions allow the Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. The City Manager will invite any relevant staff to attend work sessions.

In case of a joint work session, the Presiding Officer shall call the session to order and turn the session over to the appropriate facilitator. If the group has no facilitator, the Presiding Officer may act as facilitator.

All work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Councilors in attendance.

All work sessions are subject to Oregon's Public Meeting's Law and must be noticed accordingly.

### 9. EXECUTIVE SESSIONS

Executive sessions shall be held in accordance with ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to ORS 192.660. Executive session of the City Council may be called by the Mayor, two Council members, the City Attorney, or the City Manager.

Prior to opening an executive session, the Presiding Officer shall:

Announce the purpose of the executive session and the ORS Statute authorizing the executive session.

Announce that "Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision."

Announce if the Council intends to return to an open meeting at the conclusion of the executive session.

Executive sessions shall be closed to all persons except the City Council; the City Manager, unless directed otherwise by the Council; the City Attorney; the City Recorder; City staff persons reporting to Council on the subject of the executive session; news media representatives, unless excluded by the Oregon Public Meetings Law (media representatives may be excluded for discussions regarding labor negotiations or if the media or representative is a party to the litigation being discussed); and other persons authorized by the City Council to attend. The term "news media representative" is interpreted by the Oregon Attorney General to include "news gathering representatives", meaning reporters of news gathering media which ordinarily report activities of the public body (39 Op. Att'y Gen. 600 (1979)).

The following entities are recognized as news media organizations eligible to attend executive sessions:

A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

A newspaper that the City uses for publication of public notices and that meets the requirements of ORS 193.020; or

An entity recognized by the City as being a news source that: Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Hermiston or matters of the nature under consideration by the City of Hermiston; and

Is a well-established entity that is committed to complying with the requirement that confidential executive session information be undisclosed. In making this determination, the City may consider and weigh any factors that it deems to be relevant, including whether the entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

The entity seeking recognition as a News Media Organization has the burden of proof to establish that it meets the standards of this section. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in this section.

In making its determination whether to recognize the person as a representative of the news media organization, the City may require: A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or a recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or a letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

The City may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

Pursuant to ORS 192.660(6), no final action or final decision may be taken during an executive session; however, an opinion or consensus of the Council may be gathered. All final actions or final decisions must be made in a public session.

Minutes or a recording of the executive session is required.

## **6-10. SPECIAL MEETINGS**

Special meetings may be called by the request of ~~two-three~~ or more council members, ~~or by the mayor upon his~~ ~~their~~ own motion-, or the city manager. The city recorder shall prepare and post notice of the special session stating time, place and ~~objects~~subject, and this notice shall be delivered to notify each council member, the mayor and the city manager ~~or left at their usual place or residence or business at least twenty-four hours before the time of the meeting, except in the event of an emergency meeting. It shall also be the duty of the city recorder, immediately upon receipt of written request, to make diligent effort to notify each council member in person, either by telephoneby phone call or otherwise, with the exception of notifications by text messaging, of such special session.~~ Special Meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place pursuant to ORS 192.640(3). Only matters set forth in the notice of the meeting shall be discussed at such meeting.

Executive sessions

## **11. EMERGENCY MEETINGS**

An emergency meeting of the city Council may be called by the Mayor, ~~two-three~~ council members or City Manager on less than 24 hours' notice provided that an actual emergency exists. ~~An emergency consists of unforeseen disruptions or threats to the public and/or public facilities and services where prompt attention and action is/maybe necessary.~~ The city recorder shall immediately prepare and post notice of the emergency meeting stating time, place, and subject, and notify each council member, the mayor and the city manager, but shall be confined immediately, by phone call or otherwise, before the time of the meeting. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to subject matters as provided by ORS 192.660, 640(3).

## **12. TELEPHONIC/ELECTRONIC MEETINGS AND ATTENDANCE**

Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Councilors may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

## **13. OTHER MEETINGS**

Training, goal setting, or other meetings may be held at the convenience of the Council at a time when as many members as possible can attend.

Training meetings may be held periodically to offer city councilors education on their duties and responsibilities as city elected officials.

Goal Setting. The Council will align its goal setting process to coincide with the development of the annual budget. The goal setting process may include any of the following elements but none of them are required:

**Commented [LA1]:** I felt that three councilors is the minimum that we go by now when deciding to move forward with something.

**Commented [LA2]:** Byron asked that I research the definition of "emergency meeting" how other cities define it.

Input from any public engagement efforts conducted by the City; Input from City staff and Councilors; Reports on the status of key projects; Reports on the financial status of the City; Reports on any changes in State law or regulations affecting city operations; or Reports on the status of prior Council Goals.

#### 14. **MEETINGS OPEN TO THE PUBLIC AND SERIAL COMMUNICATIONS**

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192. A quorum of the Council is prohibited from meeting in private to make decisions or deliberate on matters of City business that fall within the scope of the Council's jurisdiction. This prohibition includes in-person meetings where a quorum exists as well as serial communications that may occur over e-mail, text message, social media, and through conduits such as staff.

One-on-one or small group (non-quorum) conversations or communications regarding City business are generally permitted as long as the views or thoughts of a quorum of the Council are not shared during those conversations. As a result, Councilors should share only their personal views on City business being discussed in one-on-one or non-quorum conversations and not discuss the views or opinions of other Councilors who are not involved in the discussion.

Councilors should avoid "replying all" to informational e-mails sent to the entire Council or a quorum of Councilors regarding City business that occur outside of a Council meeting. Although one-way information sharing on administrative items (i.e., agenda topics and meeting availability) is permissible outside of a Council meeting, Councilors should avoid back and forth conversations between a quorum of members via e-mail.

Councilors should be cognizant that a "serial" meeting can occur through the use of social media if a quorum of the Council engages in discussions regarding City business on a social media platform. As a result, Councilors should be careful not to comment or engage in a social media conversation regarding City business that other members of the Council have already participated in.

**Commented [LAS3]:** The Council asked that we consider adding verbiage regarding non-meeting/social gatherings where quorums may be present, such as special events, ribbon cuttings, and personal outings, and in these circumstances city related items will not be discussed, etc.

**Commented [LAS4]:** As I'm reading through this, I'm finding many areas that say "Councilors" but should say "Council, Council Members, or Members" because these areas are referring to the Council at large including the Mayor, and not just the Councilors. I can make the changes, where appropriate, just let me know.

#### 15. **CANCELLATION OF MEETING**

Council Meetings may be cancelled in the following ways: Upon a majority vote of the Councilors present at any council meeting, a future regular Council meeting may be canceled when deemed appropriate; or If there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have a meeting, the Mayor upon the recommendation of the City Manager may cancel the meeting. Notice of cancellation shall be posted on the City's website.

**Commented [LAS5]:** Primmer asked that this section be reconsidered. He did not like the fact that the City Manager/Mayor could make this decision without the Council's vote.

#### 16. **NOTICE OF MEETING**

The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law. Notice of a meeting shall be posted on the City's website and may be distributed to Councilors, media representatives, and other interested parties.

#### 17. **ATTENDANCE amended**

It is the duty of each Councilor to attend all meetings of the Council. (Hemiston City Charter, Section 33(b)(2)) When a Councilor cannot attend a meeting, the member shall notify the City Recorder and/or the City Manager, who will notify the Presiding Officer, prior to the meeting. Lack of notification will constitute an unexcused absence.

#### 7-18. **EXCUSAL DURING MEETING**

No member shall leave the council chamber during council meetings without the permission of the presiding officer.

#### 8-19. **SEATING ARRANGEMENT**

Members shall occupy seats in the council chambers assigned to them by the mayor, but any two or more members may exchange seats by joining in a written notice to the mayor to that effect.

20. **ADJOURNED SESSIONS**

Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

DRAFT



### III. MEETING AGENDA

#### 21. COUNCIL MEETING AGENDA

##### 9.1 COUNCIL MEETING AGENDA

~~—All reports, communications, ordinances, resolutions, documents, or other matters to come before the council for consideration must be filed with the city manager's office by end of business of the Wednesday before the next regular meeting of the council.—The City Manager, or designee, shall prepare the final Council Meeting Agenda for each meeting, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered at the meeting.~~

City staff shall furnish a copy of the agenda and related packet to each council member, the mayor, and such other persons as required, at least 10 business hours three (3) days before the council meeting or as far in advance of the meeting as time for preparation will permit. All agenda items filed with the city manager's office for council action shall be arranged according to the order of business, and must be accompanied by an explanation sheet in such form as the city manager shall require. Any items not filed with the manager's office by the time specified shall be.Agendas will generally be set to allow meetings to end no later than 10:00p.m.

A member of Council who wishes to have an item placed on the an agenda only by must bring the matter before the Council at a regular scheduled meeting. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. Adding a matter to an agenda requires a majority vote of the council members of Council present at the council meeting.

#### 22. ORDER OF BUSINESS

##### 10.1 ORDER OF BUSINESS

The business of all regular meetings of the council shall be transacted in the following order, unless the council by a vote of a majority of the members present shall suspend the rules and change the order (Amended 2/24/03):

CALL MEETING TO ORDER

The Presiding officer shall call the meeting to order

DECLARATION OF QUORUM

~~FLAG SALUTE~~The Presiding Officer shall note each Councilor's attendance or absence in the record and shall declare that a quorum is present to conduct business.

FLAG SALUTE/PLEDGE OF ALLEGIANCE

The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, REGOGNITIONS (IF NEEDED)

Proclamations, PRESENTATIONS, REGOGNITIONS (IF NEEDED) will be read and presented by the Presiding Officer or designee.

CITIZEN INPUT/PUBLIC COMMENT ON NON-AGENDA ITEMS

Items discussed under this section follow the rules stated in Rule 25B

CONSENT AGENDA

Items on NON-AGENDA ITEMS

the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration.

Items of routine nature, not requiring Council discussion or direction, may be included on the Consent Agenda at the discretion of the City Manager. Items requiring a Public Hearing shall not be included on the Consent Agenda. Consent items may include but are not limited to the following: minutes, liquor licenses, commission/committee appointments, etc. (ITEMS CAN BE REMOVED BY ANY COUNCILOR OR MAYOR)

ITEMS REMOVED Any Councilmember may request to remove an item(s) from the Consent Agenda (IF NEEDED) prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda.

PUBLIC HEARINGS (IF NEEDED)  
RESOLUTIONS AND ORDINANCES (IF NEEDED)  
OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)  
COMMITTEE/COMMISSION REPORTS  
MAYOR'S REPORT  
COUNCIL REPORTS  
MANAGER'S REPORT  
ADJOURNMENT

**4. SPECIAL ORDER**

—To make any subject a special order shall requireITEMS REMOVED FROM THE CONSENT AGENDA (IF NEEDED)

PUBLIC HEARINGS (IF NEEDED)  
RESOLUTIONS AND ORDINANCES (IF NEEDED)  
OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)  
COMMITTEE/COMMISSION REPORTS  
MAYOR'S REPORT

Time provided for the consent of a Mayor to present a brief summary of matters of interest to the Council.

COUNCILOR REPORT

Time provided for Councilors to present a brief summary of matters of interest to the Council.

CITY MANAGER REPORT

Time provided for the City Manager to present a brief summary of matters of interest to the Council.

ADJOURNMENT

Following the completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

**23. RECESS**

The Presiding Officer may recess any meeting of the Council upon consensus of the majority of the Councilors present. The Presiding Officer shall announce the time in which the meeting will reconvene.

**24. CHANGING ORDER OF BUSINESS**

At any meeting of the Council, the order of the business may be changed or any part thereof suspended for such meeting upon consensus of the majority of the Councilors present.

#### IV. PUBLIC COMMENTS & HEARINGS

##### 25. PUBLIC COMMENT

- A. Electronic Comment - Whenever public comment is allowed in person, to the extent reasonably possible, public comment must be taken electronically as well. That public comment must follow the following procedure:
1. A public zoom meeting link will be provided and anyone wishing to comment must utilize that link.
  2. The City Recorder or other city staff will mute all speakers.
  3. As the item the participant wishes to address begins the participant must utilize the software's raise hand feature and raise their hand, or similar feature to notify city staff that they wish to speak.
  4. When time comes for public comments, the presiding officer will ask staff if any hands are raised, and each hand raised will be given the opportunity to comment. The same five (5) minute time limit apply unless an extension is granted by the presiding officer.
- B. Non-Agenda Items - Time provided for anyone wishing to speak to the City Council on an item not on the agenda may be heard at this time. Written comments to City Council received during a specific meeting will be distributed to the Council and included in the official record of that meeting.
1. Persons wishing to speak during public comment shall be called upon by the Presiding Officer.
  2. Comments may be limited to five (5) minutes, unless additional time is granted by the Presiding Officer.
  3. Speakers will identify themselves by their names and by their place of residence.
  4. The Mayor and Council should avoid immediate or protracted response to citizen comments (verbal or written), however, Councilmembers may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.
  5. The public comment period shall not exceed thirty (30) minutes unless a majority of councilmembers present vote to extend the time.
  6. If a member of the public wishes to speak on an item that is on the current agenda, the speaker shall wait until that agenda item. The procedures outlined for a public hearing will apply if necessary.
  7. When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer may refer the complaint or suggestion directly to the City Manager for review.

##### 26. PUBLIC HEARINGS

Public Hearings shall be held on each matter required by State law or City policy. Quasi-judicial

hearing procedures shall be conducted in accordance with ORS 197.797, *Conduct of Local Quasi-judicial Land Use Hearings, Notice Requirements, Hearing Requirements*, unless otherwise provided in the Development Code. The Presiding Officer shall preside over the hearing, announce the purpose and type of hearing. City staff shall summarize the guidelines for the conduct of the hearing.

#### Public Hearings Generally

A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

Each person shall, prior to giving testimony, give their name, shall indicate whether they are a resident of the city and give their address. All remarks shall be addressed to the council as a body and not to any member thereof.

Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to five (5) minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

1. Staff presentation
2. Applicant or affected party. Quasi-judicial hearing only.
3. Appellant, if other than applicant. Quasi-judicial hearing only.
4. Other interested persons
5. Questions of staff.
6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing.

Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed their testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.

The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal

or those in opposition to rise and direct the city recorder to note the numbers in the minutes.

At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.

A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at or before the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to their personal safety, and who wishes to exempt their address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).

## **27. LAND USE HEARINGS**

### **General Conduct of Hearings.**

- A. Any party may speak in person, through an attorney, or another representative present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes their presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### **II. Quasi-Judicial Land Use Matters.**

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
- a. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
- The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
- b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- c. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city manager or staff designee shall read the land use hearing disclose statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
  - a. The council shall adopt findings to support its decision.
  - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use

matters shall be:

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **28. ORDINANCES, RESOLUTIONS AND ORDERS**

### Ordinance

Ordinances -- Pursuant to City Charter, Section 16, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Hermiston ordains as follows:"

Ordinance Enactment -- Pursuant to City Charter, Section 17, ordinances will be adopted as follows:

1. Except as authorized by subsection (b), adoption of an ordinance requires approval by at least five (5) members present of the Council at two (2) meetings.

### **11.1. ADJOURNED SESSIONS**

~~Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.~~

2. The council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided at least five members of the council are present and the proposed ordinance is available in writing to the public at least three business days before the meeting.
3. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
4. After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.



5. After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Ordinance Effective Date – Pursuant to City Charter, Section 18, ordinances take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

#### Resolution

Resolutions – Pursuant to City Charter, Section 19, Council will exercise its administrative authority by adopting resolutions or motions. The adopting clause for all resolutions may state "The City of Hermiston resolves as follows:"

Resolution Adoption – Pursuant to City Charter, Section 20, resolutions will be enacted as follows:

1. Approval of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
4. After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Resolution Effective Date – Pursuant to City Charter, Section 21, resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

#### Orders (Quasi-Judicial Authority)

Orders – Pursuant to City Charter, Section 22, Council will exercise its quasi-judicial authority by approving orders. The approving clause for all orders may state "The City of Hermiston orders as follows:"

Order Adoption – Pursuant to City Charter, Section 23, orders will be enacted as follows:

1. Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
3. After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
4. After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Orders Effective Date – Pursuant to City Charter, Section 24, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

### III.V. MINUTES

#### 29. GENERALLY

##### 2. All minutes ~~ATTENDANCE RECORD~~

~~The city recorder shall enter in the minutes~~ written form, with an electronic copy of the meeting maintained by the city recorder in accordance with ORS 192.650. All minutes or recordings shall be available to the ~~names of the council~~ public within a reasonable time after the meeting, and shall include at least the following information:

1. ~~All members of the governing body present;~~

##### 3. DISTRIBUTION OF MINUTES

2. ~~Prior to~~ All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

3. The results of all votes and if the vote is not unanimous, the vote of each ~~meeting the city recorder shall furnish each council member, the mayor and the city manager with a copy of the minutes of~~ by name;

4. The substance of any discussion on any matter;

- ~~2-5.~~ and a reference to any document discussed at the ~~preceding~~ meeting.

#### 12.30. APPROVAL OF MINUTES

The council shall approve all minutes of any meeting. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes. If no objection is made to the minutes of the preceding meeting, the same shall be approved.

**IV.VI.PRESIDING OFFICER**

**4. CALL TO ORDER**

**31. GENERALLY**

The mayor, or in ~~his~~their absence, the president of the council, shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order. The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.

**32. MAYOR**

The Mayor shall preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under Council Rules, Section 22. The Mayor has no veto authority and shall sign all ordinances passed by the council within ten days after their passage. The Mayor has no vote on council matters unless there is a tie vote, and in the case of a tie vote on any matter before the council, the Mayor shall cast the deciding vote. The Mayor shall be deemed a member of the Council for the purposes of any voting requirements set forth in the Charter whenever the Mayor votes to break a tie on any matter before the Council. The Mayor must sign all approved records of council proceedings. The Mayor shall appoint members of the council to commissions, boards and committees that are established by state law, ordinance, council rules, resolution or motion, and with the consent of council, shall appoint non-council members to commissions, boards and committees established by state law, ordinance or resolution. The Mayor serves as the political head of the city government.

**13.33. COUNCIL PRESIDENT-OF THE COUNCIL**

~~At its~~Pursuant to City Charter, Section 10, at the first meeting of ~~in~~ each odd -numbered year, the Council shall ~~appoint~~elect a Council President from its council members. ~~Except in voting on questions before the council, the president shall function as~~membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is: ~~(a) absent from the council meeting, or (b) unable to function as mayor.~~

**5. COUNCIL PRESIDENT PRIVILEGES**

~~perform duties on account of absence, illness, or other cause.~~ The president retains the right to vote on all matters while presiding over the council but does not have authority to cast an additional vote to break a tie. The president of the council may move, second and debate from the chair, subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

**14.34. TEMPORARY CHAIRMAN**

In case of the absence of the mayor and the president of the council, the city recorder shall call the council to order and take the roll of the members. If a quorum is found to be present, the council shall proceed to elect, by majority vote of those present, a chairman of the meeting, to act either until the mayor or the president of the council appears.

## V.VII. ELECTED AND APPOINTED OFFICIALS

### 35. GENERALLY

All elected (Mayor and Councilors) officials shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Elected officials should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Elected officials should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.

All City Officials should strive to carry out their duties based on the ideals expressed in Exhibit A related to Servant-Leadership.

### 36. MAYOR

The mayor occupies a position of public trust. The mayor acts as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases. The mayor, or their delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature. The mayor shall bear in mind at all times that they are the first citizen in the minds of the public and should conduct themselves in such a manner as to bring only credit to themselves and their office.

### 37. COUNCILORS

Councilors occupy positions of public trust. The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.

Decisions in the establishing of policy for city government may be derived at by following these four steps:

1. WHAT IS NEEDED? Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.
2. WHAT IS THE WILL OF THE PEOPLE? Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.
3. WHAT CAN BE DONE? A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back-ground experience of the city manager, his staff, and technical experts should be considered carefully.
4. TAKE ACTION. After determining the best policy, put your decisions to work by adopting, defeating, or modifying ordinances or resolutions.

Policy and its administration cannot always be clearly defined; thus, the council and the city manager must work together as a closely knit team. Inasmuch as the city council selects and hires the city manager, it is their responsibility to see that the manager has a chance to administer policy properly and to evaluate their administrative accomplishments.

A council member shall not give, or cause to be given, any direct order to the city manager or their subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the

administration of departments or exercise individual authority in any operation under the city manager.

A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take their cause directly to the city manager on their own merits and not those of the council member.

A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.

## 6.— COUNCIL MEMBERS

~~—The mayor and the council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusion of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue. If after the mayor or council member declares a conflict of interest that official is uncertain as to whether to leave the council chambers and requests the advice of the council, or if after another member of the council or mayor points out a potential conflict of another official, then the issue of the conflict of interest shall be referred to the council for their decision as to the conflict of interest. A majority vote of the council members present, not including the official whose conflict of interest is being questioned, shall be the final authority as to whether a conflict of interest exists. If the majority of the council members decide that an official has a conflict of interest, then that official shall leave the council chambers during any discussion, debate or vote on any such matter as described above. Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.~~

Council shall listen to criticism with interest and concern for the problem presented.

Council members are urged to educate themselves about local government. To that end, and as funding allows, Council members are urged to attend the League of Oregon Cities functions at City expense. Requests to attend other government related conferences, training seminars and meetings will be presented to the City Manager for evaluation of the adequacy of budgeted funds.

Councilors occupy positions of public trust. They should make their best efforts to attend all council meetings and when they are unable to attend, they should follow Rule 16.

Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial

application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, gender, social station or economic position.

All Council members are individually responsible for compliance with the Oregon Revised Statutes Chapter 244, governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

#### **45.38. CITY MANAGER**

The city manager shall attend all meetings of the council, unless excused by the council; shall keep the council fully advised as to the financial condition and needs of the city; may make recommendations to the council and may take part in discussions of all matters concerning the welfare of the city; and shall have a seat but no vote in the meetings of the council.

#### **46.39. CITY RECORDER**

The city recorder or their designee shall serve as clerk of the council and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ~~ordered by the mayor, council or city manager~~needed for the orderly conduct of meetings.

#### **47.40. CITY ATTORNEY**

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. ~~Any council member may at any time call upon the city attorney for an oral or written opinion to decide any question of law, with the approval of the council, but not to decide upon any parliamentary rules; however, the attorney may advise the presiding officer on parliamentary matters. The City Attorney will have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.~~

## VI.VIII. DECORUM AND ORDER

### 41. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to council. All participants in the meeting should act in a way to bring credit upon the City.

#### Councilors

During council meetings, ~~council members~~ councilors shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the council. No member shall address the chair or demand the floor while any vote is being taken. Every ~~council member~~ councilor desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine remarks to the question under debate and shall avoid all personalities and indecorous language, and refrain from impugning the motives of any other member's argument or vote. Every council member desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or designate some staff member to do so. ~~A council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. A council member called to order while speaking shall immediately cease speaking until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed, or if ruled to be not in order, shall remain silent or shall alter any remarks so as to comply with the rules of the council.~~ All members shall accord the utmost courtesy to each other and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. ~~Members~~ Councilors shall confine their questions to the particular matters before the ~~assembly~~ council and in debate shall confine their remarks to the issue before the council. ~~Members shall be removed from the meeting for failure to comply with the decisions of the presiding officer and/or for continued violations of the rules of the council. If the presiding officer fails to act, any member may move to require said officer to enforce the rules and the affirmative vote of a majority of the council shall require the presiding officer to act.~~

#### Members of the Administrative Staff and Employees

City staff and employees of the city shall observe the same rules of procedure and decorum applicable to ~~members of the council~~ councilors. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under ~~his~~ their direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved ~~at all times~~ by city employees in council meetings. The city manager or any staff member desiring to address the council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. No staff members, other than staff members having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

#### Public

- A. ~~Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the council or while attending the council meeting shall be removed from the room as directed by the presiding officer, and such person shall be barred from further audience before the council and not be permitted to return to the meeting unless permission has been granted by a majority vote of the council members present. The removal shall be effected by whomever the presiding officer designates. Unauthorized~~

~~remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who shall direct the removal of such offenders from the room. Aggravated cases shall be prosecuted as provided by ordinance. In case the presiding officer shall fail to act, any member of the council may move to require said officer to act to enforce the rules, and the affirmative vote of the majority of the council shall require the presiding officer to act.~~

Any public member desiring to address the council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the ~~council as a whole and not to an individual member thereof. All remarks and questions addressed to the administration of the city shall be addressed to the city manager and not to any individual city employee.~~ presiding officer. No person other than council members and the person having the floor shall enter into any discussion either directly or through a ~~council member~~ councilor without permission of the presiding officer.

#### **7. PERMISSION REQUIRED TO ADDRESS COUNCIL**

~~Persons other than council members and city officers shall not be permitted to address council except upon either introduction or invitation by the presiding officer or by the chairman of the appropriate committee.~~

##### Removal

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the rules of decorum and order. The Presiding Officer may summon the assistance of the City Police to assist in maintaining order.

#### **42. CONFLICT OF INTEREST**

All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue.

Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.

#### **48.43. OFFICERS AND EMPLOYEES TO ATTEND**

The head of any department, or any officer or employee of the city, when requested by the city manager or the council, shall attend any regular, adjourned or special meeting and confer with the council on all matters relating to the city.

#### **8. RIGHT OF APPEAL**

~~Any council member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "shall the decision of the chair be sustained?" If a majority of the members vote YES, the ruling of the chair is sustained; otherwise it is overruled.~~



**19.44. LIMITATION OF DEBATE**

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes without leave of council.

**9. QUESTION OF PRIVILEGE**

- ~~A. PRIVILEGE OF THE ASSEMBLY. Any member may address the council on a Question of Privilege relating to the organization of the council, comfort of members, conduct of members and employees, punishing members for disorderly conduct, conduct of the news media, heating, lighting or ventilation of the council chambers, or any general disturbance.~~
- ~~B. PERSONAL PRIVILEGE. Any member may address the council on a Question of Privilege relating to that member's personal comfort, ability to hear or otherwise take part in council proceedings, as well as on discussion which questions that member's integrity, character or motives.~~

#### 45. CENSURE

The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

The Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the full Council upon a finding that a reasonable ground exists that a substantial violation has occurred.

The full Council shall investigate the actions in executive session under ORS 192.660(2)(b), unless the Councilor requests the matter to be held in an open meeting. If held in an executive session, neither the full Council nor any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

~~VII.~~IX. **VOTING**

**46. VOTE REQUIRED**

Pursuant to City Charter, Section 14, the express approval of a majority of a quorum of the Council is necessary for any Council decision, except when the Charter or Council Rules requires approval by a majority of the Council.

**20.47. VOTING**

Every member present when a question is put shall vote, unless the council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

**21.48. RECORDING OF VOTE**

The roll call vote shall be put by a vocal response FOR the question, and then AGAINST the question. The vote shall be recorded by name unless ~~unanimously~~unanimous.

**22.49. PERSONAL INTEREST**

No member stopped from voting by personal interest shall remain in the council chambers during the debate and vote on any such matter.

**23.50. EXPLANATION OF VOTE DURING ROLL CALL**

It shall not be in order for members to explain their vote during the roll call.

**24.51. TIE VOTE**

In case of a tie vote on any matter before the council, the mayor shall cast the deciding vote.

**25.52. VOTING ON ORDINANCES OR RESOLUTIONS**

When an ordinance or resolution is voted upon by the council and does not receive a council majority of YES or NO votes said resolution or ordinance shall automatically be reconsidered at the following council meeting, and successive meetings, if necessary, until such time as a majority vote of the council is achieved.

## **VIII.X. COMMITTEES**

### **26.53. GENERALLY**

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by COH Chapter 32, except that if application of a provision of COH Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. This definition does not include committees formed by the City Manager.

### **27.54. APPOINTMENTS BY THE MAYOR OR COUNCIL**

~~Whenever the mayor or a council member shall, at any meeting, submit an appointment to be made, confirmation of such appointment shall be deferred until the next meeting.~~

All appointments, unless specifically waived, shall appear on two council agendas, first as a nomination and second as confirmation.

### **28.55. APPOINTMENTS TO MUNICIPAL BOARDS AND COMMISSIONS**

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating **\$7,500** (revised 02/28/94) or more in any one calendar year. Preference for appointees shall be given to city residents. With the consent of the Council, the Mayor may remove a citizen from a City Board, Commission or Committee prior to the expiration of the term of office.

### **29.56. STANDING COMMITTEES**

These committees are defined by city ordinance and their members are from the public with council liaisons. The mayor shall appoint all committees, subject to confirmation by the council, except as provided otherwise by state statutes or city ordinances. An appointment to fill a vacancy shall be for the unexpired term. Preference for appointments shall be given to city residents.

### **57. COMMITTEE LIAISONS**

The Mayor shall assign a Councilor to act as liaison to boards, commissions, committees or other bodies that advise the Council. Councilors interested in a particular subject area should inform the Mayor of their interest. The Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions when possible. Liaison appointments are generally made on an annual basis.

Council liaisons should make every effort to attend all meetings of the committees, boards and commissions to which they have been assigned. In the event a Council liaison is unable to attend a meeting of the board, commission or committee, the liaison may contact another Councilor to attend the meeting in their stead. If a substitute is not found the councilor may ask the city staff assigned to that committee, commission or board to give them a summary of the meeting they missed. If a liaison fails to attend more than three consecutive meetings of the same committee, commission or board, they may be replaced.

When serving as a liaison to a City board, commission or committee as liaison, Council members will:

1. Not attempt to lobby or influence the board, commission or committee on any item under its consideration.  
It is important for the advisory body to make objective recommendations to the Council on items before them.

2. The liaison's communications shall reflect the majority position held by the Council on matters referred to the board, commission or committee to the extent such a Council position is known and articulated, or Council's expectations in light of Council adopted goals. The liaison's role is limited to explaining that position or Council expectations for the body.
3. Not vote at the body's meeting on any item.
4. This rule does not apply to non-city bodies when the Council member is the representative of the City.

### **30.58. TERMS AND VACANCIES**

Terms for standing committees shall be ~~three years, defined in their enabling ordinance~~ beginning and terminating on established dates unless otherwise designated by law. Positions shall be staggered so as to provide continuity. All standing committee vacancies will be handled the same with term expiration constituting a vacancy. ~~Vacancies will be advertised by position number only.~~ Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

### **31.59. APPLICATION**

All applications for standing committees must be in writing, on a form provided by the City, addressed to the mayor and delivered before the expiration date established ~~by the council.~~ A basic volunteer background check will be performed on all potential committee members and results will be delivered to the selection committee. A selection committee composed of the mayor and two councilors will review the applications and make recommendations to the council. The two councilors serving on the committee may be rotated annually. The selection committee will select members for all openings including ~~a temporary vacancy~~ caused by a leave of absence.

### **32.60. SPECIAL COMMITTEE APPOINTMENTS**

Special committees for particular purposes may be appointed by the presiding officer, subject to confirmation by the council. There shall be at least three members on each special committee, whether composed of council members, public members, or jointly composed. The presiding officer shall designate the member who is to serve as chairman of the committee. Vacancies occurring on any committee shall be filled in a like manner.

### **33.61. MEETINGS**

Special committees shall meet on call of the chairman, or any two members, and shall report to the council without unnecessary delay upon matters referred to them. A majority of the members of a committee shall constitute a quorum.

### **34.62. NOTICE**

It shall be the duty of the ~~chairman of staff member assigned to each~~ special ~~committees~~ committee to give notice of the time and place of meetings as required by ordinance or state law.

### **35.63. REPORTS**

When a committee to which a matter has been referred, with instructions to report at a time in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time be granted, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the city recorder the documents pertaining to the matter, and the matter shall take its proper place in the Order of Business.

### **36.64. REPORTS TO BE IN WRITING**

The reports of committees shall be in writing, agreed to in committee assembled. Copies of the report shall be

available to each member of such committee, council members, mayor and the city manager. Documents referred to the committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

**37.65. RELIEVING FROM FURTHER CONSIDERATION**

Upon motion, council may by a majority vote relieve a committee of further consideration of a matter referred to it, and order the same placed on the calendar.

**38.66. POWERS**

No committee shall have the power to employ any person for, or on behalf of, the city, or incur any expense, unless specially authorized by the council. ~~Every committee shall have power and authority to send for persons and papers and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceedings referred to, or before them, and such examination, together with all papers and proceedings, shall be returned to the council-city manager or designee.~~

I. MOTIONS

10. PRECEDENCE OF MOTIONS

When a question is before the council, no motion shall be entertained, except: (a) to adjourn, (b) recess, (c) appeal a decision from the chair, (d) suspend the rules, (e) object to consideration, (f) to lay on the table, (g) for the previous question, (h) limit debate, (i) to postpone to a set time, (j) to refer to committee, (k) to amend, and (l) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion except motions to postpone to a set time, to refer to committee, or to amend, shall be put to a vote without debate.

11. MOTIONS TO BE STATED BY CHAIR

When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing.

12. WITHDRAWAL

A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the council.

13. MOTIONS OUT OF ORDER

The presiding officer may at any time by a majority vote of the members permit a member to introduce an ordinance, resolution, or motion out of the regular order.

14. MOTION TO ADJOURN

A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as an interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

15. MOTION TO LAY ON THE TABLE

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two thirds of the members present.

16. THE PREVIOUS QUESTION

When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question now be voted on?"

17. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.

18. AMEND: TO STRIKE OUT

On an amendment to "strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

19. AMEND AN AMENDMENT

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying, but not changing, the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

**20. MOTION TO POSTPONE**

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

**21. VOTING ON ORDINANCES AND RESOLUTIONS**

On the passage of every ordinance and resolution, the vote shall be taken by YES and NO and entered in full upon the record.

**22. RECONSIDERATION**

After the decision on any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of the council. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

**23. DISSENTS AND PROTESTS**

Any member shall have the right to express dissent from or protest against any ordinance or resolution of council and have the reason therefor entered in the minutes. Such dissent or protest must be filed in writing, couched in respectful language, and presented to council not later than the next regular meeting following the date of passage of the ordinance.



~~IX.XI.~~**MISCELLANEOUS****67. STATEMENTS TO MEDIA AND OTHER ORGANIZATIONS**

Representing City. If a member of the Council, to include the mayor, appears as an authorized representative of the City before another governmental agency, the media, or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.

Personal Opinions. If a member of the Council, to include the mayor, appears in their personal capacity (not as an authorized representative of the City) before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

Use of Letterhead. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council.

**68. ELECTED OFFICIALS' INVOLVEMENT WITH STAFF**

A. All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  2. Working together as a team within a spirit of mutual confidence and support.
  3. Respecting the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager.
  4. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors. Council members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council members acting in their individual capacity rather than as Council members, nor to questions regarding conflict of interest or similar issues particular to the Council member.
  5. Limiting individual contacts with City officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads and other managerial and supervisory employees.
  6. Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
  7. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.
  8. Nothing in this section or these rules precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.
- B. When any elected officials desire to understand the operations of any city department better, that person should schedule time with the appropriate department head through the City Manager. If the elected official desires to have that time without the City Manager present that needs to be stated when the request is made. Exceptions to this policy are as follows:
1. The elected official visiting a city department location on a matter of personal business with the department, in which case the elected officials shall present themselves at the front counter area and conduct the matter of business in a timely manner with appropriate personnel;
  2. The elected official is present conducting business for their employer;

- 3. ~~The elected official is present for the purpose of the elected official performing a volunteer service for the department, which service shall have the prior written acknowledgment of the City Manager; and,~~
- 4. ~~The elected official participating in the police "ride-along" program or similar program in other departments, which participation shall be limited to not more than one time per quarter per member in any calendar year.~~

**69. ANONYMOUS COMMUNICATIONS**

**~~30.1. ANONYMOUS COMMUNICATIONS~~**

Unsigned communications shall not be introduced in council meetings.

**70. PROCEDURE FOR FILLING COUNCIL VACANCIES**

~~See Chapter VII-Section 34 Hermiston City Charter~~

**71. COMPLAINTS**

**~~40.1. PROCEDURE FOR FILLING COUNCIL VACANCIES~~**

~~Upon receipt of a resignation of a council member, the council will:~~

~~A. Accept the resignation by motion.~~

~~Advertise the vacancy in a local newspaper for two weeks stating that the city council is accepting applications for the position and establishing a deadline for applying.~~

~~B. The mayor will appoint a council committee, approved by the council, to review applications.~~

~~C. The committee will recommend an individual from the applications to fill the vacancy.~~

~~D. The council will approve the recommendation.~~

~~E. The oath of office will be administered at the next regular council meetings.~~

**~~41.1. COMPLAINTS~~**

The procedure for complaints shall be:

All complaints involving municipal policies shall be referred to the city council for appropriate action, and except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager who shall have been given ample time and opportunity in which to investigate and to render a report.

All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be processed in the manner provided by state statute.

All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager, when so requested by a majority of the council, shall be given adequate time in which to make the necessary investigation and report.

**~~24. AMENDMENT TO RULES OR ORDER AND PROCEDURE~~**

~~These rules may be amended or new rules adopted by a majority vote of the council (Amended 02/24/03)~~

**~~25. PRESCENCE AT THE POLICE DEPARTMENT~~**

~~A. Neither the Mayor or any member of the City Council shall be present at the Hermiston Police Department or in a patrol vehicle with any police officer unless at least one of the following two conditions is met:~~

~~The Police Chief or a Police Lieutenant (now Captain) is present and accompanies the Mayor or member of~~

~~the City Council while said official is at the Department or in a patrol vehicle with any officer; or,~~

~~The Mayor or member of the City Council is accompanied by at least one of their fellow elected officials while said official is at the Department or in a patrol vehicle with any officer.~~

~~The following shall be the only exceptions to this policy:~~

- ~~a. The Mayor or any member of the City Council is present at the Police Department on a matter of personal business with the Department, in which case the Mayor or member of the City Council shall present him or herself at the front counter area and conduct the matter of business in a timely manner with appropriate duty personnel;~~
- ~~b. The Mayor or any member of the City Council is present at the Police Department on business for her or his employer;~~
- ~~c. The Mayor or any member of the City Council is present at the Police Department for the purpose of performing a volunteer service for the Department, which service shall have the prior written acknowledgment of the City Manager; and,~~
- ~~d. The Mayor or any member of the City Council is participating in the police "ride-along" program, which participation shall be limited to not more than one time per quarter per member in any calendar year.~~

II. DUTIES OF THE COUNCIL MEMBER

26. COUNCIL DUTIES

~~The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.~~

~~Decisions in the establishing of policy for city government may be derived at by following these four steps:~~

- ~~1. WHAT IS NEEDED? Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.~~
- ~~2.1. WHAT IS THE WILL OF THE PEOPLE? Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.~~
- ~~3.1. WHAT CAN BE DONE? A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back ground experience of the city manager, his staff, and technical experts should be considered carefully.~~

~~TAKE ACTION. After determining the best policy, put your~~

## Exhibit A -Servant-Leadership

- I will base my decisions on the next generation more than the next election, committed to the ideal that my loyalty must be to the entire community (both now and in the future) and not merely to those who got me elected.

A. I will focus on mission, vision and values as the benchmark for my decisions to work by adopting, defeating, or modifying ordinances or resolutions.

~~Policy and its administration cannot always be clearly defined, thus the council and the city manager must work together as a closely knit team.~~

~~Inasmuch as the city council selects and hires the city manager, it is its responsibility to see that the manager has a chance to administer policy properly and to evaluate his administrative accomplishments.~~

~~A council member shall be the pursuit of the greatest good for the entire community and not give, or cause to be given, any direct order to the city manager or his subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the administration of departments or exercise individual authority in any operation under the city manager.~~

~~A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take his cause directly to the city manager on his own merits and not those of the council member.~~

- A council member, when wishing to bring up a citizen complaint, shall first advise the city manager in time to have it put on the agenda for the next regular meeting of the council, thereby giving the city manager time to gather together pertinent facts concerning the complaint or observation and/or solve the problem.

~~A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.~~

~~No decision should be made by council, on any matter, until the city manager has had time to delve into it and give his opinion. Any new business brought up in the meeting, except an emergency measure, should be tabled until the next meeting to give the city manager and council time to ponder its effect.~~

- The council shall try to keep pace with the sentiments of the public by investigating sources of dissatisfaction and discontent. I will make decisions based on fact-based evidence and not allow myself to be manipulated into bad decisions for the future based on the decibel level of critics.
- I will recognize that "it takes a smart leader to know where they are stupid" and have the wisdom to be smart. Accordingly, I will value those who have the courage to tell me what they really think and will listen sincerely to those who disagree with me to truly understand their perspective, recognizing that understanding other perspectives makes me a better leader.
- I will embrace my responsibility to govern rather than to manage, recognizing that if I am doing staff's job I am not doing my job, while also understanding and embracing the appropriately exercised governance role of holding staff accountable.
- I will place a greater emphasis on solutions than on problems, while refusing to offer solutions before I understand the problem.
- I will understand that mutual trust is the foundation for everything and that if I refuse to trust others they will be unable to trust me.
- I will protect the integrity of the process more than the rightness of my position; I will fight hard for my issue but then unify behind the governing body when the decision is made because the decision was made with integrity of process, even if

I disagree with the outcome.

- I will understand that my deeply held beliefs, values and positions will be strengthened, not compromised by courteous, respectful and civil discourse. I will not treat someone as the enemy just because we disagree.
- I will treat everyone with dignity and respect because of who I am as a leader... not because of how they treat me or what I think about them.
- I will be a role model for civility. I will not treat my colleagues or staff in any way that I would be embarrassed if my five year old child treated someone the same way.
- I will never forget – it is not about me and it is not about now.

(As quoted from Strategic Government Resources (SGR) Website on December 28, 2021.) ~~Council shall listen to criticism with interest and concern for the problem presented.~~

III. DUTIES OF THE MAYOR OR PRESIDING OFFICER

27. MAYOR/PRESIDING OFFICER DUTIES

- ~~The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.~~
- ~~The mayor shall act as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases.~~
- ~~The mayor, or his delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature.~~
- ~~The mayor shall bear in mind at all times that he is the first citizen in the minds of the public and should conduct himself in such a manner as to bring only credit to himself and his office.~~





# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

Council President Primmer called the regular city council meeting to order at 7PM. Councilors McCarthy, Barron, Linton, Myers, Hardin, Duron, and Peterson were in attendance. Mayor Drotzmann was excused. Staff members present were City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Finance Director Ignacio Palacios, Parks and Recreation Director Brandon Artz, Court Administrator Jillian Viles, Chief of Police Jason Edmiston, Hermiston Energy Services Manager Nate Rivera, and Assistant City Recorder Heather La Beau. The pledge of allegiance was given.

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

None given.

### **Consent Agenda Items**

Councilor McCarthy moved, and Councilor Hardin seconded to approve Consent Agenda item A to include:

- A. Minutes of the June 10<sup>th</sup> City Council and Urban Renewal Agency Meetings

Motion carried unanimously.

### **Public Hearing-Annexation & Comprehensive Plan Map Amendment – 3 Rivers Oregon Property LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502, & 1503 – 1940/1990/2180 NE 10<sup>th</sup> St**

Council President Primmer announced the public hearing has been rescheduled to the July 8, 2024, City Council meeting.

### **Resolution No. 2330 Install Stop Sign at the intersection of E Main Street & 9<sup>th</sup> Street**

Assistant City Manager Morgan used a PowerPoint presentation (attached) to provide information regarding stop sign installation at E Main St and 9<sup>th</sup> St. The two new stop signs will create a four-way stop at the intersection. The wider lot frontages and vacant lot in the area, along with the completion of additional phases of the Highland Summit subdivision may have caused some of the increase in traffic and vehicular speed. The necessary city departments have reviewed the proposal. The signs will not be lighted; however temporary signage may be used to bring attention to the traffic revision.

Councilor Myers moved, and Councilor Duron seconded to adopt Resolution No. 2330 and lay upon the record. Motion carried unanimously.

### **Resolution 2331 Authorizing the Transfer from Contingency to the Capital Outlay Line in the Hermiston Energy Services (HES) Fund**

City Manager Smith gave information regarding the transfer of funds from the contingency line to the capital outlay line in the HES fund. A project scheduled in a future budget year was able to be bid in conjunction with an existing project resulting in approximately \$75,000 in savings which is 15% of the City's total cost of the project. The money is required to be moved from contingency to the capital outlay line.

After Council discussion, Councilor McCarthy moved, and Councilor Myers seconded to adopt Resolution No 2331 and lay upon the record. Motion carried unanimously.



# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

### **Civic Leadership Academy Report**

City Manager Smith used a PowerPoint presentation (attached) to review the city's response to the recommendations of the participants, specifically in the areas of language, education, trust, and time. He expressed his gratitude to the participants. Staff appreciates the new perspective and opportunities to improve service.

Councilors thanked the academy participants and discussed restraints with time commitments, technology barriers and resources, coffee time with the public, and changing council meeting dates. Thanks was given to city staff and the police department for their daily work to protect citizens.

Stephanie Hughes 35 W Cedar Dr participated in the academy and thanked City Manager Smith for the presentation. She was grateful for the facts and liked the ideas that staff had come up with from the recommendations. She thanked the council for the opportunity to participate and for listening to their suggestions.

Adam Huxoll 1357 E Madrona Ave was an academy participant. Mr. Huxoll thanked the councilors and said in researching the topic they became aware of how much the city is doing. He stated the perception of those they spoke with should be considered when reviewing the survey results as they reached out to groups who felt uninvolved. He gained the most from coming together with participants and developing the group presentation. It was apparent to him that many individuals are not comfortable coming into the council chambers and would like to figure out how to make people more comfortable participating in meetings.

### **May 2024 Financial Report**

Councilor Linton moved, and Councilor McCarthy seconded to accept the May 2024 Financial report as presented (PowerPoint Presentation attached) by Finance Director Palacios and City Manager Smith. Motion carried unanimously.

### **Committee Reports**

**Recreation Projects Advisory Committee-** Councilor Barron spoke regarding the Transient Room Tax (TRT) fund meeting. There were twelve grant applications requesting a total of \$143,000, which was less than the amount available. The committee decided to approve 65% of all the projects that applied. The Parks & Recreation Dept applied for funding for several community events due to budget cuts to their programming. Councilor McCarthy clarified that while he attended the meeting, he is not a voting committee member at this time.

**Hispanic Advisory Committee-** Councilor Duron reported the June HAC meeting included a presentation from Agape House with updates on food distribution (feeding 3,970 folks a month, which is 1,190 families), backpack program, and the Hispanic heritage month celebration.

### **Council President's Report**

Council President Primmer reported he along with other staff and councilors participated in the Eastern Oregon Economic Summit. The two-day event included a tour of Moorehouse Apartments and McNary Dam. Numerous elected officials were in attendance and there were good conversations. The event was well organized.



# CITY COUNCIL

## Regular Meeting Minutes June 24, 2024

### Council Reports

Councilor Linton attended the Economic Summit and reported it was a good program. She found it helpful to meet and converse with the legislators and encouraged others to attend next year.

Councilor McCarthy spoke of the Chamber of Commerce lunch meeting tomorrow. The location has been moved to OMG Burgers. The Summer Mixer at Bennett Botanical Gardens is July 18<sup>th</sup> at 6:30PM. Tickets are available by emailing or calling the Chamber of Commerce. The Stars & Stripes celebration on July 4<sup>th</sup> at Butte Park will include fireworks with patriotic music on the local radio station (93.7FM).

Councilor Barron attended an embroidery event at the library and reported it was an enjoyable experience. He wished a belated Happy Father's Day to fathers.

Councilor Peterson confirmed the library embroidery event was very enjoyable and she enjoyed seeing her spouse's endeavor. She encouraged adults to keep an eye on the library calendar for upcoming events.

### Youth Advisory Report

None Present.

### City Manager's Report

City Manager Smith stated he will be leaving Wednesday for a week and half vacation. Assistant City Manager Morgan will be available in his absence.

### Adjournment

Council President Primmer adjourned the City Council meeting at 8:27PM as there was no other business.

SIGNED:

\_\_\_\_\_  
Doug Primmer, Council President

ATTEST:

\_\_\_\_\_  
Heather La Beau, Assistant City Recorder



# Resolution 2330 Stop @ 9<sup>th</sup> & Main

City Council - June 24, 2024





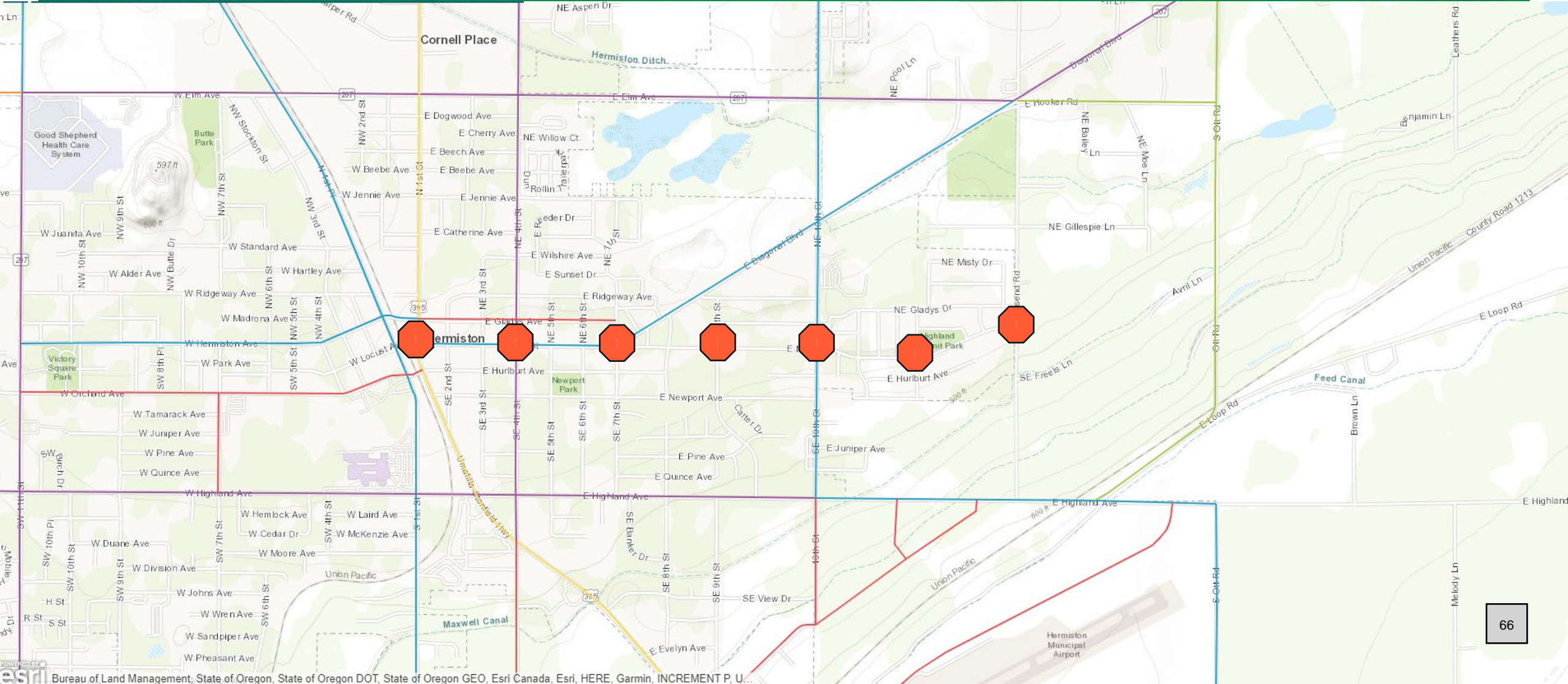




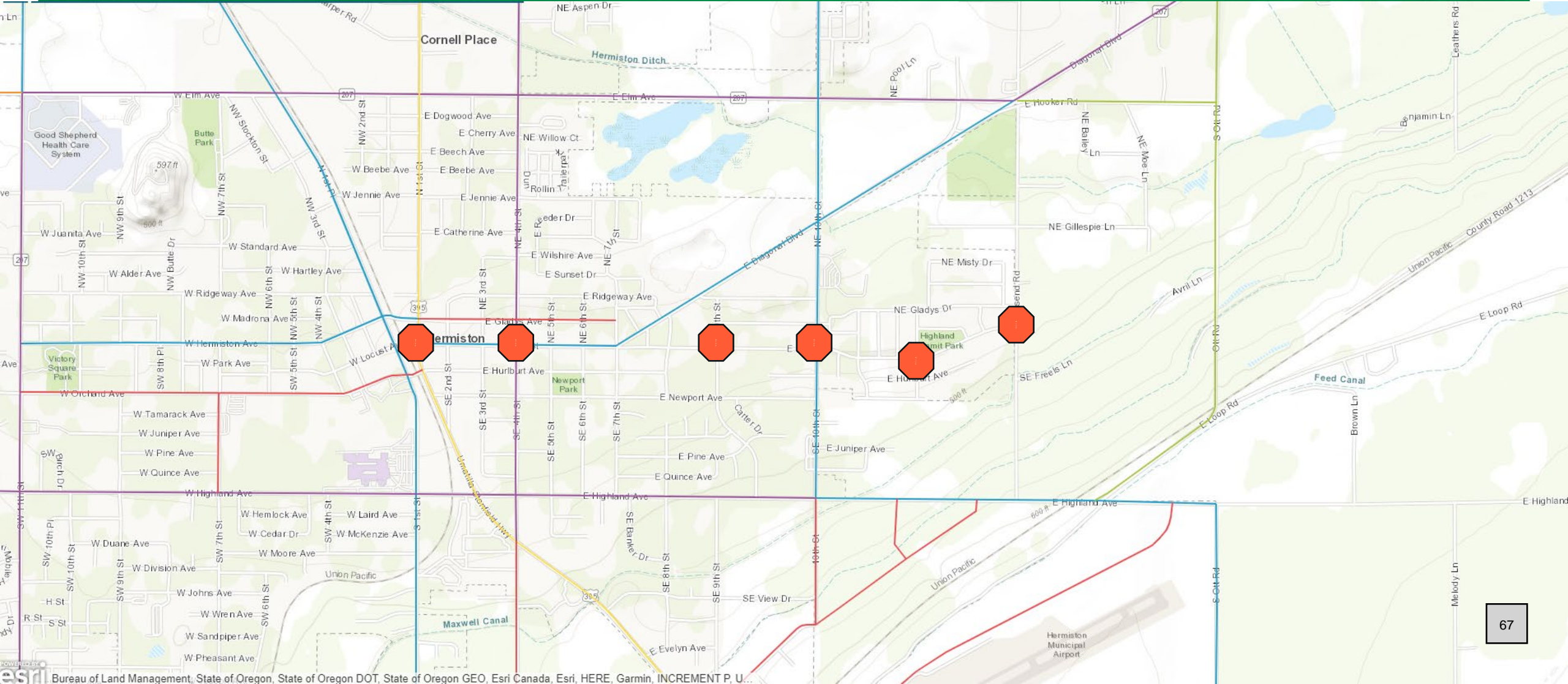




# Main St.- Westbound Stop Signs

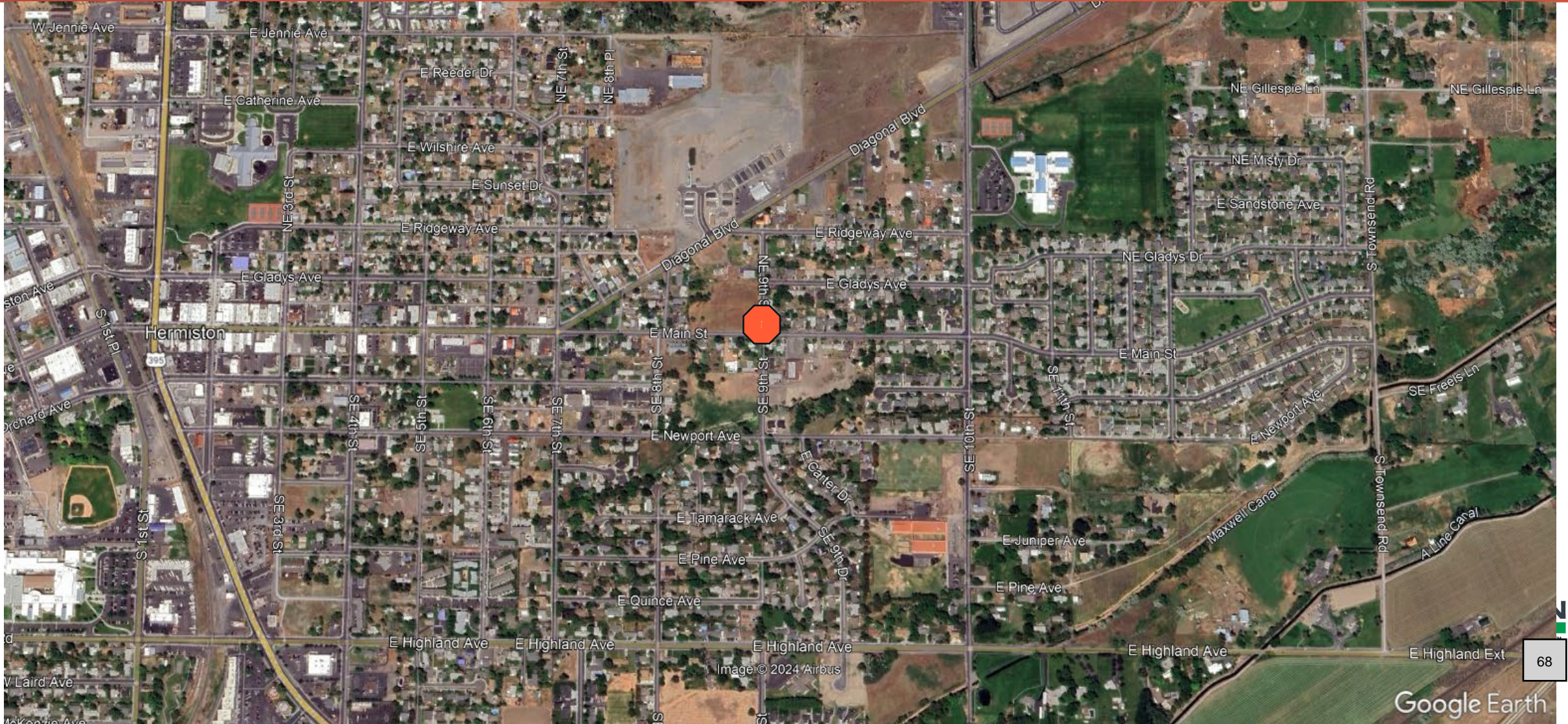








# Environment, Engineering, Enforcement





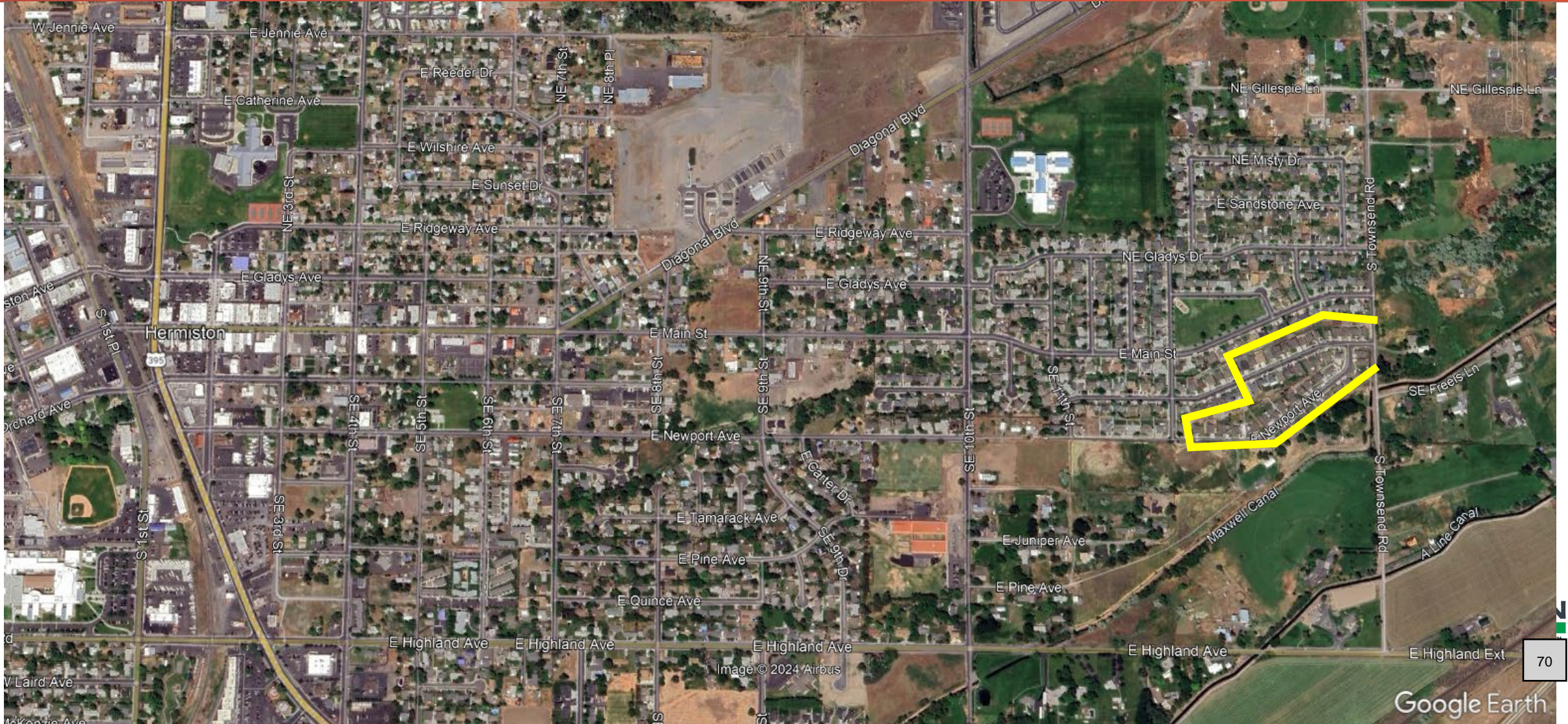
# Environment

Section 5, Item C.





# What's New?







# City Staff Review

- Engineering
- Street Operations
- Planning
- Police
- Recommend Adding Stop Sign





# Questions?

*Where Life is Sweet™*



# Hermiston Civic Leadership Academy Takeaways

June 10, 2024







# How Does the City Increase Community Engagement?

*Where Life is Sweet™*



# Takeaways

- Themes
  - Language etc.
  - Education
  - Trust
  - Time
- Limited; Depth
- Reviewed Notes, etc.
- Highlight things we have done
- Acknowledge we can always improve

# Language etc.

- 40 to 50% Hispanic
  - **Doesn't Always Reflect Language Ability**
- City Website
  - **Not only in Spanish but also in 8 other languages**
- Translation Services
  - **Most Documents are available in English and Spanish**
  - **27% employees receive bilingual pay**
  - **Only one "front desk" of the city doesn't have a bilingual staff member**

# Language etc. cont.

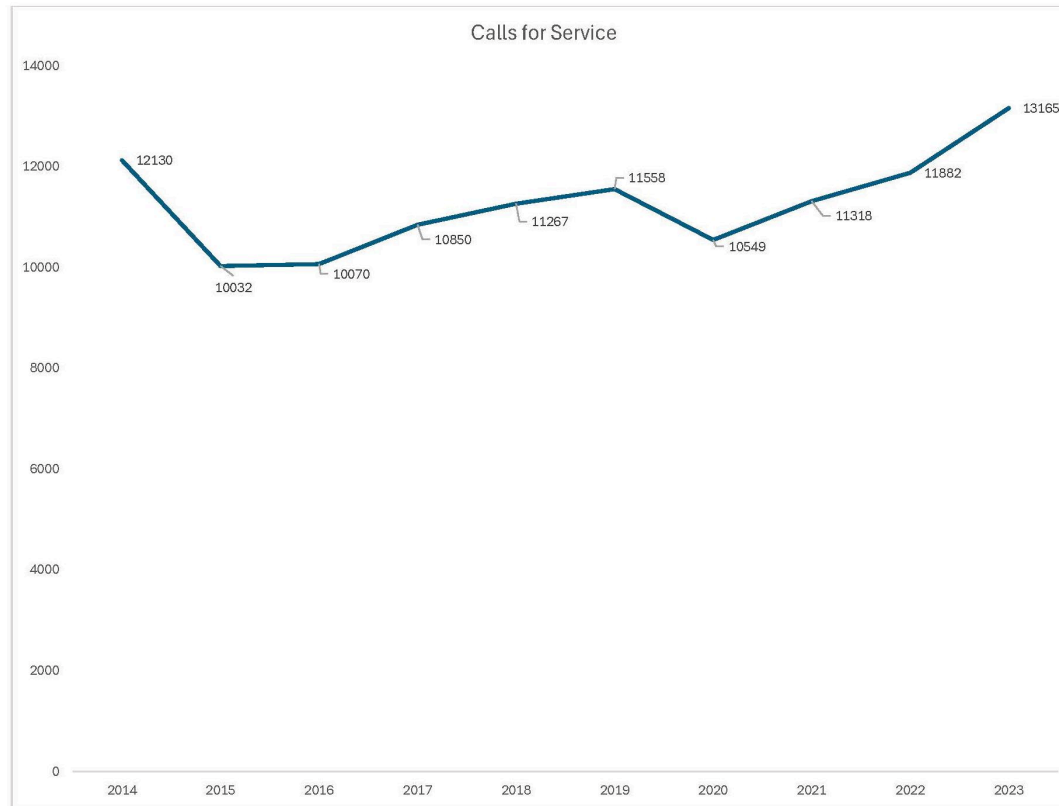
- Translation Services cont.
  - Court already uses a translation service for non-Spanish speakers
  - Working to utilize this type of service throughout the City led by the Police Department
- Diversifying Police Department
  - Sworn - 19% Female – 81% Male
  - - 29% bilingual

# Language etc. cont.

- More Accountable Police Department
  - 1<sup>st</sup> in the region with body cameras
  - 2023 STOP report from the Oregon Criminal Justice Commission
  - Hermiston PD - 3,976 stops
    - 52.3% White
    - 44.3% Latino/a
    - 1.8% Other (Middle Eastern, Native, Asian)
    - 1.6% Black

# Language etc. cont.

- More Accountable Police Department cont.



- City is not a Chamber of Commerce



# Education

- Succinct Information
  - **We Try – We work on complex issues**
- Go Where People Are
  - **Attend events/wear shirts/name tags**
  - **Coffee with a councilor (and staff)**
- Make Leaders Relatable
  - **Educate people about departments/form of government, etc.**

# Education cont.

- Make Leaders Relatable cont.
  - Videos on councilors and why they are involved
  - Videos on council meetings
- Information in One Place
  - Website
  - Facebook
  - Instagram
  - Nextdoor
  - Youtube

# Trust

- Plain Language
  - **Beware of acronyms and jargon**
- Customer Service Training



# Time

- Readerboard
  - **Add another??**
- Unified Community Calendar
- Examine Meeting Times
  - **Barriers/Conflicts**
- Build an App

# Wrap Up

- Thanks to the participants.
- Good Information and New Perspectives to bring to the discussions.
- We are always looking to improve.



# Discussion

*Where Life is Sweet™*





# Monthly Financial Report

June 24, 2024





# Hermiston Urban Renewal Agency (HURA)

- North Hermiston Urban Renewal Area – Design on Aspen Drive project started
- 2<sup>nd</sup> Street Gateway Project – Completed in June

# General Fund

- Monthly Revenues are above projections (~\$324,000)
- Annual Revenues are slightly ahead of projections (5.8%)

# General Fund

- Monthly Expenses above projections by ~\$237,000
  - **Timing of City Hall Debt Payment**
- Annual Expenses below projections 6.7%

# Utility and Street Funds

- Utility Fund - \$65,000 ahead of projections due to land purchase



# Capital Projects

- A number of projects in design
  - **Geer/Harper Realignment**
  - **Well #6 Chlorination**
  - **Well #4 Controls**
- Gladys/Main/Newport – Construction early July

# Capital Projects

- Teen Adventure Park – Start July 1<sup>st</sup>
- Hangar Replacement – Taxilane under construction
- IT Build-out – Scheduled to complete in June
- Harkenrider – Framing/concrete completed
- The Arc – New roof
- Public Safety Center – Phase I Court Renovation



# Discussion Questions?

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*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
 For the Meeting of July 8, 2024

**Title/Subject**

Annexation & Comprehensive Plan Map Amendment - 3 Rivers Oregon Property LLC/Victory Lighthouse Church/Bankston 4N2801B Tax Lots 1500, 1502, & 1503 - 1940/1990/2180 NE 10th St

**Summary and Background**

Dennis Gisi, Larry Bankston, and Victory Lighthouse Church have submitted an application to amend the comprehensive plan map designation for approximately 25.9 acres of land located on the northeast corner of E Theater Lane and NE 10<sup>th</sup> St. The applicant proposes to annex the properties for future development purposes. Each property is contiguous with city limits in NE 10<sup>th</sup> St. The land is proposed for annexation as Low Density Residential (R-1). The comprehensive plan map amendment proposes to change the Future Residential designation to Low Density Residential (R-1).

The properties are under separate ownership. The owners have agreed to file a single application for comprehensive plan map amendment and application in order to be more efficient in terms of traffic analysis. Three Rivers Oregon LLC owns 12.91 acres of vacant land described as 4N2801B Tax lot 1500 and intends to develop the property residentially following annexation. Victory Lighthouse Church owns the 10.92 acre property described as 4N2801B Tax Lot 1503. The property currently contains a church which intends to expand its operations on the western portion and residentially develop the eastern portion of the lot. Larry & Florence Bankston own the 2.015 acre property described as 4N2801B Tax Lot 1502 which contains a single-family dwelling.

The properties sit within a generally rural, but urbanizing portion of the urban growth boundary. To the west sits the newly constructed Loma Vista Elementary School and several single-family subdivisions which are either under construction or are approved by the city and scheduled for construction. To the north and east sit rural single-family estates and undeveloped land. To the south sits the Country Squire Mobile Home Park, the Vista Mobile Home Park, and rural single-family development. Topographically, the site generally slopes downhill from the north to the south. Access to the site is provided by NE 10<sup>th</sup> Street and E Theater Lane.

The properties sit within the urbanizable portion of the urban growth boundary. The city's comprehensive plan map designates each parcel as Future Residential (FR). The county's zoning map designates the property as FU-10. The FU-10 is a residential urbanizable zone

intended to preserve large lots within the UGB to facilitate future urban level development. This land is within the UGB and designated as Future Residential, amending the comprehensive plan designation to Low Density Residential is an implementation of the existing comprehensive plan designation and assigns an urban density level to land that is already accounted for within the city's housing needs analysis and residential land inventory. Thus, there is no change to the city's housing capacity as a result of the amendment. The change is a fulfillment of the residential plan.

The housing needs analysis demonstrates that the city has adequate acreage within the residential inventory to accommodate 18,000 housing units over a twenty-year planning horizon. The housing needs analysis assumes a portion of the future residential land will develop with Low Density Residential designation, providing approximately 1,220 single-family homes or 16% of capacity. The proposed R-1 designation provides capacity of approximately 71 of those 1,220 units. Additionally, all lots may also be developed with two-family dwellings, thereby doubling the capacity to 142 units.

The applicants propose to annex the property with Low Density Residential (R-1) zoning. This designation allows single and two-family dwellings on lots with a minimum lot size of 8,000 square feet. The existing Victory Lighthouse Church is also a use permitted conditionally in the R-1 zone. No additional permitting is required to annex the property with an R-1 zoning designation. Future expansion or modification of the site will require modification of a conditional use permit subject to the requirements of §157.205 through §157.210 of the Hermiston Code of Ordinances. Other uses permitted in the R-1 zone are listed in §157.025 of the Hermiston Code of Ordinances.

When considering an amendment to the comprehensive plan map, the city must apply the criteria contained in the Hermiston Code of Ordinances, the comprehensive plan itself, the Hermiston Planning Area Joint Management Agreement, and state law. The City must consider the state's Transportation Planning Rule (TPR) in OAR 660-012-0060. In order to comply with the TPR, the applicants commissioned a transportation impact analysis (TIA) from PBS Engineering. The TIA considers potential development on the site and analyzes the impacts of that development within the planning horizon for the city's Transportation System Plan. City and ODOT staff reviewed the PBS TIA and determined the development will not have a significant effect on the studied intersections. A copy of ODOT's findings is attached to this report.

E Theater Lane is an urban minor collector from Highway 395 to NE 10<sup>th</sup> Street in the city's TSP. At NE 10<sup>th</sup> Street, it is downgraded to a rural collector. This rural designation reflects the urbanizable nature of the urban growth boundary, thereby retaining the collector status for future east/west connectivity but should develop as an urban collector as urban level development occurs along the frontage east of NE 10<sup>th</sup> Street. As the city grows eastward, the road development will necessarily reflect urban standards. E Theater Lane previously narrowed to 40 feet in right of way width at NE 10<sup>th</sup> Street. However, when Tax Lots 1502 and 1503 were partitioned in 2005, an additional 10 feet of right way was dedicated to E Theater Lane, bringing the right of way into compliance with collector standards. No additional right of way dedication is necessary for E Theater Lane. However, development will trigger street improvement to E Theater Lane in compliance with urban minor collector standards in the city's public works details.

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexation are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended, and the property owner is willing to bear costs associated with sewer, water, and roads.

Chapter 156 of the Hermiston Code of Ordinances provides the procedures for amendments to the comprehensive plan. Specific criteria are not detailed within the code, but all amendments to the comprehensive plan and implementing ordinances are required to demonstrate compliance with the statewide planning goals and the Hermiston Comprehensive Plan policies. Findings of fact demonstrating compliance are attached as Exhibit A.

Public notice requirements have been satisfied through the following actions:

1. Notice was provided by direct mail to all property owners within 300 feet on May 22, 2024.
2. Notice was published in the Hermiston Herald on May 22 and 29, 2024 and on May 29 and June 5, 2024.
3. A sign displaying a notice of public hearing was placed on the property on May 22, 2024.
4. Oral announcement of any change to those times were made at the scheduled meeting.

### **Tie-In to Council Goals**

Housing continues to be a council priority.

### **Fiscal Information**

There is no fiscal impact resulting from amendments to the comprehensive plan. However, annexation will add the land to the city's property tax base. The properties have an assessed value of \$448,860. The property has the potential to add 71 or more dwellings. Residential development will likely generate approximately \$151,000 annually at full build-out.

### **Alternatives and Recommendation**

#### **Alternatives**

The city council may choose to:

- Approve conversion and annexation of the property as proposed
- Deny conversion and annexation of the property at this time

#### **Recommended Action/Motion**

Staff recommends that the city council approve Ordinances #2358 amending the comprehensive plan map as proposed and approve Ordinance #2359 annexing the property as proposed.

Staff recommends the following motions:

- Motion to adopt findings of fact on conversion, annexation, and zoning designation
- Motion to impose conditions of approval



- Motion to approve Ordinance #2358 amending the City's Comprehensive Plan proposed
- Motion to approve Ordinance #2359 annexing the property as proposed

**Submitted By:**

C.F. Spencer, Planning Director

**Exhibit A****Findings of Fact****Bankston/3 Rivers Oregon Property LLC/Victory Lighthouse Church****Comprehensive Plan Map Amendment and Annexation****1940/1990/2180 NE 10<sup>th</sup> Street****July 8, 2024***Findings of Fact on Comprehensive Plan Map Amendment***Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)**

1. Notice of the proposed annexation and amendment before the planning commission was published in the local newspaper on May 22 and 29, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed land use action was physically posted on the property on May 22, 2024, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on May 22, 2024, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
4. Notice of hearing on the proposed annexation and amendment before the city council was published in the local newspaper on May 29 and June 5, 2024, soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
5. The notice listed in finding 4 above listed June 24, 2024 as the date of the hearing. At the June 24 hearing the council president verbally announced to those in attendance that the hearing was rescheduled to July 8, 2024.
6. Comments received as a result of all required publications are incorporated into the record of proceedings.

**Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)**

7. The city is required to review its land use designations and supply adequate amounts of all zoning types.
8. The proposed map amendments are citizen initiated to fulfill perceived market demand rather than city initiated. The city applies all applicable comprehensive plan policies and statewide planning goals to determine the appropriateness of the proposed amendments to land supply.
9. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, and the Confederated Tribes of the Umatilla Indian Reservation on May 22, 2024.
10. The subject properties of approximately a combined 25.85 acres of land is within the urban growth area and has the "urbanizable" plan designation and a FR (Future Residential) comprehensive plan designation and FU-10 zoning designation. The owners have evaluated the market demands and analyzed appropriate and compatible uses in the

neighborhood surrounding the subject property. Both owners are each proposing single family housing, which will be compatible to the neighborhood.

11. The proposed R-1 zoning includes a combined 25.85 acres between the three parcels (TL 1500, 1502, and 1503).

**Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)**

12. As all three parcels adjoin existing roadways, utilities, and the existing Hermiston city limits, the change will promote compact urban development and ensure efficient utilization of land resources. It will facilitate economic provision of urban facilities and services because it will add much needed housing stock for the local residents. It will also convert land that is not considered high value farmland to low density (R-1) residential lots.
13. The existing church is considered a preexisting conditional use within the proposed R-1 zone under its previous approval from Umatilla County. Future expansion, or change in use on the site will require new conditional use approval subject to 157.205 through 157.210 of the Hermiston Code of Ordinances.
14. Residential development is needed in this area and is a good fit with existing adjacent property uses.
15. The property is within the urbanizable portion of the UGB and has a county FR (Future Residential) comprehensive plan and an FU-10 zoning designation. The property is adjacent to the city limits and the proposed annexation is consistent with Policy 5. Following amendment of the plan map designation to a mix of low density residential, the property will become part of the urban portion of the UGB.
16. The applicant is proposing annexation and incorporation to the city and therefore Policy 6 is not applicable.

**Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)**

17. The Subject properties are vacant or used as a residence and a church. It is located within the city's acknowledged urban growth boundary and is designated as urbanizable land. The land is not considered high value farmland and is not protected as Goal 3 farmland and therefore an exception to Statewide Planning Goal 3 is not required.

**Goal 4 (Forest Lands) and Policy 7 (Natural Resources)**

18. There are no forest lands identified within the Hermiston UGB. Goal 4 is not applicable.

**Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)**

19. The properties do not have any identified natural resources, scenic and historic areas, open spaces, surface water, mineral or historic resources, therefore an exception to the Statewide Planning Goals 5, 8, 9 and 10 is not required.

**Goal 6 (Air, Water and Land Resources Quality and Policies 11 (Air Quality), 12 (Noise), and 13 (Water Quality)**

20. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances.

Development is required to preserve natural resource quality as part of the development review and construction process.

**Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)**

21. Figure 12 of the Hermiston Comprehensive Plan indicates this property is subject to potential natural hazards due to excessively well drained soils.
22. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources.
23. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

**Goal 8 (Recreational Needs) and Policy 16 (Parks, Recreation and Open Space)**

24. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This portion of the urban growth boundary is not identified in either document as a potential park site. Additionally, the city has developed Cimmaron Park within 1,500 feet of this site.

**Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)**

25. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. This land is listed on the Comprehensive Plan as F-R and not meant for economic development. Employment lands are not affected by this amendment to the comprehensive plan. Therefore, Goal 9 and the implementing policies are not applicable.

**Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)**

26. Changing the subject property from county F-R to city R-1 Low-Density helps satisfy the city's projected housing need. The 2021 City of Hermiston Housing Capacity Analysis shows the existing housing supply of 8,051 housing units. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1% between 2020 and 2040. To accommodate the growth in population, the city's projected need within the city's housing needs analysis will require a total of 10,081 housing units, resulting in a need for 2,030 new housing units by 2040.
27. The subject property is currently zoned county FU-10, which allows for one housing unit per 10-acre lot. The proposed change includes 25.85 acres zoned R-1 Low-Density Residential which the applicant believes will yield 65-70 housing units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 1,164 new single family detached units are needed by 2040. There is an identified demand of 1,220 new units within the Low-Density zoning by 2040 thus the proposed zone change would go further to satisfy this projected need than the current zoning.
28. This residential development is close to public services, schools, and retail services, as well as public transit.

29. Applicant plans to develop lots primarily for single-family detached homes that would range in sales price from low \$300s to mid-\$400s.
30. The creation of approximately 70 new houses will have a meaningful impact on housing availability and affordability, in alignment with Policies 21 and 22.

**Goal 11 (Public Facilities and Services) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)**

31. Water and sewer are currently adjacent to the property on 10<sup>th</sup> Street.
32. NE 10<sup>th</sup> Street is an urban major collector that borders all three of the properties. East Theatre Lane is classified as a minor collector that runs along the south border of the southern property (Tax Lot 1503). All streets abutting the property will be improved to comply with the city's transportation plan at such time as development of abutting phases occurs.
33. All storm water will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
34. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
35. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
36. The Hermiston Police Department provides public safety services to the area under consideration. The police department has adequate capacity to patrol and protect the area with no additional actions required by the developer.
37. Umatilla County Fire District #1 provides fire and life safety services to the area under consideration. The UCFD#1 has adequate capacity to service the area with no additional actions required by the developer.
38. Concurrent with development, applicant will extend power and telecommunications services to the property after adoption of annexation and zone changes.

**Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)**

39. Applicant has provided a transportation study and transportation impact analysis.
40. The Oregon Department of Transportation has accepted the submitted analysis.
41. The following summary and recommendations have been extracted from the transportation study performed by PBS Engineering and Environmental, Inc.
  - All study intersections are anticipated to operate within agency mobility standards in the 2025 Current and Proposed Zone Designation scenarios. As such, no improvements are specifically necessary to mitigate the Proposed Zone Designation transportation impacts.
  - All study intersections have adequate storage available on all approach movements to accommodate the 95th percentile vehicle queues.

**Goal 13 (Energy Conservation)**

42. This goal requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The proposed zoning of the subject property will promote low-scale density residential development in close proximity to schools, parks, and existing commercial neighborhoods thereby minimizing travel needs.

**Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)**

43. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

*Findings of Fact on Annexation*

1. The City has received consent to annexation from the property owners for approximately 25.8 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on May 22 and 29, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on May 22, 2024.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on June 12, 2024. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on May 29 and June 5, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on July 8, 2024. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
  - a. The city has received consent from the property owners within the affected area.
  - b. An election has been deemed not necessary since consent from more than half the owners has been received.
  - c. The property is contiguous with the existing city limits.
  - d. All statutorily required notices have been published and posted.
9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.



12. Water is currently adjacent to the property in NE 10<sup>th</sup> Street. A 12" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
13. Sanitary sewer is currently available adjacent to the property in NE 10<sup>th</sup> Street. A 12" line is available to service the property and may be extended into the development site. Sewer sizing will be determined at the time of development.
14. Applicant is willing to extend both sewer and water to the subject property.

*Findings of Fact on Zoning Designation*

1. Following amendment by the city and adoption by Umatilla County, the comprehensive plan map will designate the area as Low Density Residential. Proposed map designations are attached as a map to this report.
2. The proposed Low Density Residential zoning designation appropriately implements the Low Density Residential comprehensive plan map designations adopted for the property.

**Exhibit B**  
**Conditions of Approval**  
**Bankston/3 Rivers Oregon Property LLC/Victory Lighthouse Church**  
**Comprehensive Plan Map Amendment and Annexation**  
**1940/1990/2180 NE 10<sup>th</sup> Street**  
**July 8, 2024**

Subject to the testimony received and deliberations of the planning commission, the following draft findings are proposed:

1. Annexation is contingent upon co-adoption of the comprehensive plan map amendment by Umatilla County under the provisions of the Hermiston Planning Area Joint Management Agreement, dated March 2, 2017. In the event that Umatilla County fails to co-adopt the map amendments, annexation shall fail, and a new comprehensive plan map amendment and annexation application shall be submitted.
2. Portions of the property are identified on Figure 12 of the Hermiston Comprehensive Plan as being subject to ground water pollution hazards due to excessively well-drained soils. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. Future access to NE 10<sup>th</sup> Street and E Theater Lane will be subject to access permitting by the Umatilla County Road Department.
4. NE 10th Street adjacent to each parcel shall be improved to urban major collector status to the centerline at such time that development occurs on each affected parcel.
5. E Theater Lane adjacent to Tax Lot 1503 shall be improved to urban minor collector status to the centerline, plus one travel lane at such time that development occurs on Tax Lot 1503.





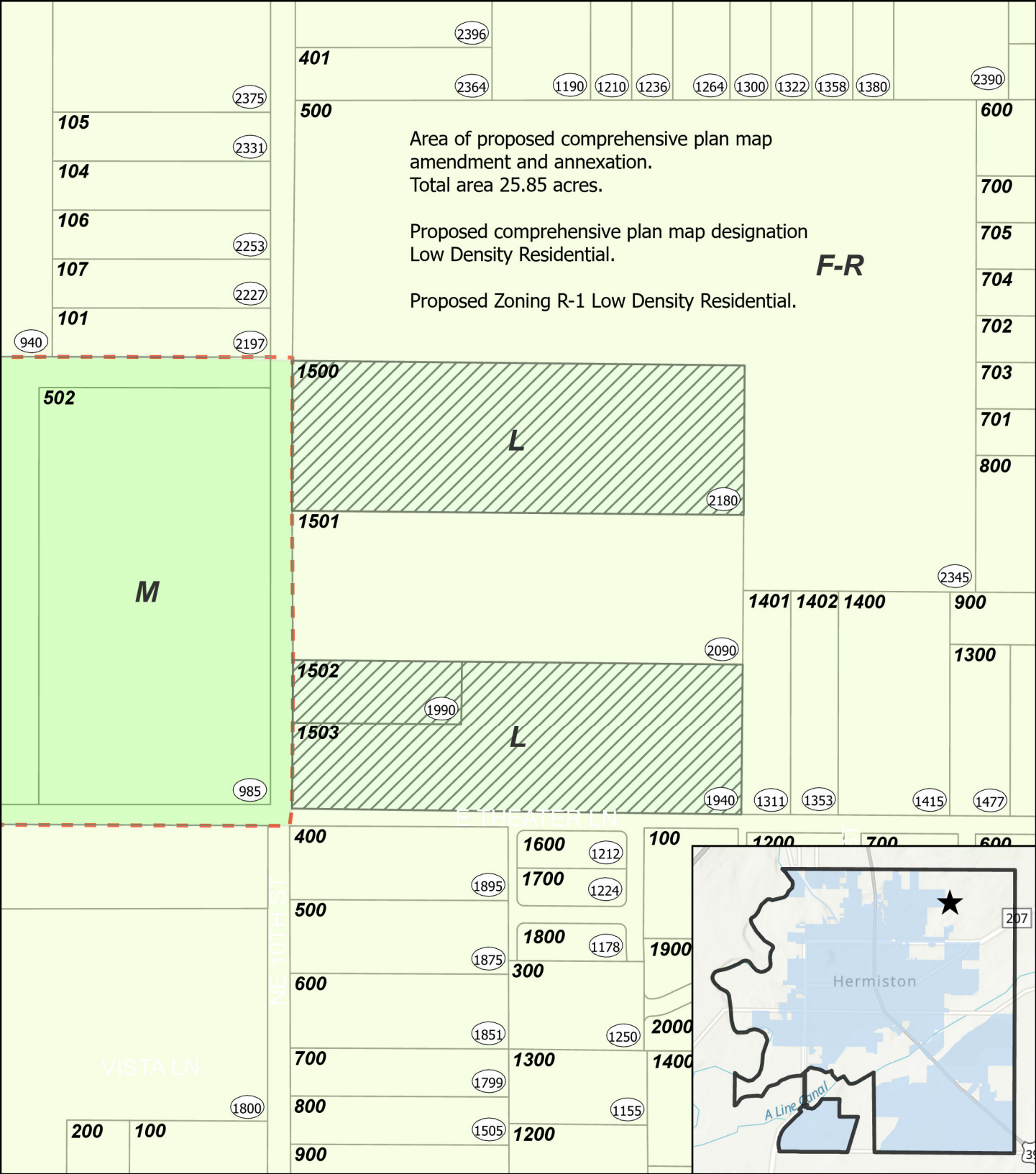
Legend

- Area of Annexation and Comp Plan Amendment
- Property Line
- City Limits
- Urban Growth Boundary

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Feet

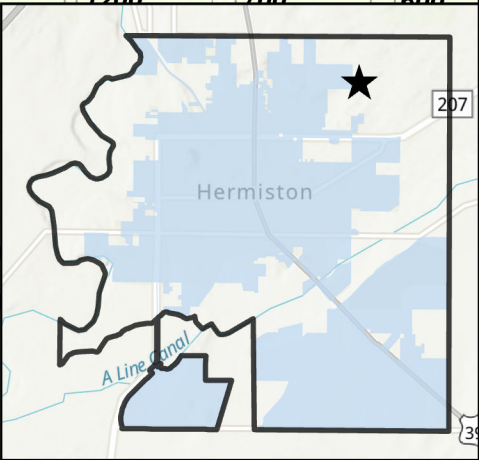






**Legend**

- City Limits
- Urban Growth Boundary
- Comprehensive Plan Map Designation
  - F-R
  - L
  - M



# 10th Street Subdivision Traffic Impact Analysis

City of Hermiston Tax Lots 4N2801B001500, 4N2801B001501, and  
4N2801B001503

Hermiston, Oregon 97838

Prepared for:

Dennis Gisi

PO Box 906

Walla Walla, WA 99362

&

Victory Lighthouse Church

1940 NE 10th St

Hermiston, OR 97838

February 5, 2024

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Traffic Impact Analysis for 10th Street Subdivision  
Dennis Gisi & Victory Lighthouse Church

Tax Lot Number: 4N2801B001500, 4N2801B001501,  
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1 INTRODUCTION

The purpose of this study is to determine the impact of the traffic generated by the 10th Street Subdivision (Project) on the surrounding roadway infrastructure. The project sites are shown on the vicinity map (Figure 1). This study will determine if mitigation is required to keep the roadways operating safely and at capacity levels acceptable under the current level of service (LOS) standards. This report documents the findings and conclusions of a traffic impact analysis (TIA) conducted for the proposed site plans (Figure 2) for property located in Hermiston, Oregon.

1.1 Scope of Study

This study documents the existing and proposed conditions, traffic data, safety analysis, and intersection operations in accordance with the City of Hermiston (City) TIA guidelines, which are presented within the City's *Public Works Standards, Technical Specifications, and Standard Drawings* (see References).

The following intersections were identified for analysis:

1. 10th St / Theater Ln

2. 10th St / Punkin Center Rd

3. US-395 / Punkin Center Rd

4. US-395 / Theater Ln

5. 10th Street / First Access (Proposed)
6. 10th Street / Second Access (Proposed)

7. Theater Lane Access (Proposed)

8. 10th Street / Church Access

9. 10th Street / Third Access (Proposed)

10. 10th Street / Fourth Access (Proposed)

This TIA includes analysis of future background conditions growth based on an assumed 2% annual growth rate.

This TIA is prepared for submission to the City. The traffic-related issues addressed in this report include:

- Existing traffic conditions
- Proposed site-generated traffic volumes and their distribution
- Build-out year (2025) conditions without and with the project
- Capacity analysis of the existing and future conditions for weekday PM peak hours
- Safety analysis of the existing and future conditions
- Recommendations for mitigation of traffic impacts and conclusions

1.2 Existing Site Conditions

The project site consists of three tax lot numbers (4N2801B001500, 4N2801B001501, and 4N2801B001503) and is located at 10th Street in Hermiston, Oregon. Tax lot number 4N2801B001500 is owned by Dennis Gisi, and 4N2801B001503 is owned by Victory Lighthouse Church. Tax lot number 4N2801B001501 is not currently owned by Dennis Gisi but is included as part of this traffic impact analysis (TIA) in case of future development of the lot. It is assumed that the lot will be identical to Tax Lot Number 4N2801B001500 (the 45-lot site) as seen on the site plan in Figure 2.

All three tax lots are currently undeveloped.

1.3 Existing Infrastructure

The existing infrastructure and operational traffic conditions in the study area were documented. Roadway conditions were studied to confirm that the roadway is currently operating in a safe and efficient manner.

1.3.1 Land Uses

The land uses surrounding the site are documented to help identify the site location and provide reference for any discussion of conditions that might impact the adjacent properties. The land uses surrounding the site are shown in Table 1.

Table 1. Land Uses Around the Site

North of Site		
Zoning	Unzoned	
Description	Within City Urban Growth Boundary (UGB)	
Existing Use	Undeveloped	

West of Site		S I T E	East of Site	
Zoning	R-3		Zoning	Unzoned
Description	Medium-High Density Residential Zone		Description	Within City UGB
Existing Use	Elementary School		Existing Use	Residential & Undeveloped

South of Site	
Zoning	Unzoned
Description	Within City UGB
Existing Use	Residential

1.3.2 Existing Roadways

The existing roadways providing access to the site are 10th Street and Theater Lane. Data was gathered on these and other roadways in the study area to inform operations analysis of the existing roadway system. The pertinent information regarding the study area roadways is tabulated below in Table 2.

Table 2. Existing Roadway Information

Roadway Name	Classification <sup>1</sup>	Speed Limit (mph)	Lane Configuration			
			Lanes	Sidewalks	Bike Lanes	TWLTL
US-395	Highway	45	4	Yes	No	Yes
10th Street	Urban Major Collector	45	2	No	No	No
Theater Lane	Rural Collector	25	2	No	No	No
Punkin Center Road	Urban Major Collector	45	2	No	No	No



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mph: miles per hour; TWLTL: two-way left-turn lane

<sup>1</sup> Based on the City of Hermiston Transportation System Plan. See  
<https://hermiston.maps.arcgis.com/apps/View/index.html?appid=14224b2c622c452ba28e985646812b13>

**1.3.3 Major Intersections and Traffic Controls**

Figure 3 shows existing lane configurations and intersections controls for each studied intersection.

**1.4 Traffic Volumes**

**1.4.1 Baseline Traffic Volumes**

Turning movement counts were gathered for the weekday PM (4:00 to 6:00 pm) peak periods by All Traffic Data on January 9, 2024, at the following list of studied intersections:

- 1. 10th St / Theater Ln
- 2. 10th St / Punkin Center Rd
- 3. US-395 / Punkin Center Rd
- 4. US-395 / Theater Ln

Figure 4 shows the 2024 existing volumes based on these counts. Copies of the count data used are provided in Appendix A.

**1.4.2 Background Growth**

Background growth is a linear increase in traffic volumes that is not attributable to specific developments. A linear background growth of 2% was applied to all 2024 existing peak hour movement volumes between public roadways at the studied intersections.

**1.4.3 In-Process Projects**

There is one in-process project currently in the study area. MonteVista Homes, a 250-lot single family home development west of the Project site. Little information is provided with respect to the build-out date of the project. It will be assumed that the first two phases of the project will be built when our Project is built out in 2025. See Figure 5 for the In-Process Project trip distribution and Appendix G for the reference in-process project information.

**1.4.4 Future Volumes**

The baseline volumes for the 2025 intersection operations analyses, termed the 2025 Without Project volumes, represent the sum of 2024 existing traffic and background growth. Figure 6 presents the 2025 Without Project volumes for the weekday PM peak hour. These volumes were input to the intersection operations analyses, addressed later in this TIA.

2 PROPOSED CONDITIONS

The proposed development will add traffic to the roadway system. The project location, size, and completion date are all important elements that need to be considered to determine the development’s impacts on safety and capacity. It is also important to exine how the project will operate with the existing transportation system, estimate how much new traffic it will generate, and predict where traffic generated by the site will be distributed. Furthermore, this section will address any funded infrastructure changes planned by other agencies or developers. All these elements are important in assessing the traffic impacts of this project.

2.1 Project Description

The applicants, Dennis Gisi and Victory Lighthouse Church, propose to develop subdivisions and a church expansion along 10th Street located at Tax lot numbers 4N2801B001500, 4N2801B001501, and 4N2801B001503 in Hermiston, Oregon. The applicants propose constructing a total of 113 single family homes and a 10,000 square-foot (sf) expansion of additional church amenities/sanctuary developed in accordance with City of Hermiston zoning ordinances for low density residential development.

Tax lot number 4N2801B001501 is not currently owned by Dennis Gisi but is included as part of this traffic impact analysis (TIA) in case of future development of the lot. It is assumed that the lot will be identical to Tax Lot Number 4N2801B001500 as seen on the site plan. See Figure 1 for the vicinity map and Figure 2 for the site plans. The estimated completion date of the project is 2025.

2.2 Access and Circulation

The applicants propose four new accesses to the site through 10th Street, one new access to the site on Theater Lane, and there is an existing access to the Church. See Figure 2 for the site plan. The two most northern proposed accesses closely align with the new Loma Vista Elementary School accesses.

2.3 Trip Generation and Distribution

The following sections rely on data provided in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual* (see References). Detailed trip generation calculations are provided in Appendix B.

2.3.1 Proposed Trip Generation

The trips generated by the site are estimated by treating the development as 113 units of “Single-Family Attached Housing” ITE land use code 210 and 10,000 square-feet of “Church” ITE land use code 560. The trip generation results are summarized in Table 3, and the calculation details are attached. The site trips are presented for the average weekday and the PM peak hour between 4:00 pm and 6:00 pm.

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**Table 3. ITE Trip Generation – 10th Street Subdivision**

Land Use (ITE Code)	Single-Family Detached Housing (210)		Church (560)		Combined	
Independent Variable	Dwelling Units		1,000 sf GFA <sup>2</sup>			
Size	113		10			
Time Period	ADT <sup>1</sup>	PM Peak Hour	ADT	PM Peak Hour	ADT	PM Peak Hour
In	565	70	38	2	603	72
Out	565	41	38	3	603	44
Total Trips	1,130	111	76	5	1,206	116

<sup>1</sup> ADT = Average Daily Traffic

<sup>2</sup> sf GFA = Square-Foot Gross Floor Area

**Findings:** The Project is anticipated to generate 1,206 vehicle trips during a typical weekday and 116 vehicle trips during the PM peak hour.

### 2.3.2 Proposed Trip Distribution

The trip distribution is based on engineering judgement and feedback from ODOT and the City. Trip distribution and trip generation were used together to assign trips to access points and the studied intersections. The distribution of site-generated trips was estimated as follows:

- 60% to and from US-395, north of Punkin Center Road.
- 5% to and from Punkin Center Road, west of US-395.
- 15% to and from US-395, south of Theater Lane.
- 5% to and from Theater Lane, west of US-395.
- 10% to and from NE 10th street, south of the Theater Lane.
- 5% to and from Punkin Center Road, east of 10th Street.

Site-generated trip distribution and assignments are provided in Figure 7.

### 2.3.3 Future Volumes with Project

Figure 8 presents the 2025 With Project volumes, or the sum of Without Project volumes and the site-generated trips, for the weekday PM peak hours.

### 3 INTERSECTION OPERATIONS AND ROADWAY CAPACITY ANALYSES

#### 3.1 Operations Description

Traffic operations are assessed in terms of LOS, a concept developed by transportation engineers to qualify the level of operation of intersections and roadways (*Highway Capacity Manual* (HCM), see References). LOS measures are classified in grades "A" through "F," indicating a range of operation, with LOS "A" signifying the best level of operation and LOS "F" representing the worst level.

LOS at unsignalized intersections is quantified in terms of average delay per vehicle. LOS "A" reflects full freedom of operation for a driver, while LOS "F" represents operational failure.

The volume-to-capacity (v/c) ratio quantifies the portion of the theoretical capacity consumed by traffic demand volume. A v/c ratio of zero (0.00) reflects none of the capacity is consumed and all the capacity is fully available. A v/c ratio of one (1.00) reflects all the capacity consumed and represents operational failure. The v/c ratio can be calculated for an intersection approach lane or for a signalized intersection, with the latter calculation aggregating the v/c ratios of the critical movements.

#### 3.2 Operation Standards

The City only uses LOS to evaluate intersection operations. The mobility standard for the studied intersections that fall under the City's operation standard is LOS "D" or better according to *City of Hermiston Transportation System Plan* (See Reference). This standard is applicable to the 10th Street/Theater Lane, 10th Street/Punkin Center Road, and access intersections.

ODOT has a mobility standard of a v/c ratio of 0.80 or less for Freight Routes on a Statewide Highway located inside an Urban Growth Boundary in a non-metropolitan planning organization (MPO) with a speed limit greater than or equal to 45 miles per hour (see Appendix C). The mobility standard for the intersecting local roads is a v/c ratio of 0.90 or less. These standards apply to the US-395 / Punkin Center Road and US-395 / Theater Lane intersections, with US-395 being the Freight Route standard and the other roads being the intersection local roads standard.

#### 3.3 Analysis Methodology

The project's traffic impacts were estimated to determine the changes in traffic conditions. To make these determinations, the following were employed:

- The individual peak hour volumes were analyzed for 2024 and 2025.
- The peak hour factor (PHF) for the overall intersection, as calculated from the count data, was applied for the 2024 baseline analysis scenario and the future 2025 conditions.
- The counts on ODOT facilities were seasonally adjusted based on the ODOT 2022 On-Site Automatic Traffic Recorders Table and ODOT 2023 Seasonal Trend Table according to Analysis Procedures Manual, Version 2 (See Reference).
- A minimum heavy vehicle percentage (HV%) of 2% was assumed for each movement for all analysis scenarios. The HV% calculated from the count data was applied if it was greater than 2%.
- Baseline traffic volumes on the surrounding street system were determined prior to adding the traffic impacts of the proposed project. Baseline traffic volume estimates were prepared for 2025 Without Project conditions.



- As noted previously, trip generation estimates for the project were prepared for the weekday PM peak hour on the surrounding street system.
- Cumulative traffic impacts of the proposed Project were determined by adding the project-generated traffic to the background weekday PM peak traffic at all studied intersections. This is termed the 2025 With Project condition.
- The LOS for all signalized and stop-controlled intersections was calculated with Trafficware’s Synchro software, Version 11, based on HCM 6th Edition (see References) methodologies.
- Queuing analysis was performed to evaluate queue storage adequacy at the studied intersections. The 95th percentile queues were estimated using simulation models in Trafficware’s Synchro software, Version 11
- The intersection results report the critical approach LOS and delay for the City’s intersections and reports the major and minor approach v/c ratios of ODOT highway intersections.

3.4 Level of Service Analyses

LOS calculation reports for the study area intersections are provided in Appendix D. The key analysis findings are listed in the following tables. LOS results that do not meet the City’s standards are shown in bold text.

Lane group abbreviations for the following tables are defined and patterned as follows:

- WB = Westbound, EB = Eastbound, NB = Northbound, SB = Southbound
- WBT = Westbound Through
- WBR = Westbound Right
- WBL = Westbound Left
- WBTR = Westbound Through-Right
- WBLT = Westbound Left-Through
- WBLR = Westbound Left-Right
- WBLTR = Westbound Left-Through-Right

3.4.1 2024 Existing Conditions

Table 4 describes the LOS for each intersection within the study area for the 2024 baseline volumes during the PM peak hours.

Table 4. Estimated 2024 LOS for Existing Conditions

Intersection	Intersection Control	Mobility Standard	PM Peak Hour		
			LOS	Delay (sec/veh)	v/c (lane)
10th St / Theater Ln	TWSC	LOS D	B	10.3	0.012 (WB)
10th St / Punkin Center Rd	TWSC	LOS D	B	11.1	0.082 (NB)
US-395 / E Punkin Center Rd	Signalized	v/c ≤ 0.80 <sup>1</sup> v/c ≤ 0.90 <sup>2</sup>	B	14.1	0.54 (SBTR) <sup>1</sup> 0.50 (WBR) <sup>2</sup>
US-395 / Theater Ln	Signalized	v/c ≤ 0.80 <sup>1</sup> v/c ≤ 0.90 <sup>2</sup>	B	19.0	0.70 (NBTR) <sup>1</sup> 0.71 (EBR) <sup>2</sup>

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Intersection	Intersection Control	Mobility Standard	PM Peak Hour		
			LOS	Delay (sec/veh)	v/c (lane)
10th St / Church Access	TWSC	LOS D	A	0	0

sec/veh: seconds per vehicle; TWSC: two-way stop control

<sup>1</sup> For ODOT Highway Approaches

<sup>2</sup> For Local Road Approaches

**Findings:** As shown in Table 4, all studied intersections currently operate at an acceptable LOS in the 2024 Existing conditions during the Weekday PM peak hours.

### 3.4.2 2025 Future Conditions Without Project

Table 5 describes the LOS for each intersection within the study area for the 2025 volumes without the project trips during the PM peak hours.

**Table 5. Estimated 2025 LOS for Without Project Conditions**

Intersection	Intersection Control	Mobility Standard	PM Peak Hour		
			LOS	Delay (sec/veh)	v/c (lane)
10th St / Theater Ln	TWSC	LOS D	B	10.3	0.012 (WB)
10th St / Punkin Center Rd	TWSC	LOS D	B	11.2	0.085 (NB)
US-395 / E Punkin Center Rd	Signalized	v/c ≤ 0.80 <sup>1</sup> v/c ≤ 0.90 <sup>2</sup>	B	14.5	0.56 (SBTR) <sup>1</sup> 0.51 (WBR) <sup>2</sup>
US-395 / Theater Ln	Signalized	v/c ≤ 0.80 <sup>1</sup> v/c ≤ 0.90 <sup>2</sup>	C	20.4	0.72 (NBTR) <sup>1</sup> 0.71 (EBR) <sup>2</sup>
10th St / Church Access	TWSC	LOS D	A	0	0

sec/veh: seconds per vehicle; TWSC: two-way stop control

<sup>1</sup> For ODOT Highway Approaches

<sup>2</sup> For Local Road Approaches

**Findings:** As shown in Table 5, all studied intersections will operate within acceptable LOS in 2025 Without Project conditions during the Weekday PM peak hour.

### 3.4.3 2025 Future Conditions with Project

Table 6 describes the LOS for each intersection within the study area for the 2025 volumes with the project trips during the PM peak hours.

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**Table 6. Estimated 2025 LOS for With Project Conditions**

Intersection	Intersection Control	Mobility Standard	PM Peak Hour		
			LOS	Delay (sec/veh)	v/c (lane)
10th St / Theater Ln	TWSC	LOS D	B	10.7	0.028 (WB)
10th St / Punkin Center Rd	TWSC	LOS D	B	12.0	0.142 (NB)
US-395 / E Punkin Center Rd	Signalized	$v/c \leq 0.80^1$ $v/c \leq 0.90^2$	B	15.5	0.62 (SBL) <sup>1</sup> 0.56 (WBR) <sup>2</sup>
US-395 / Theater Ln	Signalized	$v/c \leq 0.80^1$ $v/c \leq 0.90^2$	C	21.3	0.73 (NBR) <sup>1</sup> 0.72 (EBR) <sup>2</sup>
10th St / Church Access	TWSC	LOS D	A	9.3	0.004 (WB)
10th St / First Access	TWSC	LOS D	A	8.7	0.01 (WB)
Theater Ln / Access	TWSC	LOS D	A	8.4	0.009 (SB)
10th St / Second Access	TWSC	LOS D	A	8.7	0.01 (WB)
10th St / Third Access	TWSC	LOS D	A	9.1	0.011 (WB)
10th St / Fourth Access	TWSC	LOS D	A	9.1	0.011 (WB)

sec/veh: seconds per vehicle; TWSC: two-way stop control

<sup>1</sup> For ODOT Highway Approaches

<sup>2</sup> For Local Road Approaches

**Findings:** As shown in Table 6, all studied intersections will operate within acceptable LOS in 2025 With Project conditions during the Weekday PM peak hour.

### 3.5 Queuing Analysis

Queuing analysis was performed to evaluate queue storage adequacy at the studied intersections. To make these determinations, the following approaches were employed:

- The 95th percentile queues were estimated using the Trafficware's Synchro software (Version 11).
- Queue demand was rounded up to the nearest 25 feet, the average length of a queued vehicle.
- Available storage was measured from aerial photography and was rounded to the nearest 5 feet.
- Queues are reported for all controlled approach lanes. Uncontrolled lanes do not experience queuing and are not reported.

Table 7 summarize queuing analysis results for the PM peak hours. Queues that exceed the available storage are shown in bold text. Data output sheets from all queuing calculations are included in Appendix E.

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**Table 7. PM Peak Hour Intersection Queueing Analysis**

Intersection	Approach and Movement		Available Storage (Feet)	95th Percentile Queue (Feet)	
				2025 Without Project	2025 With Project
1. 10th St / Theater Ln	EB	LTR	1000+	75	75
	WB	LTR	1000+	50	50
	NB	LTR	1000+	25	25
	SB	LTR	1000+	-	-
2. 10th St / Punkin Center Rd	EB	TR	425	-	25
	WB	LT	825	25	25
	NB	LR	1000+	50	75
3. US-395 / Punkin Center Rd	EB	L	175	75	100
		TR	750	100	125
	WB	L	175	75	75
		TR	345	100	125
	NB	L	230	75	75
		T	1000+	175	175
		TR	750	175	175
	SB	L	230	150	150
		T	1000+	125	150
		TR	890	150	175
4. US-395 / Theater Ln Road	EB	L	140	100	100
		TR	1,000+	150	150
	WB	L	140	100	100
		TR	400	125	125
	NB	L	230	150	150
		T	1000+	250	250
		TR	325	250	250
	SB	L	220	125	125
		T	1000+	250	275
		TR	340	225	250

**Findings:** As shown in Tables 7, all 95th percentile queue lengths are at or below the existing storage lengths for each lane movement. No queuing concerns were identified at the studied intersections.



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## 4 SAFETY ANALYSIS

### 4.1 Collision Analysis

Collision data from the study area were obtained from WSDOT for the five-year period spanning from January 2018 through December 2022. This analysis assumes a collision rate less than the 1 per Million Entering Vehicle (MEV) is typically considered to be within acceptable parameters. A collision rate above 1 per MEV is formatted in bold font and is worthy of further examination. The detailed collision data can be found in Appendix F. Table 8 presents the results of the collision analysis.

**Table 8. Collision Analysis for Study Area Intersections (January 2018 through December 2022)**

Intersection	Collision Type						Total Collisions	Collision Rate
	Angle	Left-Turn	Rear-End	Sideswipe	Object	Other		
1. 10th St / Theater Ln	-	-	-	-	-	-	0	0
2. 10th St / Punkin Center Rd	-	-	-	-	-	-	0	0
3. US-395 / Punkin Center Rd	6	3	5	-	-	-	14	0.35
4. US-395 / Theater Ln Road	4	4	1	-	-	3	12	0.31

To calculate the collision rate, the PM peak hour total entering volumes from the existing TMCs were multiplied by 10 to provide an approximation of the average daily traffic (ADT). Detailed calculations of collision rates are provided in Appendix F.

As shown in table 8, the collision rate is less than 1 per MEV at all study intersections.

*Findings:* The 2018 through 2022 collision history at the study intersections was reviewed. All studied intersections have a collision rate below 1 per MEV.

### 4.2 Transit, Pedestrian, and Bicycle Facilities

Sidewalks currently exist partially along Theater Lane, west of 10th Street, and no sidewalks are available east of 10th Street. Sidewalks are also currently available along the west side of 10th Street, along the Loma Vista Elementary School frontage. The proposed development will construct sidewalks along the frontages of 10th Street and Theater Lane.

Bicycle lanes are not available along the studied roadways. According to the City's TSP, 10th Street, Punkin Center Road, and Theater Lane are identified to have bike lanes in future. Punkin Center Road is identified to have a shoulder bikeway while 10th street and Theater Lane are identified to have on-street bike lane.

There is no transit service nearby.

To assure accessibility compliance, all driveways, sidewalks, crosswalks, and curb ramps constructed with 10th Street subdivision should be designed and constructed according to the current Americans with Disabilities Act (ADA) guidelines.

*Findings:* Pedestrian transportation options are currently not available. However, it might become available with the proposed development, for future residents. Bicycle and transit facilities are not presently available; however, they may be provided in the future as the area builds out.

**4.3 Intersection Sight Distance**

The sight distance at the proposed site accesses along 10th Street and Theater Lane were checked using aerial imagery to verify it can meet intersection sight distance (ISD) requirements and that no objects are within the ISD triangles that would block approaching drivers' views of approaching traffic. The American Association of State Highway and Transportation Officials (AASHTO) tables 9-6 and 9-8, Design Intersection Sight Distance Left/Right Turn from Stop (see references), were used in determining required ISD.

*Findings:* Access intersections on 10<sup>th</sup> Street should have at least 430 feet of sight distance looking to the north for a right turn and 500 feet of sight distance looking to the south for a left turn based on the 45-mph posted speed on 10th Street. The relatively flat terrain and clear view past 500 feet in both directions suggests all proposed access intersections have adequate sight distance.

Access intersections on Theater Lane should have at least 240 feet of sight distance looking to the north for a right turn and 280 feet of sight distance looking to the south for a left turn based on the 25-mph posted speed on Theater Lane. The relatively flat terrain and clear view past 280 feet in both directions suggests all proposed access intersections have adequate sight distance.

**4.4 On-Site Parking**

According to the Code of Hermiston (See References), Chapter 157.175, the Victory Lighthouse Church is required to have one space per four seats or eight feet of bench length in the main auditorium. The development is required to provide adequate additional parking spaces as needed by the final outlay of the church expansion.

Additionally, the proposed site plan should meet the minimum requirement for accessible parking spaces per the Americans with Disabilities Act (ADA) parking requirements from ORS 447.233 based on the number of proposed parking spaces.

*Recommendations:* The Project should meet the minimum parking requirements as well as the requirements for accessible parking spaces for the proposed church expansion.

5 STUDY FINDINGS

The findings of this TIA are listed below.

5.1 Trip Generation

The Project is anticipated to generate 1,206 vehicle trips during a typical weekday and 116 vehicle trips during the PM peak hour.

5.2 Level of Service

As shown in Table 4, all studied intersections currently operate at an acceptable LOS in the 2024 Existing conditions during the Weekday PM peak hours.

As shown in Table 5, all studied intersections will operate within acceptable LOS in 2025 Without Project conditions during the Weekday PM peak hour.

As shown in Table 6, all studied intersections will operate within acceptable LOS in 2025 With Project conditions during the Weekday PM peak hour.

5.3 Queuing Analysis

No significant queue concerns were identified at the studied intersections due to this project.

5.4 Collision Analysis

The 2018 through 2022 collision history at the study intersections was reviewed. All studied intersections have a collision rate below 1 per MEV.

5.5 Transit, Pedestrian, and Bicycle Facilities

Pedestrian transportation options are currently not available. However, it might become available with the proposed development, for future residents. Bicycle and transit facilities are not presently available; however, they may be provided in the future as the area builds out.

5.6 Intersection Sight Distance

Access intersections on 10<sup>th</sup> Street should have at least 430 feet of sight distance looking to the north for a right turn and 500 feet of sight distance looking to the south for a left turn based on the 45-mph posted speed on 10th Street. The relatively flat terrain and clear view past 500 feet in both directions suggests all proposed access intersections have adequate sight distance.

Access intersections on Theater Lane should have at least 240 feet of sight distance looking to the north for a right turn and 280 feet of sight distance looking to the south for a left turn based on the 25-mph posted speed on Theater Lane. The relatively flat terrain and clear view past 280 feet in both directions suggests all proposed access intersections have adequate sight distance.

Traffic Impact Analysis for 10th Street Subdivision  
Dennis Gisi & Victory Lighthouse Church

Tax Lot Number: 4N2801B001500, 4N2801B001501,  
4N2801B001503  
Hermiston, Oregon

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**6 RECOMMENDATIONS**

The recommendations of this TIA are listed below.

**6.1 On-Site Parking**

The Project should meet the minimum parking requirements as well as the requirements for accessible parking spaces for the proposed church expansion.

Traffic Impact Analysis for 10th Street Subdivision  
Dennis Gisi & Victory Lighthouse Church

Tax Lot Number: 4N2801B001500, 4N2801B001501,  
4N2801B001503  
Hermiston, Oregon

---

## 7 REFERENCES

AASHTO (American Association of State Highway and Transportation Officials). (2018). *A Policy on the Geometric Design of Highways and Streets*, 7th Edition.

City of Hermiston, Oregon. (Updated 2023, March 6). *Code of Hermiston*.

City of Hermiston, Oregon. (January 2023). *Public Works Standards, Technical Specifications, and Standard Drawings*.

City of Hermiston, Oregon. (May 1997). *City of Hermiston Transportation System Plan*.  
<https://hermiston.maps.arcgis.com/apps/View/index.html?appid=14224b2c622c452ba28e985646812b13>

ITE (Institute of Transportation Engineers). (2021). *Trip Generation Manual*, 11th Edition.

ODOT (Oregon Department of Transportation). (2023, April). *Analysis Procedures Manual*, Version 2.

Transportation Research Board, National Research Council. (2016). *Highway Capacity Manual*, 6th Edition.





# Oregon

Tina Kotek, Governor

Section 7, ItemA.

## Department of Transportation

Region 5, District 12

1327 SE 3<sup>rd</sup> Street

Pendleton, OR 97801

May 13, 2024

Clint Spencer, Planning Director VIA EMAIL: cspencer@hermiston.or.us  
City of Hermiston  
180 NE 2nd Street  
Hermiston, Oregon 97838

Subject: *Proposed Annexation and Amendment Comprehensive Plan Map designation of 25.85 acres from Future Residential (F-R) to Low Density (L) with a corresponding change in zoning designation from Future Urban Residential – 10 acre minimum (FU-10) to Low Density Residential (R-1).*

The Oregon Department of Transportation (ODOT) has reviewed the City of Hermiston Staff Report for the April 8, 2024, City Council Meeting. ODOT has jurisdiction of US 395 and OR 207, including responsibility for managing access within these corridors.

David Boyd, P.E. has identified the proposed change from Future Urban Residential (FU-10) to Low Density Residential (R-1) for 25.85 acres will increase traffic by 970 Average Daily Traffic (ADT), see attached Trip Generation. As such, this land use change is not anticipated to cause a "Significant Affect" per Oregon Highway Plan Action 1F.5 for the following highway intersections:

- NE Tenth St/OR207, 3Ln, 7000 ADT – below thresholds
- OR207/US395, 5 Ln, 18600 ADT – below thresholds
- Theater Ln/US395, 5 Ln, 14000 ADT – below thresholds

In addition, ODOT would like an opportunity to review and provide further comments if the developer provides a Traffic Impact Analysis (TIA) and/or the City of Hermiston requires a TIA.

Thank you for the opportunity to comment. Please provide ODOT with a copy of the final decision.

Rich Lani, District 12 Manager

CJS

cc: David Boyd, Regional Access Management Engineer  
Paul Howland, District 12  
Tom Lapp, District 12

## CITY OF HERMISTON

## APPLICATION FOR ANNEXATION

Pursuant to the provisions of ORS Chapter 222 and Chapter 150 of the Hermiston Code of Ordinances, application is hereby made to annex the following described property:

Name of Applicant: Dennis Gisi Phone: 509.520.0505

Mailing Address: PO Box 906, Walla Walla, WA 99362

Contact Person: Ryan Billen, PE, PBS Engineering and Environmental Phone: 509.942.1600

Mailing Address: 400 Bradley Blvd, Suite 106, Richland, WA 99352

Name of Owner (If Different): Larry & Florence Bankston (1502) Phone: 541.561.1048

Mailing Address: 1900 NE 10th St, Hermiston, OR 97838

Legal Description: Assessor's Map No: 4N2801B0 Tax Lot No 1500 (Dennis Gisi)

Subdivision (If Applicable): N/A 1502 (Bankston,

1503 (Church)

Street Address: 1940, 1900, and 2180 NE 10th St, Hermiston, OR 97838

Current Comprehensive Plan Designation: FR Proposed Zoning Designation: FR

Land Area (In Acres): 25.85

Existing Use of Property:

Number of Single-Family Units: 1 Number of Multi-Family Units: 0

Number of Commercial Units: 0 Number of Industrial Units: 0

Public Facilities or Other Uses: Victory Lighthouse Church (1503)

Population: Owners: 2 Tenants: 2 Voters: 2+

Please Include the Names and Ages of All Residents: \_\_\_\_\_

Larry & Florence Bankston (1502), 60+, (1500) vacant and 1503) church building, varied

Surrounding Use of Property:

North: Vacant/residential dwelling

South: Vacant/residential dwelling/church/roadway

East: Vacant

West: Elementary school/residential

Current Year Taxes: \$1,108.68(1503), \$3,992.28 Previous Year Taxes: \$1,071.39(1503), \$3,858.06(1502), \$1,833.51(1500)

Total Assessed Valuation: \$205,990(1503), \$473,440(1502), \$289,860(1500)

Please provide a general description of the property including topography, vegetation, drainage basins, flood plain areas, etc.:

1500: vacant, flat to slightly rolling, juniper and grasses

1502: single family house, flat to slightly rolling, landscaping around house, juniper and grasses

1503: church and outbuilding, flat to slightly rolling, landscaping around house, juniper and grasses

No flood plain areas or existing drainage basins on any of the parcels.

## APPLICATION FOR ANNEXATION - PAGE 2

Please explain why the annexation has been proposed:

Two parcel owners (1500 and 1503) have intentions of developing their land (separate projects). To do so, they need to have the zoning and the services that the City provides. The Bankston property does not have plans to develop.

If the property is undeveloped, please describe plans for future development. This description should describe whether the development will be residential, commercial or industrial and include building types, public facilities, number of units, etc.:

1500: the developer intends to build approx. 45 single family homes with supporting infrastructure required.

1502: the existing single Bankston family home would remain as is.

1503: the existing church would remain and approx. an additional 24 single family homes with park open space would be built on the east end of the property.

The existing church would need a conditional use permit to remain functioning in the proposed zone. Single family housing is allowed outright.

Does the proposed development conform to the uses allowed under the proposed zoning designation? see above

Please provide the following information regarding services and utilities:

Location and size of the nearest water line:

There is an existing 12" ductile iron water main in NE 10th Street adjacent to the project site.

Location and size of the nearest sewer line:

There is an existing 10" PVC sewer main in NE 10th Street adjacent to the project site.

Proximity of other facilities (storm drains, gas lines, irrigation lines, etc.):

There is an existing gas line in NE 10th Street.

The time at which services can be reasonably provided by the city or other district:

Immediately

The estimated cost of extending such facilities and/or services and the method of financing:

None - utilities are already located adjacent to the property.

Availability of the desired service from any other unit of local government (list service and government):

No additional utilities requested at this time.

Please indicate the roads that adjoin the parcel or will provide service to the parcel:

NE 10th Street will run across the west side of all three parcels, E Theater Lane will run across the south of TL 1503 and will access NE 10th Street E/W from the south. E Punkin Center Road will access NE 10th Street E/W from the north.

## APPLICATION FOR ANNEXATION - PAGE 3

Please indicate the condition of the roads and any improvements that are projected:

The portion of NE 10th Street from the elementary school south to E Theater Lane was repaved 3/4 width when the Loma Vista Elementary School was constructed. The remaining pavement on the road to the north is in average condition with no curb, gutter, or sidewalk.

Please indicate if any new roads will be created or extended through the property:

TL 1500 and 1503 will create local roads to serve the homes. Any new roads will follow city development code for width, cross circulation and access points.

If the property is presently included within the boundaries of any of the following types of governmental units, please indicate by stating the name or names of the governmental units involved.

Rural Fire District: <u>Umatilla County #1</u>	Irrigation District: <u>Hermiston</u>
School District: <u>Hermiston</u>	Drainage District: <u>Unknown</u>
Library District: <u>Hermiston Public</u>	Parks and Recreation District: <u>Hermiston</u>
Special Road District: <u>Unknown</u>	

Please indicate which services are presently being received in the territory (For example, are residents receiving municipal water or sewer services?):

Residents currently receive power, water from a shared well and individual septic fields.

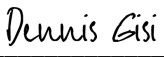

**ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:**

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for annexation. A metes and bounds legal description of each individual parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the city council, planning commission and annexation advisory committee request the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the city council, planning commission and annexation advisory committee retain the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

I am the \_\_\_owner/\_\_\_owner(s) authorized representative.

(If authorized representative, attach letter signed by owner or owners.)

		3/27/2024	3/27/2024
909CE448A4104C8...	B56E679AD9314F6...		
Signature of Applicant		Date	

**OUT OF POCKET EXPENSES FOR PUBLICATION COSTS AND RECORDING FEES WILL BE BILLED LATER**

For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 667-5025. The City's fax number is (541) 567-5530.

**OFFICE USE ONLY**

Date Filed: _____	Received By: _____	Meeting Date: _____
Fee: \$900.00	Date Paid: _____	Receipt No: _____

## CITY OF HERMISTON

APPLICATION TO AMEND COMPREHENSIVE  
PLAN MAP

Pursuant to the provisions of 157.226 of the Hermiston Code of Ordinances, application is hereby made to amend the text or the comprehensive plan map for the following described property:

Name of Applicant: Dennis Gisi Phone: 509.520.0505

Mailing Address: PO Box 906, Walla Walla, WA 99362

Name of Owner (If Different): Larry & Florence Bankston (1502) Phone: 541.561.1048

Mailing Address: 1900 NE 10th St, Hermiston, OR 97838

Legal Description: Assessor's Map No: 4N2801B0 Tax Lot No: 1500 (Dennis Gisi)

Subdivision: Parcel 3, Partition Plat 1998-42, Parcels 1 and 2, Partition Plat 2005-37 1502 (Bankston,

Street Address: 1940, 1900, and 2180 NE 10th St, Hermiston, OR 97838 1503 (Church)

Current Comprehensive Plan Designation: FR

Proposed Comprehensive Plan Designation: R-1

**IMPORTANT!:** The code of ordinances requires a positive recommendation from the Hermiston Planning Commission and approval from the Hermiston City Council, Umatilla County Planning Commission & Umatilla County Board of Commissioners before a change can be made in the comprehensive plan designation of any property. This approval must be determined after separate public hearings before these bodies. Oregon's Land Use Planning Laws require findings of fact with regard to requests for comprehensive plan amendments. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will help you make findings and evaluate the merits of your request. In as much as **THE BURDEN OF PROOF IS ON THE PROPONENT**, the chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

**APPROVAL CRITERIA**

- The burden in all land use proceedings is upon the applicant
- Findings of Facts specific to how the proposed amendments comply with Oregon's 19 Statewide Planning Goals and the City's Comprehensive Plan must be submitted with the application
- The requested change must be justified by proof of the following:

1. Explain how the requested change is in conformance with the comprehensive plan and also the goals and policies of the plan.

Please see attached narrative.

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2. Describe the public need for the comprehensive plan amendment and whether that public need is best served by changing the zoning classification on the property under consideration.

Please see attached narrative.

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3. Explain how the public need is best served by changing the classification of the site in question as compared with other available property.

Please see attached narrative.

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4. Explain how the potential impact upon the area resulting from the change has been considered.

Please see attached narrative.

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ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
2. Two copies of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
3. A metes and bounds legal description of the entire property proposed for amendment. A metes and bounds description of each parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the planning commission requests the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the planning commission retains the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

DocuSigned by:	DocuSigned by:		
		3/27/2024	3/27/2024
<small>909CF448A4104C8</small>	<small>B66E679AD9314F6</small>		
Signature of Applicant		Date	

#### OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER

**NOTE:** The planning commission shall conduct a public hearing on the proposed amendment at the earliest regular meeting, after the application is deemed complete, in accordance with the public hearing procedures under 157.226 of the Hermiston Code of Ordinances. Both text and map amendments shall also be submitted to the Department of Land Conservation and Development 35 days prior to the date of the first evidentiary hearing except as provided for under ORS 197.610. For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 667-5025. The City's fax number is (541) 567-5530.

#### Office Use Only

Date Filed: _____	Received By: _____	Meeting Date: _____
Fee: \$1,500.00	Date Paid: _____	Receipt No: _____

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

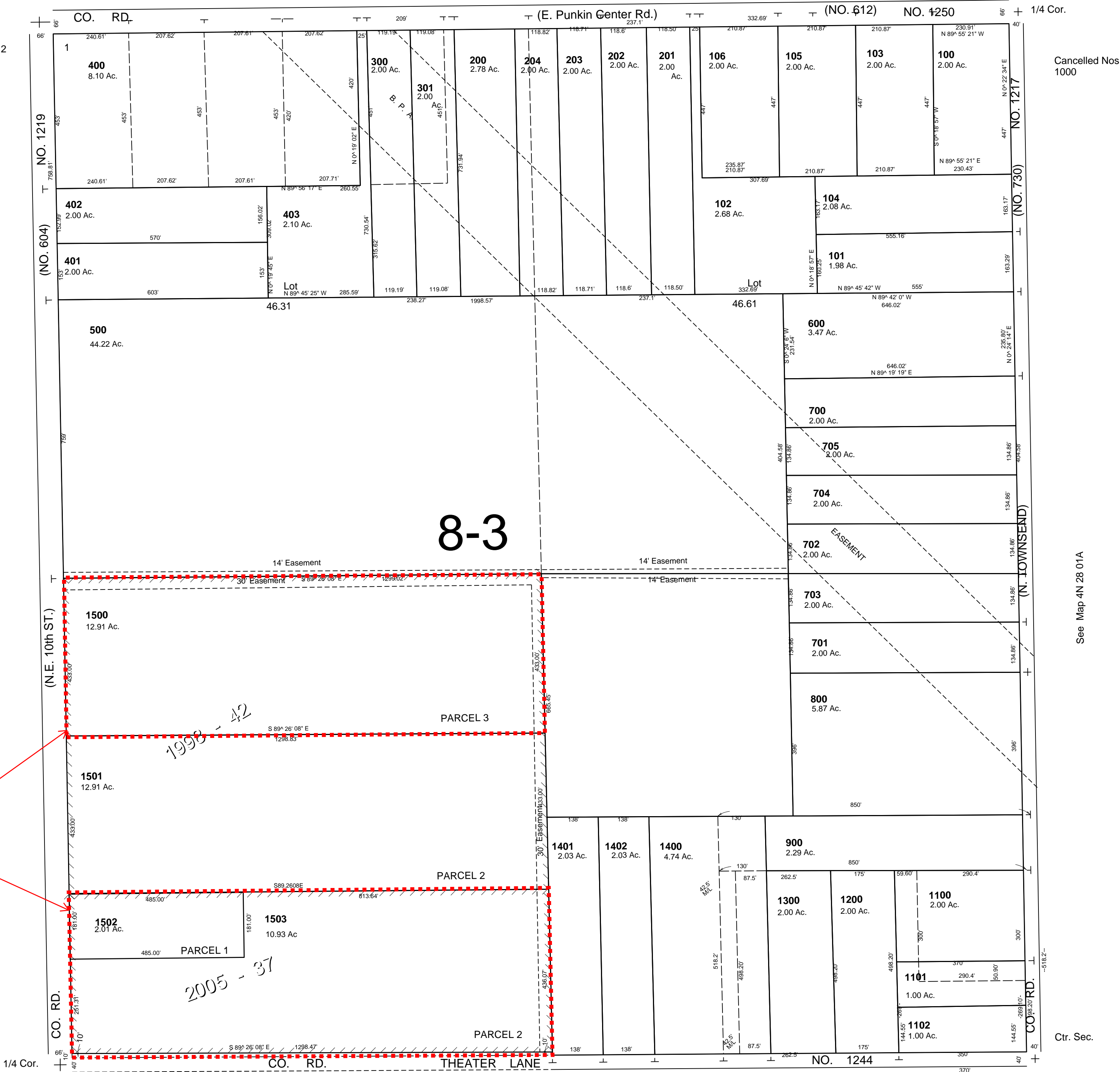
NW1/4 SEC 1 T4N R28E WM

4N 28 01B

UMATILLA COUNTY SCALE 1"=200'

AERIAL PHOTO NO. 1P-122

See Map 5N 28 36C



REVISED: 11-15-11

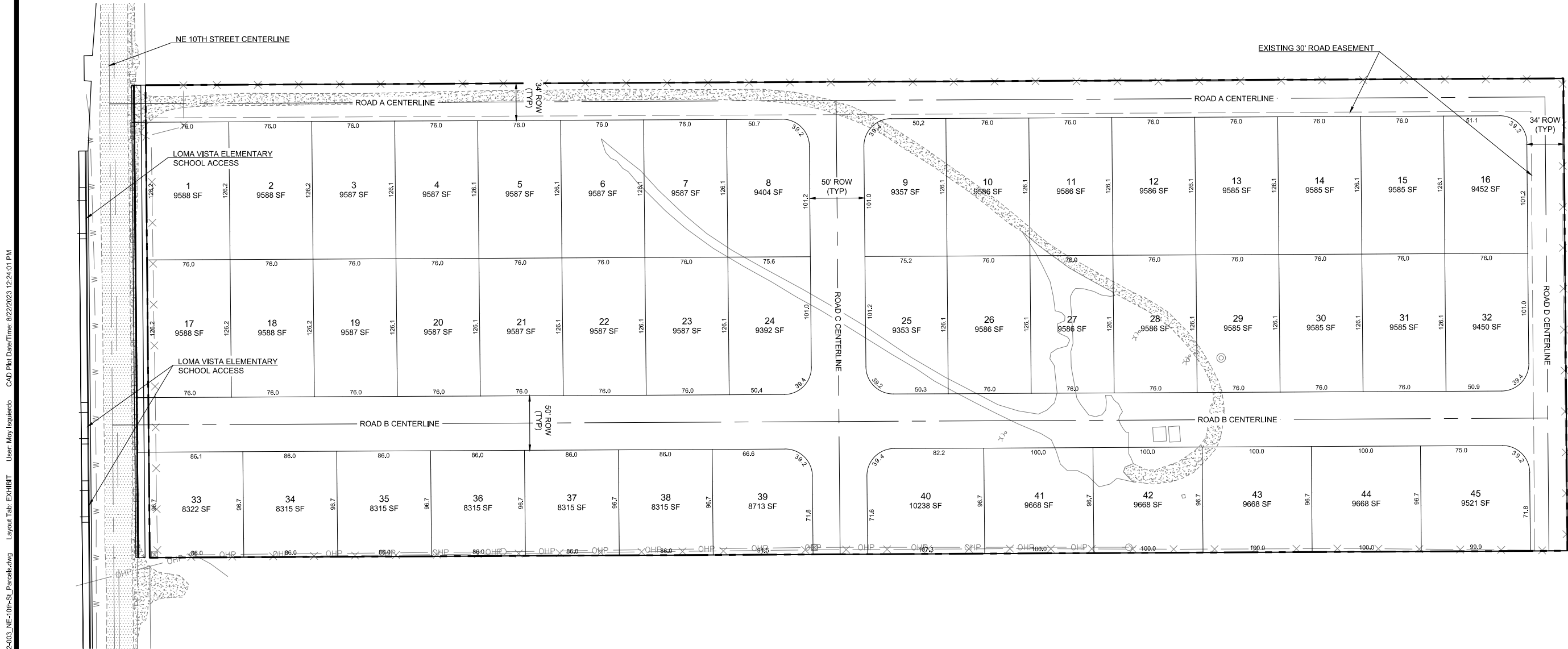
See Map 4N 28 01 CB

See Map 4N 28 01CA

4N 28 01B

Filename: L:\Projects\66000\66132\66132-003\_Civil\CAD\Working\Exhibits\66132-003\_NE-10th-ST\_Parcel.dwg User: Moy Iquardo CAD Pki Date/Time: 9/22/2023 12:24:01 PM Layout Tab: EXHIBIT

Full Size Sheet Format Is 22x34; If Printed Size Is Not 22x34, Then This Sheet Format Has Been Modified & Indicated Drawing Scale Is Not Accurate.



Section 7, Item A.

PBS Engineering and Environmental Inc.  
10000 SW 10th St.  
Portland, OR 97205  
503.942.1800  
pbsusa.com



SHORT PLAT CONCEPTUAL EXHIBIT FOR:

**NE 10TH STREET**

A SITE LOCATED IN THE CITY OF HERMISTON, OREGON



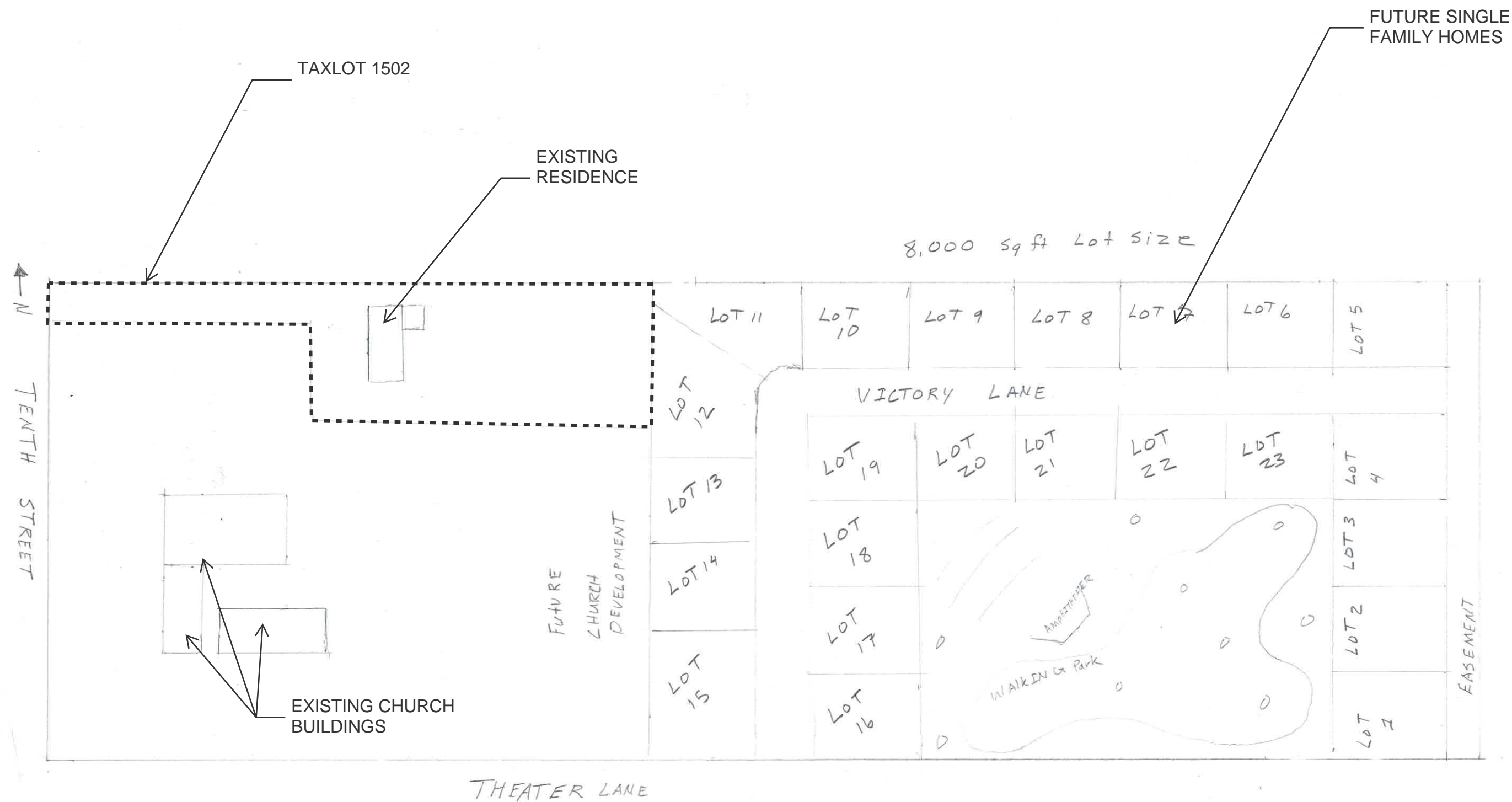
Know what's below.  
Call before you dig.

DESIGNED: JLM/MZ  
CHECKED: JLM  
MARCH 2022  
66132-003

SHEET NO. **C0.** 134

SHEET 1 OF 1

SITE PLAN EXHIBIT - TAXLOT 1502 & 1503







**LEGEND**

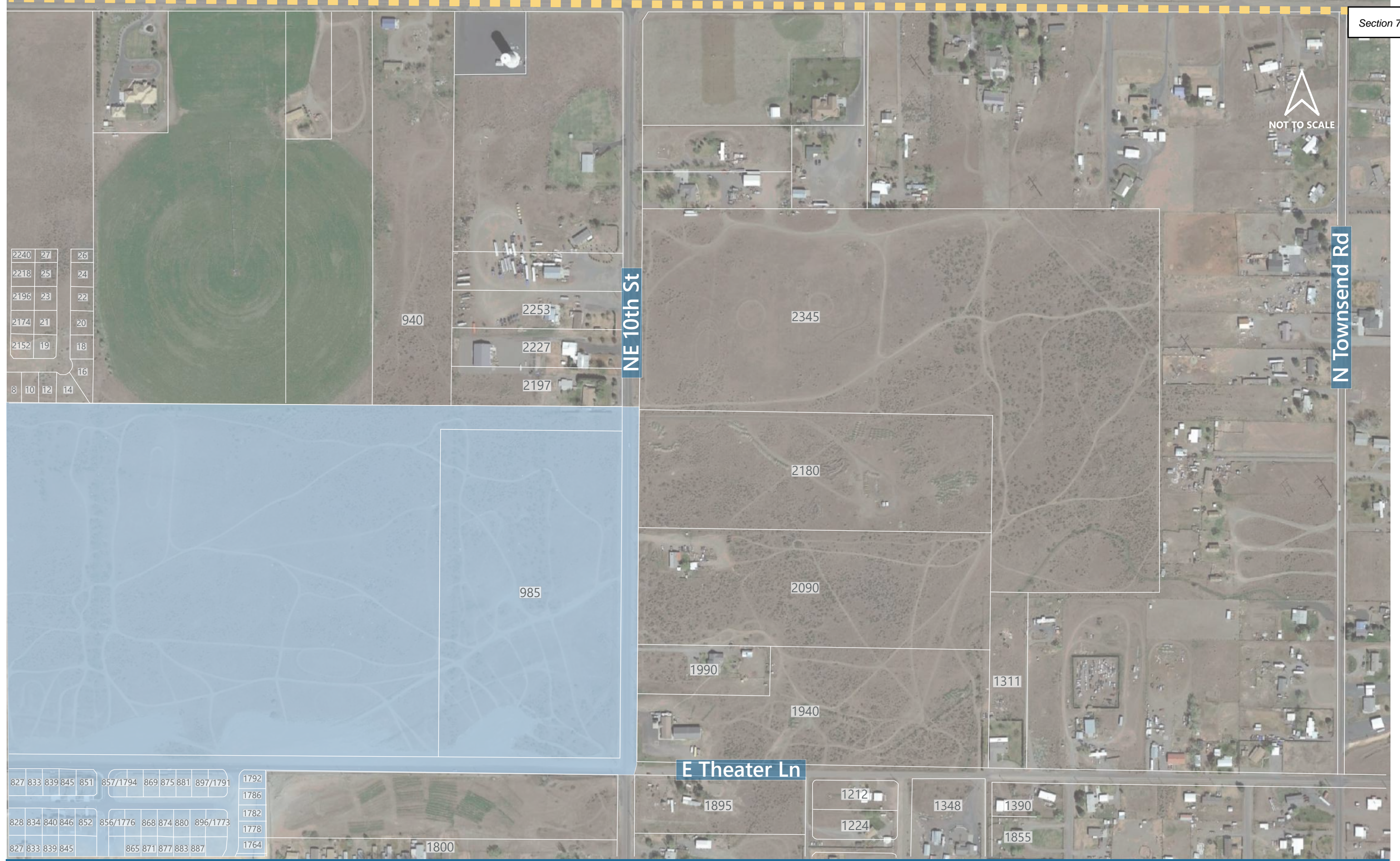
- PROPERTY BOUNDARY
- CURRENT CITY BOUNDARY

**10TH STREET ANNEXATION - EXISTING**









## LEGEND

- PROPERTY BOUNDARY
- URBAN GROWTH BOUNDARY (UGB)
- R3 ZONE

## 10TH STREET ZONING - CURRENT

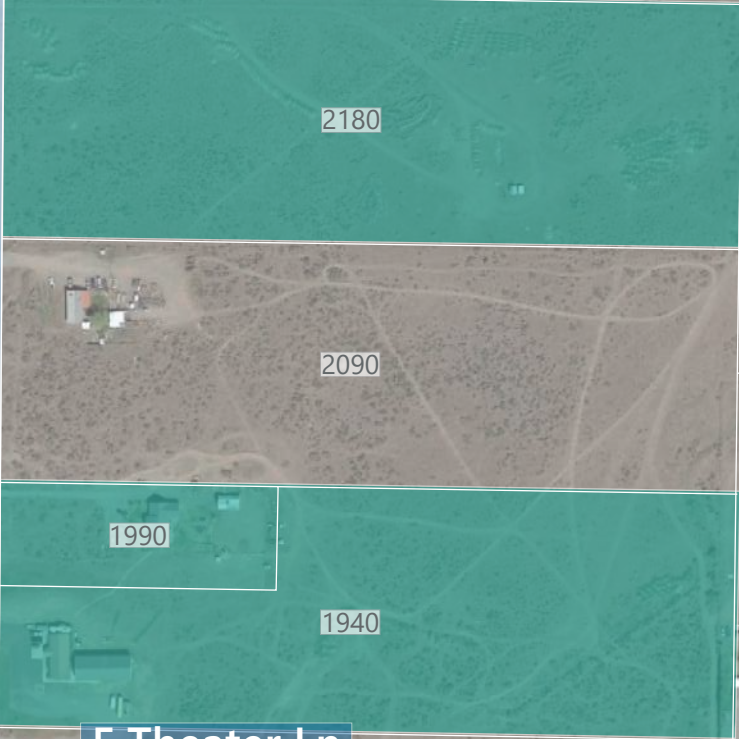




2240	27	26	
2218	25	24	
2196	23	22	
2174	21	20	
2152	19	18	
		16	
8	10	12	14

NE 10th St

N Townsend Rd



827	833	839	845	851	857/1794	869	875	881	897/1791	1792
828	834	840	846	852	856/1776	868	874	880	896/1773	1786
827	833	839	845		865	871	877	883	887	1782
										1778
										1764

E Theater Ln

LEGEND



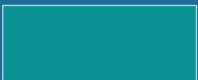
PROPERTY BOUNDARY



URBAN GROWTH BOUNDARY (UGB)



R3 ZONE



R1 ZONE (PROPOSED)

10TH STREET ZONING - PROPOSED







June 17, 2024

Hermiston City Council  
180 NE 2nd St  
Hermiston, OR 97838

**RE: Map amendments are proposed for land located in the northeast area of Hermiston. The proposed changes are to the city's comprehensive plan map from Future Residential (F-R) to Low Density Residential (L) with a corresponding change in zoning designation from FU-10 to Low Density Residential (R-1) for approximately 25.85 acres. The property is also proposed for annexation.**

Dear Council Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO commend the City and support the adoption of the comprehensive plan map amendment. Planning staff created a detailed staff report with Goal 10 findings that made a compelling case that this amendment will help the City meet its housing needs. This will be used as a good example for other jurisdictions.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, reading "Samuel Goldberg".

Samuel Goldberg  
Public Policy Manager  
Fair Housing Council of Oregon

Cc: Ethan Stuckmayer, DLCD





366 East Hurlburt Avenue  
Hermiston, OR 97838-2445  
Office: 541-567-3024  
Fax: 541-564-1069  
Mobile: 541-571-7698  
E-mail: [Office@hermistonid.org](mailto:Office@hermistonid.org)

June 3, 2024

City of Hermiston  
Clint Spencer, Planning Director  
180 NE 2<sup>nd</sup> St  
Hermiston OR 97838

**Re: 3 Rivers Oregon Property LLC, Victory Lighthouse Church and Larry &  
Florence Bankston  
Rezoning of Properties - 4N2801B 1500, 1502, 1503**

Director Spencer,

I have reviewed the information regarding the request for rezoning submitted by Dennis Gisi for the map and tax lots listed above. My research has shown that these properties are within the District boundary, however, there are no water rights on these properties or Federal rights-of-way.

HID has no objection to the rezoning. Thank you for the opportunity to review and comment on this application.

Respectfully,

*Karra*

Karra Van Fossen  
Water Right Specialist

**ORDINANCE NO. 2358**

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS FROM URBANIZABLE STATUS TO URBAN STATUS LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HERMISTON IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

**SECTION 1.** The following described property shall be changed on the city comprehensive plan map from Future Residential (FR) to Low Density Residential (L) and shall be designated as Low Density Residential (R-1) on the city zoning map:

Parcel 3 of Partition Plat No. 1998-42 Umatilla County, Oregon

Parcels 1 & 2 of Partition Plat No. 2005-37 Umatilla County, Oregon

Also including the 50 foot right-of-way for E Theater Lane (County Road No. 1244) adjacent to the south boundary of said Parcel 2 above.

All being East of the Willamette Meridian, Umatilla County, Oregon;

**SECTION 2.** The findings of fact as adopted by the City Council on July 8, 2024, are incorporated herein by reference.

**SECTION 3.** The effective date of this ordinance shall be the thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 8<sup>th</sup> day of July 2024.

SIGNED by the Mayor this 8<sup>th</sup> day of July 2024.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER

**ORDINANCE NO. 2359**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY ABUTTING E THEATER LANE & NE 10<sup>TH</sup> ST, DESCRIBING SAID REAL PROPERTY, WITHDRAWING SAID REAL PROPERTY FROM SPECIAL DISTRICTS AND DESIGNATING ZONING.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

**SECTION 1.** The following described property be and the same is annexed to the City of Hermiston, withdrawn from the Umatilla County Library District and the Umatilla County Sheriff’s Office Law Enforcement District due to annexation:

Parcel 3 of Partition Plat No. 1998-42 Umatilla County, Oregon

Parcels 1 & 2 of Partition Plat No. 2005-37 Umatilla County, Oregon

Also including the 50 foot right-of-way for E Theater Lane (County Road No. 1244) adjacent to the south boundary of said Parcel 2 above.

All being East of the Willamette Meridian, Umatilla County, Oregon;

**SECTION 2.** The City Zoning Map shall include the real property described in Section 1 above and shall be designated as Low Density Residential (R-1) on said map.

**SECTION 3.** The findings of fact as adopted by the City Council on July 8, 2024, are incorporated herein by reference.

**SECTION 4.** The city recorder shall promptly transmit a record of annexation proceedings to the Secretary of State and notify the County Assessor of the change in boundary.

**SECTION 5.** The effective date of this ordinance shall be the thirtieth day after co-adoption of City of Hermiston Ordinance No. 2358 by the Umatilla County Board of Commissioners.

**SECTION 6.** This annexation shall be complete when all necessary documents have been accepted and filed by the Secretary of State.

PASSED by the Common Council this 8th day of July 2024.

SIGNED by the Mayor this 8th day of July 2024.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER

PROCLAMATION

IT IS HEREBY PROCLAIMED that at the regular meeting of July 8, 2024, the City Council of the City of Hermiston, Umatilla County, Oregon, did by unanimous vote annex the following described property, to-wit:

Parcel 3 of Partition Plat No. 1998-42 Umatilla County, Oregon

Parcels 1 & 2 of Partition Plat No. 2005-37 Umatilla County, Oregon

Also including the 50 foot right-of-way for E Theater Lane (County Road No. 1244) adjacent to the south boundary of said Parcel 2 above.

All being East of the Willamette Meridian, Umatilla County, Oregon;

IT IS FURTHER PROCLAIMED that copies of this Proclamation be posted in four places in the City of Hermiston for two weeks.

DATED AT HERMISTON, OREGON, this 8th day of July 2024.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER





*Where Life is Sweet*

Mayor and Members of the City Council  
**STAFF REPORT**  
For the Meeting of July 8, 2024

**Title/Subject**

Resolution 2332- Master Fee Resolution Update: Add Business License Fee

**Summary and Background**

The City Council adopted a requirement for a business license by ordinance at it’s January 8, 2024 meeting. However, Council did not adopt an actual fee associated with it at the same time, with the request to further study the issue and return with recommendations for the fee. A Business License Fee committee was formed with several City Councilors and representatives from the Chamber of Commerce as well as local business owners themselves, including several who had voiced opposition to the fee at the January 8 meeting. The committee met several times through the Spring, and at their June 10, 2024 meeting a majority voted to recommend that City Council adopt the business license fee schedule as originally presented on January 8.

The proposed fee is:

Businesses WITH a Permanent Location WITHIN City Limits	
1. Base Fee – Includes 0-5 Full-Time Equivalent (FTE) Employees	1. \$85.00
2. 6-49 FTE Employees	2. Base + \$15.00 per Employee
3. 50+ FTE Employees	3. \$1,000.00
Businesses WITHOUT a Permanent Location WITHIN City Limits	
1. Base Fee- Includes 0-5 Hermiston Full-Time Equivalent (FTE) Employees	1. \$100.00
2. 6-49 FTE Hermiston Employees	2. Base + \$20.00 per Employee
3. 50+ FTE Hermiston Employees	3. \$1,200.00

There are a number of different ways to assess this fee, and most cities in Oregon do charge a Business License Fee of some form. This fee schedule is substantially similar to the structure of fees in Pendleton. Although this is a very simplistic fee schedule, due to the complexities of

various types of business, whether those complexities are real, or simply raised for the purpose making a simple process appear overly complicated in an attempt to avoid the fee, here is a thorough walk-through of the various interpretations which will be utilized in administering the fee. These interpretations have been reviewed with the City of Pendleton to ensure simplicity in long-term administration.

1. What constitutes “doing business” specifically with regard to remote/telecommuting Workers- An example of this was raised at the January 8 Council meeting such as an engineer who works from their home and reviews plans and makes designs for a company out of Portland on projects across the Northwest. The home has no outward appearance of doing any business locally, they don’t advertise as doing business in Hermiston, and there is no impact to any utilities, services, etc. that would be out of the ordinary compared to a normal residence. Does the fact that the company’s remote employee lives in Hermiston count as ‘doing business’ in Hermiston? The City of Pendleton has indicated that they do not attempt to chase down that type of an operation, and does not consider that to be ‘doing business’ within the city.
2. “Employee”
  - a. Includes the owners. However, they would be treated like all other employees, where their hours worked just factor in to the total “FTE” count.
  - b. FTE is rounded down. Since an FTE is 2,080 hours, then a business with 20,000 hours of employee work would result in 9.6 FTE. Since 0.6 employees, by logical understanding doesn’t count as a full time employee, that would be rounded down to 9.0 FTE. Therefore, the business license fee would be:
    - i. Base \$85
    - ii.  $\$15\text{FTE Over } 5 = \$15 \times 4 = \$60$
    - iii. Total Business License = \$145
3. Duration Pro-ration: The business license fee is an annual fee, and is not eligible to be pro-rated. Examples where this would likely come up include things such as short-term fireworks stands, Christmas Tree lots, etc. It is assumed that these businesses would be required to pay the full \$85, rather than a pro-rated amount of \$7 to account for the one-month duration.
4. Separate Licenses for Separate Businesses
  - a. There are some larger entities within the City which, while appearing as though they are one entity, they are actually made up of several separate businesses operating under one umbrella. Each business would be required to have a separate business license.
5. Exemptions: There are a number of exemptions included in the Business License Ordinance, this list is intended to include the ones that staff anticipates receiving the most questions about
  - a. Under 18- The fee will not apply to the 10 year old selling cookies and lemonade on the sidewalk for a couple of days. However, there are other businesses which are ostensibly operated by youth under the age of 18, but the actual business ownership is murkier; the example could be things like the concessions businesses operated by the High School Business classes. That would presumably be covered by the other exemptions applying to non-profits or local governments, however it points out an issue where the devil is in the details.

- b. Part of a licensed business (Beauticians, Realtors, etc)- The prime example is a business set up like a beauty salon, where often times the individual beauticians are not otherwise employees of the salon for certain reasons. In this instance, as long as the overall salon itself has a business license, and as long as it does account for those workers within its business license, then the individual beauticians would not be required to obtain their own business licenses.
    - i. A convoluted issue associated with this type of umbrella exemption is likely to arise from operations such as Good Shepherd Medical Center, which is a very large employer and operates multiple lines of business; some of which may actually be for-profit. Additionally, some affiliates may outwardly appear as though they are part of GSMC, but are otherwise separately owned and operated, and depending on several factors, may or may not be required to obtain a business license and pay the fee. Complex conglomerates like this will likely warrant significant upfront work directly with the business prior to implementation.
  - c. Garage Sales- Generally exempted. Unfortunately, there is likely to be a very small subset of garage sales, which push the limit. If an individual conducts a garage sale for more than 72 hours, or if they operate more than 5 garage sales in a calendar year, then they would require a business license.
  - d. “Special Events”- Organizers and participants are exempt. For example, food vendors at the downtown Watermelon Festival may very well be from out of the area and not otherwise have a business license to operate in Hermiston, but if the event is deemed a “special event” by the City Manager, then the vendors can be exempt from the license fee. However, that must occur prior to the event.
  - e. Non-Profits & Local/State/Federal Governments- These are exempted from the Business License requirement; however, these entities often times utilize private for-profit vendors to supply significant portions of their basic services, with significant numbers of employees. Examples of this would include operations like Chartwell’s Food Service, First Student Buses, and Champions After-School Program; all of which appear likely to be subject to the business licenses and fees. Significant City of Hermiston vendors subject to the requirement include private entities like Anderson Perry Engineering, Gorge Aviation, Hermiston Taxi, etc.
6. Timing: Implementation of the business license fee is planned to take effect January 1, 2025. Moving forward, renewals will occur every January 1.

### **Tie-In to Council Goals**

Public safety: improve traffic safety and align public safety resources with community needs

- The revenue associated with the Business License Fee was one of the mixture of increases in revenues and cuts to other expenditures in order to increase police staffing.

## **Fiscal Information**

The City of Pendleton received \$131,000 and \$144,000 in Business License Fees in Fiscal Years 2022 and 2023 respectively. It is anticipated that in calendar year 2025, the City of Hermiston will gross approximately \$100,000 from Business License Fees. Factors included in this estimate include:

- Hermiston's fee schedule is modeled off of Pendleton's, but is slightly cheaper.
- Pendleton's fee has been in place for nearly 30 years, and therefore enjoys a certain amount of having businesses in the habit of paying, whereas there is likely to be a significant amount of revenue "loss" in Hermiston in the first year just by virtue of businesses not realizing they need to have a license.
- Long-term, it is likely that Hermiston's revenues will match or slightly exceed Pendleton's due to the larger number of businesses in Hermiston.

It should also be noted that there will be some administrative startup costs associated with activating licensing software for administration and tracking.

## **Alternatives and Recommendation**

This was a lengthy staff report, which delved in to the details on several specific topics; however, it is anticipated that these types of questions will arise regardless of how the business license fee is structured. Therefore, it is recommended that Council accept the recommendation from the Business License Fee Committee, and adopt the fee schedule as presented. Keep in mind that, just as the Council changed the code by adopting the business license concept in January, it also always has the power to go back and amend the code to change how the program is implemented if, upon implementation, it is determined that some changes are warranted.

## **Submitted By:**

Mark Morgan



**RESOLUTION NO. 2332****A RESOLUTION ADJUSTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS CITY SERVICES AND INCLUDING BUSINESS LICENSE FEES.**

WHEREAS, the City Council has adopted the City of Hermiston Code of Ordinances, and that Code permits the City Council of the City of Hermiston to adopt by resolution a schedule of fees and charges for various services, licenses and permits; and

WHEREAS, the City is working to update various fees across the City in a more coordinated fashion; and

WHEREAS, the City has had extensive discussions related to possible revenue increases related to the general fund operations including business license fees; and

WHEREAS, the City Council met and discussed a proposed business license fee schedule at its January 8, 2024 meeting but did not adopt the fees at that time; and

WHEREAS, a Business License Fee committee was formed with several City Councilors and representatives from the Chamber of Commerce as well as local business owners. The committee met several times through the Spring, and at their June 10, 2024 meeting a majority voted to recommend that City Council adopt the business license fee schedule as originally presented on January 8, 2024.

WHEREAS, the updated Master Fee Schedule including the new fees is attached hereto.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the attached updated Master Fee Schedule, is approved and adopted.
2. That this resolution shall supersede Resolution No. 2317.
3. All fees and charges in effect as of the date of the adoption of this resolution shall remain in effect unless otherwise modified by provisions of this resolution.
4. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 8th day of July 2024.

SIGNED by the Mayor this 8th day of July 2024.

\_\_\_\_\_  
Dr. David Drotzmann, MAYOR

ATTEST:

\_\_\_\_\_  
Lilly Alarcon-Strong, CMC, CITY RECORDER



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# Master Fee Schedule

Fees Subject to Change



Adopted by: Resolution 2171 on December 14, 2020  
 Superseded by: Resolution 2174 on March 8, 2021  
 Superseded by: Resolution 2187 on June 10, 2021  
 Superseded by: Resolution 2202 on December 13, 2021  
 Superseded by: Resolution 2205 on January 10, 2022  
 Superseded by: Resolution 2207 on January 24, 2022  
 Superseded by: Resolution 2213 on March 14, 2022  
 Superseded by: Resolution 2219 on May 9, 2022  
 Superseded by: Resolution 2231 on July 11, 2022  
 Superseded by: Resolution 2249 on January 9, 2023  
 Superseded by: Resolution 2259 on February 27, 2023  
 Superseded by: Resolution 2302 on January 8, 2024  
 Superseded by: Resolution 2305 on January 22, 2024  
 Superseded by: Resolution 2317 on March 11, 2024  
Superseded by: Resolution 2332 on July 8, 2024

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# Administration & General Fees

## Notary Acts

1. Certifying a copy of a document	\$2.00 per page
2. For: taking an acknowledgment, a verification upon an oath or affirmation, and witnessing or attesting a signature.	\$10.00/notarized signature
3. For administering an oath or affirmation or taking a deposition (without a signature). And for all other notarial acts not specified in this section.	\$5.00 per act

### Notary Acts are available at:

- Hermiston Police Department, Bob Shannon Safety Center, 330 S. 1<sup>st</sup> Street
- City Hall, 180 NE 2<sup>nd</sup> Street

## Fines & Penalties

1. Returned check	\$25.00
2. Collection Agency Processing Fee	\$10.00 per item

## Miscellaneous Services

1. Other Misc. Items and Services	As Established
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## Prints & Public Records

### Documents & Photocopies up to 11x17 (Does not include other fees)

1. Black & White	Single: \$0.25 per page Double-Sided: \$0.50 per page
2. Color	Single: \$1.00 per page Double-Sided: \$2.00 per page

### Maps, Nonstandard Documents, etc. Larger than 11x17 (Does not include other fees)

1. Black & White	Actual Cost
2. Color	Actual Cost

### Media (Does not include other fees)

1. DVD, CD or USB	Actual Cost
2. Audio & Video Recording, in addition to any other fees.	\$35.00 per hour- Minimum Charge

### Processing Fees (Does not include other fees)

1. Lengthy Requests (request over 15 mins to complete)	\$35.00 per hour
2. Fee's charged at 15 min increments. Requests less than 15 mins to process may be waived, excluding serial requests.	
3. Attorney Fees	Actual Cost

**Please Note:** Requestors must pre-pay the estimated cost of request. If the actual charges are less than the pre-payment, then the over- payment shall be refunded.



# Airport

**Commercial Activity Fee-** Any business operating at the Airport

- |                        |                     |
|------------------------|---------------------|
| 1. Aerial Sprayers     | \$1,000.00 per year |
| 2. Non-Aerial Sprayers | \$250.00 per year   |

**T-Hangar Rental**

- |                         |                    |
|-------------------------|--------------------|
| 1. Open Hangars         | \$100.00 per month |
| 2. Enclosed T-Hangar #2 | \$200.00 per month |
| 3. Enclosed T-Hangar #3 | \$225.00 per month |
| 4. Enclosed T-Hangar #4 |                    |
| a. Interior Bays        | a. \$275.00        |
| b. End Bays             | b. \$325.00        |

**Miscellaneous Services**

- |                               |   |
|-------------------------------|---|
| 1. Air Freight Activity       | \$284.00 per month                            |
| 2. Transient Aircraft Parking | \$5.00 per night, after the first two nights. |
| 3. Tie Downs                  | As established by agreement                   |

**Land & Building Leases-** All terms and fees as established by agreement.

**Hermiston Municipal Airport is operated by contract, to: Gorge Aviation**

1600 E Airport Way, Hermiston, OR 97838

541-567-3694

<https://www.gorgeaviationservices.com/>

# Animals

## Dog Licenses (One-time fee per dog.)

1. Altered (spayed or neutered)	\$5.00
2. Unaltered (not spayed or neutered)	\$25.00
3. Service/Assistance dogs- As defined under the ADA	NONE

**Please Note:** Proof of rabies vaccination, or valid exemption, is required to obtain a license.

## Dog Impoundment & Boarding

1. Impoundment- Altered	\$25.00
2. Impoundment- Unaltered	\$75.00
3. Boarding- Excluding the first day of boarding, if impounded after 8:00pm.	\$10.00 per day

**Please Note:** No dog shall be released without proof of or obtaining a license and rabies vaccination.

**All animal services, as specified in this section, are contracted to:**

**Pet Rescue Humane Society of Eastern Oregon**

1844 NW Geer Rd, Hermiston, OR 97838

(541) 564-6222

\*\* Other independent animal services, ie: rabies vaccinations, etc, are also provided by Pet Rescue. \*\*

# Aquatic Center

Educational Classes		
1. Swimming, Diving, Snorkeling, Lifeguard, etc	As established per program	
Public Swim Hours		
Individual Daily Pass		
1. Infants (0-1yr)	Free	
2. Child (2-9yrs)	\$5.00	
3. Youth (10-17yrs)	\$6.00	
4. Adult (18+)	\$7.00	
5. Seniors (55+)	\$6.00	
Individual Splash Pass- All Season (entrance for all public swim hours)		
1. Child & Youth (2-17yr)	\$85.00	
2. Adult (18+)	\$95.00	
3. Senior (55+)	\$85.00	
Family Splash Pass- All Season: All members must reside in same household (entrance for all public swim hours)		
1. 2 Adults & up-to 4 kids	\$200.00	
2. 2 Adults & up-to 6 kids	\$240.00	
3. 2 Adults & up-to 8 kids	\$265.00	
Aquatic Fitness Classes		
Individual Daily Pass		
1. Adult (18+)	\$7.00	
2. Seniors (55+)	\$6.00	
Individual Splash Pass-Fit: All Season (entrance for all aquatic fitness classes)		
1. Adult (18+)	\$85.00	
2. Senior (55+)	\$75.00	
All Access Pass: All Season- (Entrance for all public swim hours & aquatic fitness classes)		
1. Adult & Senior	\$135.00	
Aquatic Facility Rentals		
<b>Full Facility Rental:</b> Exclusive use of all pools & picnic shelter.	<b>Resident</b>	<b>Non-Resident</b>
Friday- Sunday 7:15pm-9:15pm or 9:30pm to 11:30pm Additional hours may be available	\$1,200.00	\$1,450.00
Refundable Booking/Security Deposit- Due to hold event date	\$500.00	\$500.00
<b>Semi-Private Rental:</b> Shared use of all pools with other designated area. Maybe shared with two other parties.	<b>Resident</b>	<b>Non-Resident</b>
Friday- Sunday 9:30pm to 11:30pm	\$150.00	\$190.00

Section

AQUATIC CENTER		
Additional hours may be available		
<b>Picnic Shelter Rental:</b> Use of gazebo and picnic tables during public swim (pool entry fee required)	<b>Resident</b>	<b>Non-Resident</b>
2-Hour Rental: 50 Person Maximum - Group Rates Available		
1. Weekday Rental	\$50.00	\$75.00
2. Weekend Rental	\$65.00	\$90.00
<b>Additional Amenities</b>		
1. <b>All-Day Cabana Rental:</b> Semi-Private shaded area with premium lounge chairs. Available during public swim.	Regular Cabana \$25.00	Large Cabana \$50.00
2. <b>All Other Amenities</b>	As Established	
<b>Hermiston Aquatic Center</b> 879 W Elm Ave, Hermiston, OR 97838 541-289-7665 541-667-5018 (Off-Season)		



# Building Department

**The final determination of valuation, occupancy, and/or construction type under any of the provisions of this order shall be made by the Building Official.**

## A. Building Permits

The valuation to be used in computing the building permit and the building plan review fees shall be the total value (rounded up to the nearest dollar) of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. It also includes the contractor's profit which should not be omitted.

The fees for each permit shall be as set forth in Tables A-1 and A-2. Valuation will be calculated using the City's Building Permit Fee table based on the International Code Council (ICC) Building Valuation Data Table as of April 1 of the current year, multiplied by the square footage of the structure or as stated by the applicant, whichever is greater. The cost per square foot of carports, decks, 1 & 2 Family Dwelling pole buildings, and covered porches/patios shall be 50% of the valuation indicated for "Private Garages" on the City's valuation table.

**Table A-1: Building Permit Fee**

- ❖ **Residential:** New, Additions, Alterations, Repairs, & Accessory Structures.  
(Plumbing permit required for potable water fire systems; see Table E-4)
- ❖ **Commercial:** New, Alterations, Additions, Repairs, Accessory Structure, Fire Systems, & Medical Gas Systems  
Plumbing permit (based on value of installation costs)
- ❖ **Multifamily:** New, Alterations, Additions, Repairs, & Accessory Structure.

Total Valuation	Building Permit Fee
1. \$1.00 to \$500.00	\$63.00 minimum
2. \$500.01 to \$2,000.00	\$63.00 for the first \$500.00 plus \$1.95 for each additional \$100, or fraction thereof, to and including \$2,000.00
3. \$2000.01 to \$25,000.00	\$92.25 for the first \$2,000.00 plus \$7.80 for each additional \$1,000, or fraction thereof, to and including \$25,000.00
4. \$25,000.01 to \$50,000.00	\$271.65 for the first \$25,000.00 plus \$5.85 for each additional \$1,000, or fraction thereof, to and including \$50,000.00
5. \$50,000.01 to \$100,000.00	\$417.90 for the first \$50,000.00 plus \$3.90 for each additional \$1,000, or fraction thereof, to and including \$100,000.00
6. \$100,000.01 and up	\$612.90 for the first \$100,000.00 plus \$3.25 for each additional \$1,000, or fraction thereof.

**Table A-2: Building Permits - Related Fees**

Description	Permit Fee
1. Building Plan Review Fee	65% of the building permit fee based on Table A-I
2. Additional Building Plan Review required due to revisions to the construction documents	\$80.00 per hour
3. Fire Life Safety Review on State Allowed Plans	40% of the building permit fee based on Table A-I
4. Third Party Plan Review	\$80.00 per hour
5. Master Plan Review - <ul style="list-style-type: none"> <li>a. Setup fee</li> <li>b. Initial Plan Review</li> <li>c. Second &amp; Subsequent Reviews</li> </ul>	a. \$ 100.00 b. 65% of the building permit fee based on Table A-I c. 50% of the initial plan review fee
6. Deferred Submittals - Plan Review Fee	See Customized Permit Services: Table G-2, Deferred Plan Submittal
7. Consultation Fee- (In office code review, potential project review)	\$95.00 per hour (Minimum ½ charge)
8. Temporary Certificate of Occupancy Request- Commercial.	a. Initial request = \$100.00 b. Extension request = \$75.00 c. Residential TCO = No Charge

9. Investigation Fee	\$120.00 per hour (one hour minimum)
10. Reinspection, extra inspections, special inspections	\$80.00 each
11. Inspections outside of normal business hours	\$80.00 per hour (one hour minimum)
12. Inspections for which no fee is specifically indicated (includes on job site counsel inspections)	\$80.00 per hour
13. Solar Photovoltaic Systems installed using the prescriptive path described in section 305.4 of the Oregon Solar Installation Specialty Code (OSISC).	\$150.00 (includes one inspection) (Does include the plan review fees)
14. Non-prescriptive Solar Photovoltaic Systems	See Building Permit Fee Table A- I
15. Structural minimum fee	\$63.00
16. Technology Fee- Revenues are used to support technology related to electronic processes and tools used in doing business	2% of permit fee
17. Re-roof Permit	
a. Residential (required when replacing sheathing or other)	a. Fee based on valuation
b. Commercial	
i. Simple Replacement	i. \$250.00
ii. Complex Replacement- plan review required will be based on valuation.	ii. Fee based on valuation

#### PERMIT EXTENSION

##### Reinstating Expired Permits

- ❖ Extensions must be requested prior to the permit expiring.
- ❖ IT IS NOT THE RESPONSIBILITY OF THE CITY OF HERMISTON TO NOTIFY THE PERMIT HOLDER OF EXPIRATION DATES. AS A COURTESY A NOTICE IS SENT OUT PRIOR TO EXPIRATION.

Extension Request	Permit Fee
1. First Extension Request	No Charge
2. Second and subsequent requests	\$65.00 each permit, no surcharge fee
3. Expired permit less than 6 months past expiration date	\$65.00 each permit, subject to surcharge fee
4. Expired permits over 6 months past expiration date	Fees assessed to current fee schedule; new plan review may apply. Subject to surcharge fee.

#### Residential Structural Fire Suppression Standalone

(Fees based on total square footage of the dwelling unit to be covered by the system)

Total Square Footage	Permit Fee
1. 0 to 2,000 square feet	\$150.00
2. 2,001 to 3,600 square feet	\$218.00
3. 3,601 to 7,200 square feet	\$354.00
4. Over 7,200 square feet	\$488.00

#### B. Manufactured Dwelling Placement Permits

One single permit fee is assessed. This fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling and Specialty Code, electrical feeder and plumbing connections and all cross-over connections, site utility connections (water, sewer, storm) up to 30 lineal feet.

1. Manufactured Dwelling Placement Permit Fee	\$225.00
2. (includes plan review)	
3. Manufactured Dwelling & Cabana installation administrative fee	\$30.00 As required by the State
4. State Surcharge	As required by the State

**C. Camp and Park Permits**

The Area Development Fee is to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp Valuation Table, and then applying the valuation amount to the valuation fee table in the Building Permit Fee Table A-1.

1. Plan Review Fee	65% of total permit fee
2. State Surcharge	As required by the State

**D. Mechanical Permits**

The fees for each permit shall be as set forth in Table D-1, D-2, and D-3.

The valuation used to determine the commercial mechanical permit fee using Table D-1 shall include the value (rounded up to the nearest dollar) of all mechanical materials, equipment, labor, overhead and profit.

**Table D-1: Commercial Mechanical Permit Fees**

❖ <b>Commercial:</b> New, Alterations, Additions, Repairs, & Accessory Structure	
❖ <b>Multifamily:</b> New, Alterations, Additions, Repairs, & Accessory Structure	
Total Valuation	Permit Fee
1. \$1 to \$5,000.00	\$75.00 minimum
2. \$5,000.01 to \$10,000.00	\$75.00 for the first \$5,000.00 plus \$1.00 for each additional \$100, or fraction thereof, to and including \$10,000 .00
3. \$10,000.01 to \$100,000.00	\$125.00 for the first \$10,000.00 plus \$2.00 for each additional \$1,000, or fraction thereof, to and including \$100,000.00
4. \$100,000.00 and up	\$305.00 for the first \$100,000.00 plus \$1.00 for each additional \$1,000, or fraction thereof

**Table D-2: Residential Dwelling Mechanical Permit Fees**

❖ <b>1 &amp; 2 Family Dwelling:</b> New, Alterations, Additions, Repairs, & Accessory Structure	
❖ <b>Manufactured Dwellings:</b> New, Additions, Alterations, Repairs, & Accessory Structure	
Description	Permit Fee
1. Air conditioner	\$15.00
2. Air handling unit of up to 10,000 cfm	\$11.00
3. Air handling unit 10,001 cfm and over	\$15.00
4. Appliance or piece of equipment regulated by code but not classified in other appliance categories	\$11.00
5. Appliance vent installation, relocation or replacement not included in an appliance permit	\$10.00
6. Attic/crawl space fans	\$10.00
7. Barbecue	\$11.00
8. Chimney/liner/flue/vent	\$11.00
9. Clothes dryer exhaust	\$11.00
10. Decorative gas fireplace	\$11.00
11. Ductwork, no appliance/fixture	\$11.00
12. Evaporative cooler other than portable	\$11.00
13. Floor furnace, including vent	\$15.00
14. Flue vent for water heater or gas fireplace	\$10.00
15. Furnace - greater than 100,000 BTU	\$15.00
16. Furnace - up to 100,000 BTU	\$15.00
17. Furnace/burner including duct work/vent/liner	\$15.00

18. Gas or wood fireplace/insert	\$15.00
19. Gas fuel piping outlets (four or less connections)	\$10.00
20. Gas fuel piping outlets (more than four)	\$6.00
21. Heat pump	\$15.00
22. Hood served by mechanical exhaust, including ducts for hood	\$15.00
23. Hydronic hot water system	\$15.00
24. Installation or relocation domestic-type incinerator	\$15.00
25. Mini split system	\$15.00
26. Oil tank/gas/diesel generators	\$15.00
27. Pool or spa heater, kiln	\$15.00
28. Range hood/other kitchen equipment	\$15.00
29. Repair, alteration, or addition to mechanical appliance including installation of controls	\$15.00
30. Suspended heater, recessed wall heater, or floor mounted unit heater	\$15.00
31. Ventilation fan connected to single duct	\$10.00
32. Ventilation system not a portion of heating or air-conditioning system authorized by permit	\$10.00
33. Water heater	\$15.00
34. Wood/pellet stove	\$15.00
35. <b>Other heating/cooling</b>	<b>\$12.00</b>
36. <b>Other fuel appliance</b>	<b>\$12.00</b>
37. <b>Other environment exhaust/ventilation</b>	<b>\$10.00</b>
38. <b>Minimum Permit Fee</b>	<b>\$40.00</b>

**Table D-3: Mechanical Permits - Related Fees**

Other Inspections	Fee
1. Mechanical Plan Review - when Required or requested	25% of the permit fee
2. Additional Mechanical Plan Review required due to revisions to the construction documents	\$50.00 per hour
3. Re-inspection Fee	\$75.00 each
4. Inspections outside of normal business hours	\$80.00 per hour (one hour minimum)
5. Inspections for which no fee is specifically indicated	\$80.00 per hour (one hour minimum)
6. Investigation Fee	\$80.00 per hour
7. General State Surcharge: ORS 455.210	As set by the State of Oregon

**E. Plumbing Permits****Table E-1: Plumbing Permit Fees**

❖ <b>Residential:</b> New	
❖ <b>Includes:</b> No additional fee shall be charged for the first 100 feet of water and sewer lines, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system	
Description	Fee
1. One Bathroom	\$275.00
2. Two Bathrooms	\$300.00
3. Three Bathrooms	\$375.00
4. Each additional Bath/Kitchen	\$75.00



**Please Note:** A "half bath" is equivalent to a single bathroom

- |  |                  |
|--|------------------|
| 1. Each additional 100 ft of water, sewer, or storm line or fraction thereof | \$30.00 per type |
| 2. Residential Fire Sprinkler System- Multipurpose/Continuous Loop           | See Table E-4    |

**Table E-2: Plumbing Permit Fees**

❖ <b>Residential:</b> Additions, Alterations, Re pairs, & Accessory Structure		
❖ <b>Commercial:</b> New, Additions, Alterations, Repairs, Accessory Structure, & Fire Systems		
❖ <b>Multifamily:</b> New, Additions, Alteration, Repairs, Accessory Structure, & Fire Systems		
❖ <b>Manufactured Dwellings:</b> New (utilities beyond 30 ft), Additions, Alterations, Repairs, & Accessory Structure		
Site Utilities	Fee/Unit	
1. Sanitary sewer - first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
2. Storm sewer including trench drains, leach lines, and drywells - first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
3. Water service -first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
Fixtures or Items	Residential Fee/Unit	Commercial Fee/Unit
1. Alternate potable water heating system	\$30.00	\$35.00
2. Backflow preventer	\$45.00	\$50.00
3. Backwater valve	\$45.00	\$50.00
4. Catch Basin	\$25.00	\$25.00
5. Clothes washer	\$25.00	\$25.00
6. Dishwasher	\$25.00	\$25.00
7. Drinking fountain	\$25.00	\$25.00
8. Ejectors/sump pump	\$45.00	\$50.00
9. Expansion tank	\$20.00	\$50.00
10. Fixture Cap	\$20.00	\$20.00
11. Floor drain/floor sink/hub drain	\$25.00	\$30.00
12. Garbage disposal	\$25.00	\$30.00
13. Hose bib	\$20.00	\$20.00
14. Ice maker	\$25.00	\$50.00
15. Interceptor/Grease Trap	\$30.00	\$50.00
16. Primer	\$20.00	\$20.00
17. Residential Replacing in-building water supply lines-number of branches:		
a. First floor	\$75.00	
b. Each additional floor	\$25.00	
18. Commercial Replacing in-building water supply lines-number of branches:		
a. First five branches		\$80.00
b. Each fixture branch over five		\$20.00
19. Roof Drain		\$25.00
20. Sink/basin/lavatory	\$25.00	\$30.00
21. Swimming pool piping	\$25.00	\$50.00
22. Trench Drain	\$30.00	\$50.00
23. Tub/shower/shower pan	\$25.00	\$30.00

24. Urinal	\$20.00	\$25.00
25. Water closet	\$25.00	\$25.00
26. Water heater	\$25.00	\$25.00
27. Other- plumbing	\$25.00	\$46.00
28. Medical Gas Installations (Plan Review Required)	Based on valuation using Table A-1	
29. <b>Minimum Permit Fee</b>	<b>\$45.00</b>	<b>\$65.00</b>

**Table E-3: Plumbing Permit - Related Fees**

Other Inspections	Fee
1. Plumbing Plan Review - When required or requested	25% of the permit fee
2. (Plan review is required for Medical Gas Installations, Fire Suppression Systems, and complex structures as defined by OAR Chapter 918, Division 780)	
3. Additional Plumbing Plan Review required due to revisions to the construction documents	\$60.00 per hour
4. Re-inspection Fee	\$60.00 each
5. Inspections outside of normal Business hours	\$60.00 per hour (one hour minimum)
6. Inspections for which no fee is specifically indicated	\$60.00 per hour
7. Investigation Fee - work done without permits	\$80.00 per hour
8. General State Surcharge: ORS 455.210	As set by the State of Oregon

**Table E-4: Plumbing Permits - Residential Fire Systems <sup>1</sup>**

- ❖ Multipurpose or Continuous Loop Fire Suppression Systems (13D)
- ❖ Fees based on total square footage of the dwelling unit to be covered by the system

Total Square Footage	Permit Fee (Include Plan Review)
1. 0 to 2,000 square feet	\$87.00
2. 2,001 to 3,600 square feet	\$129.00
3. 3,601 to 7,200 square feet	\$164.00
4. Over 7,200 square feet	\$200.00

- ❖ <sup>1</sup> Stand-alone systems are permitted under separate building permits. However, a plumbing permit for a backflow prevention device (in the event of connectivity to potable water supply) is required.
- ❖ Plan review is required on all Residential Fire Suppression Systems.

**F. Electrical Permits****Table F-1: Electrical Permit Fees**

- ❖ **Residential:** New, Additions, Alterations, Repairs, & Accessory Structure
- ❖ **Commercial:** New, Alterations, Additions, Repairs, & Accessory Structure
- ❖ **Multifamily:** New, Alterations, Additions, Repairs, & Accessory Structure

A. Residential-New, or Multi-Family Dwelling Building - New: Service Included	Fee/Equipment
<b>Residential-New</b>	
1. 1,000 square feet or less	\$106.00
a. Each additional 500 square feet, or fraction thereof	a. \$19.00
b. Limited energy, for New I & 2 Family Dwelling	b. \$25.00
<b>Please Note:</b> If a limited energy permit is purchased separately from the new building electrical permit, use fee listed in the "Miscellaneous" section.	
<b>Multi-Family Dwelling Building - New: Service Included</b>	
2. Largest unit uses above sq. ft.; each additional unit	50% of largest unit rate
a. Limited Energy	a. \$63.00 per floor
b. Protective Signaling	b. \$63.00 per floor

**B. Services or Feeders Installation, Alterations or Relocation (Does not include branch circuits)**

1. 200 amps or less	\$79.00
2. 201 amps to 400 amps	\$94.00
3. 401 amps to 600 amps	\$156.00
4. 601 amps to 1,000 amps	\$204.00
5. Over 1,000 amps or 1,000 volts	\$469.00

**C. Temporary Services/Feeders Installation, Alteration, or Relocation**

1. 200 amps or less	\$63.00
2. 201 amps to 400 amps	\$86.00
3. 401 amps to 600 amps	\$125.00
4. 601 amps to 1,000 amps	\$163.00
5. Over 1,000 amps or 1,000 volts	\$375.00

**D. Branch Circuits - New, Alterations or Extension, per Panel**

1. Feeder for branch circuits <b>with</b> above service or feeder fee	
a. Each branch circuit	\$4.00
2. Fee for branch circuits <b>without</b> service or feeder	
a. First branch circuit	a. \$54.00
b. Each additional branch circuit	b. \$4.00

**E. Miscellaneous (Service or Feeder Not Included)**

1. Each manufactured or modular dwelling, service and/or feeder	\$63.00
2. Reconnect only	\$63.00
3. Pump or irrigation circle	\$63.00
4. Sign or outline lighting	\$63.00
5. Each signal circuit(s) or each limited-energy panel alteration	
6. or extension	\$50.00

**F. Renewable Electrical Energy**

1. 5 kva or less (all renewable types)	\$79.00
2. 5.01 to 15.00 kva (all renewable types)	\$94.00
3. 15.01 to 25.00 kva (all renewable types)	\$156.00
4. For wind generation systems in excess of 25 kva:	
a. 25.01 kva to 50.00 kva	a. \$204.00
b. 50.01 kva to 100 kva	b. \$469.00
c. Over 100 kva	c. Use sections B or C, plus D
5. Base fee for solar generation systems in excess of 25 kva	\$156.00
a. Add for each additional kva, or fraction thereof over 25. Maximum fee is 100kva (permit fee will not increase beyond the calculation for 100 kva)	a. \$6.24

**Table F-2: Electrical Permit – Related Fees**

Other Inspections	Fee
1. Electrical Plan Review- When requested or required by OAR Chapter 918, Division 311	25% of the permit fee
2. Additional Electrical Plan Review required due to revisions to the construction documents	\$86 per hour
3. Re-inspection Fee	\$86.00
4. Inspections outside of normal Business hours	\$86.00 per hour (one hour minimum)
5. Inspections for which no fee <b>is specifically</b> indicated	\$86.00 per hour
6. Investigation Fee	\$86.00 per hour

7. Master Permit Inspection Program OAR 918-309-0100	
a. Application fee: 1 <sup>st</sup> time only, no charge for renewals	a. \$100.00
b. Inspection fee (includes inspection, report writing and travel time) per hour	b. \$86.00
8. General State Surcharge: ORS 455.210	As set by the State of Oregon

**G. Customized Permit Services****Table G-1: Phased Plan Review**

- ❖ Authorizes construction to begin on a portion or portions of a building before the construction documents for the whole building have been submitted.

Service Option	Fee
1. Phased Plan Review - In addition to: a. Standard plan review fees	\$250.00 application fee per phase, plus 10% of the total building permit fee not to exceed \$1,500.00 per phase

**Table G-2: Deferred Plans Submittal**

- ❖ Portions of a building design are allowed to be submitted separately.
- ❖ Does not apply to deferred permits.

Service Option	Fee
1. Deferred Plans Submittal - In addition to: a. The project plan review fee based on total project value	65% of the structural permit fee calculated using the value of the particular deferred portion, or portions of the project, with a minimum fee of \$150.00.

**H. Code Enforcement****Table H-1: Code Enforcement Fees****Blowing Dust**

1. Blowing Dust Control Plan	Plan Review: \$100.00	Refundable Deposit: \$300.00
2. Use of a City water truck and operator for the purpose of dust abatement	\$200.00 per hour with a 4-hour minimum	

**Abatement**

1. Administrative Overhead Abatement Processing fee	10% of the total abatement cost
---	---------------------------------

**I. Miscellaneous Fees****Table I-1: Miscellaneous Fees**

Description	Fee
1. Sewer Tap Inspection	\$50.00
2. Fees for moving buildings	\$10.00
3. Excavation permit fees	\$25.00 and shall be doubled if the start of construction occurs prior to application of the permit.
4. Copy Costs	See "Administration & General Fees" Section under "Prints & Public Records"
5. All Signs: Pole sign, canopy signs, and/or any other large sign structure	Permit fee based on valuation plan review- 65% of permit fee

**Building Department**

180 NE 2<sup>nd</sup> Street, Suite 211, Hermiston, OR 97838  
541-667-5025



# Business Licenses

**Please Note:** Individual business licenses fees, as specified below, are for specific business types. The City of Hermiston does not have a general business license as noted below. All businesses operating inside of City limits require a Business License issued from the City of Hermiston as adopted in the Hermiston Code of Ordinances. Solicitors and Mobile Vendors have additional Licenses as described below.

## Business License – Effective 01/01/2025

<del>Business License</del>	<del>Not Required</del>
<u>Businesses WITH a Permanent Location WITHIN City Limits</u>	
1. <u>Base Fee – Includes 0-5 Full-Time Equivalent (FTE) Employees</u>	1. <u>\$85.00</u>
2. <u>6-49 FTE Employees</u>	2. <u>Base Fee + \$15.00 per Employee over 5</u>
<del>1-3.</del> <u>50+ FTE Employees</u>	3. <u>\$1,000.00</u>
<u>Businesses WITHOUT a Permanent Location WITHIN City Limits</u>	
1. <u>Base Fee- Includes 0-5 Hermiston Full-Time Equivalent (FTE) Employees</u>	1. <u>\$100.00</u>
2. <u>6-49 FTE Hermiston Employees</u>	2. <u>Base Fee + \$20.00 per Employee over 5</u>
3. <u>50+ FTE Hermiston Employees</u>	3. <u>\$1,200.00</u>
<u>Construction Projects</u>	<u>\$400.00 per Project</u>
<u>Trade Show and Carnivals</u>	<u>\$300.00</u>

## Liquor License

Liquor License, New	\$100.00
Liquor License, Annual Renewal, Special Events, & Temporary Sales	\$35.00
Liquor License, Change in: Ownership, Location, or Privilege	\$75.00

## Solicitors' License

	<u>3-Months or Less</u>	<u>Up-To-6-Months</u>	<u>Full-Year</u>
Per License	<u>\$10.00</u>	<u>\$15.00</u>	<u>\$25.00</u>
<u>Each additional solicitor, in excess of one, employed by the same firm.</u>	<u>\$10.00 flat fee, regardless of license duration.</u>		

## Mobile Vending License

Full Year Application/Renewal	\$500.00*
90-Day Application/Renewal	\$300.00*
Lunch Trucks	\$300.00*
Event Trucks (one-day)	\$25.00

**Please Note:** Fees are due at the time of application. If the license is not approved, \$100.00 will be retained for administrative costs. (\*) Indicates administrative fee charge retained.

## Food Pod

The Food Pod is contracted out by the City. For more information, contact the Planning Department below.

### Business, Liquor, & Solicitors' Licenses are processed at City Hall.

180 NE 2<sup>nd</sup> Street, Hermiston, OR 97838  
541-567-5521

### Mobile Vending Licenses are processed by the Planning Department

180 NE 2<sup>nd</sup> Street, Suite 211, Hermiston, OR 97838  
541-667-5010

# Community Center

**Discounted Rates** for Non-Profit Organization may be provided.

## Great Room Rental (Large Meetings & Events)

Includes: Janitorial, Kitchen, Stage, Staff Support, and Tear Down.

	Current Fee's	2025 Fee's
1. 0-99 Guests	\$1,100.00	\$1,350.00
2. 100-250 Guests	\$1,475.00	\$1,725.00
3. 251-350 Guests	\$1,750.00	\$2,000.00
4. Set-Up- By Center Staff	\$450.00	\$500.00
5. Day Before Decorating (during business hours, M-F 8:00am-5:00pm)	\$250.00	\$400.00
6. Refundable Cleaning/Damage Deposit- Due to Hold Date	\$1,000.00	

## Security Guards and Insurance

**Security:** Security Guards may be required for event rental. The number of guard(s) are dependent on the numbers of guests and length of your event.

**Insurance:** Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). \*Clients responsibility to obtain and show event center proof of insurance. \*

Small Meetings & Events	Staff Set Up	Half Day (4 hrs)	Full Day (8 hrs)
Includes: Janitorial, Set-Up/Tear down & Staff Support			
1. Board Room (20 guests max)	NA	\$100.00	\$175.00
2. Rotary/Altrusa Room (40 guests max)	\$75.00	\$175.00	\$300.00
3. Great Room (100 guests max)	\$150.00	\$375.00	\$500.00
4. Refundable Cleaning/Damage Deposit- Due to Hold Date	\$100.00		

## Additional Amenities

1. Coffee & Ice Water (30 guests)	\$35.00
2. Table Toppers	\$6.00 each
3. Napkins	\$0.50 each
4. Table Linens	\$6.00 each

**Please Note:** Fees in "Additional Amenities" are subject to change per vendor notice.

**Hermiston Community Center**  
415 S. Hwy 395, Hermiston, OR 97838  
541-667-5018

# Court (Municipal)

## Prints & Public Records (see Administrative & General Fees)

### Municipal Court Reports (Does not include other fees)

- |   |   |
|---|---|
| 1. Reports including discovery, except court appointments (regardless of page count or electronic format) | \$20.00 each- Flat Fee  |
| 2. All other Prints and Public Records Requests   | As established in "Administration & General Fees" under "Prints & Public Records" |

### Other Court Services

- |  |  |
|--|--|
| 1. Marriage Ceremony (performed by Municipal Court Judge on site)  | \$75.00  |
| 2. Marriage Ceremony (performed by Municipal Court Judge off site) | \$100.00 + actual mileage costs<br>(as set in ORS 106.120(5))                |
| 3. Certification of Court Document                                 | \$2.00 for certification of each document<br>(in addition to printing costs) |

### Fees & Penalties

- |  |   |
|--|---|
| 1. Payment Plan Fee/ Fee on cases not paid in full within 30 days of judgment. | Case Balance- \$0-280.00, fee of \$25.00<br>Case Balance- \$280.01+, fee of \$50.00<br>(If case is paid off within 12 months, the fee will be waived) |
| 2. Collection Agency Processing Fee  | Actual amount imposed by the collection agency  |
| 3. Returned Check  | (See Administration & General Fees)   |

### Jury Fees

- |   |   |
|---|---|
| 1. Juror Attendance Fee * <i><b>Paid to Selected Jurors</b></i> *     | Compensation and Mileage<br>(Rate applicable to appearances in justice court) |
| 2. Juror Attendance Fee * <i><b>Paid to Not-Selected Jurors</b></i> * | Mileage Only<br>(Rate applicable to appearances in justice court)             |
| 3. Subpoenaed Witnesses Attendance Fee                                | Compensation and Mileage<br>(Rate applicable to appearances in justice court) |
| 4. Mileage Fee (to and from place of residence)                       | Rate applicable to appearances in justice court                               |

### Hermiston Municipal Court

180 NE 2<sup>nd</sup> Street, Hermiston, OR 97838  
541-567-6610

# Eastern Oregon Trade & Event Center (EOTEC)

Please Note: All Rentals Include: Janitorial, Set-up & Tear Down (Tear Down includes putting away tables and chairs only)			
Great Room Rental (Large Meetings & Events)	Private/For Profit		Non-Profit
Booking Fee & Refundable Security Deposit (Cleaning-Damage)			
1. Booking Fee- Due to Hold Date a. Non-Refundable- If booking more than 6 months in advance	\$400.00		\$400.00
2. Security Deposit Non-Alcohol Event	\$500.00		\$200.00
3. Security Deposit With Alcohol Event	\$1,000.00		\$1,000.00
Great Room Use (Includes Lobby & Standard Stage)	Full Room	Half Room	
1. Monday- Thursday	\$2,750.00	\$1,850.00	\$1,600.00
2. Friday	\$3,000.00	\$1,850.00	\$2,000.00
3. Saturday	\$4,000.00	Not Available	\$3,000.00
4. Sunday	\$2,100.00	\$1,850.00	\$1,800.00
Kitchen Use			
1. Full	\$200.00		\$150.00
2. Fridge and Ice Maker Only	\$100.00		\$50.00
Day Before Decorating (If Available)			
1. 8:00am to 4:30pm	½ of total rent		½ of total rent
2. 5:00pm to 10:00pm	\$500.00		\$50.00 per hour
Meeting Room Rentals (Small Meetings & Events)	Private/For Profit		Non-Profit
Booking Fee & Refundable Security Deposit (Cleaning-Damage)			
1. Booking Fee- Due to Hold Date	\$50.00		\$50.00
2. Security Deposit Non-Alcohol Event	\$500.00		\$500.00
3. Security Deposit With Alcohol Event	\$1,000.00		\$1,000.00
Meeting Rooms (Includes Janitorial Services)			
1. Meeting Rooms 1 OR 2	\$225.00		\$200.00
2. Meeting Rooms 1 AND 2 (Combined)	\$425.00		\$400.00
3. Meeting Room 3	\$225.00		\$200.00
Staffing and Insurance			
1 staff member per 100 people- 5 hour minimum charge. Security requirements vary for different events	\$40.00 per hour per staff member		
Please Note: Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). *Clients responsibility to obtain and show event center proof of insurance. *			
Additional Amenities			
1. Coffee (per pot, 25 cups)	\$25.00		
2. Table Toppers	\$3.00 each		
3. Napkins	\$0.50 each		



EASTERN OREGON TRADE & EVENT CENTER (EOTEC)

4. Table Linens	\$7.00 each
5. Kegerator	\$100.00
6. A/V Equipment- Projector, Screen, Microphone, etc	\$30.00

**Please Note:** Fees in "Additional Amenities" are subject to change per vendor notice.

Other Venues

1. Rodeo Arena	Contact EOTEC for Pricing
2. Barns	Contact EOTEC for Pricing
3. Outdoor Grounds	Contact EOTEC for Pricing

EOTEC

1705 E. Airport Rd, Hermiston, OR 97838

541-289-9800

<https://eotechermiston.com/>

# Festival Street

**Festival Street-** Per day Rental 8:00am to 10:00pm

1. Festival Street use	\$400.00
2. Refundable Booking/Security Deposit- Due to hold event date	\$500.00

**Please Note:** Other fees may apply at a cost recovery basis. You will be held financially responsible for any damages, repairs or cleaning of the reserved areas resulting from your use.

**Miscellaneous Rentals**

1. Event Tent 78' x 40'	\$250.00 per event
2. Other Rentals & Amenities	As Established

**Reservations may be made through: Hermiston Community Center**

415 S. Hwy 395, Hermiston, OR 97838

541-667-5018

# Franchises

## Miscellaneous

1. Application and Review Fee	\$350.00 Unless otherwise provided in franchise agreement
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## Registration Fee

1. Telecommunications- One Time Only	\$50.00
--------------------------------------	---------

## Solid Waste

1. Franchise Fee	3%
2. Billing and Collection Services	12%

## Small Cell Wireless

1. Annual Franchise Fee	\$270.00 for each Small Wireless Facility installed or maintained. Will increase 3% every January 1, beginning January 1, 2022.
2. Interest and Late Fees	Annual rate equal to the greater of 1% per month or the maximum rate allowed by law.
3. Additional Fees	As established

**All Grantees** must pay a franchise fee to the City through the duration of its franchise, as follows:

- A. For all grantees, except as provided in paragraphs B and C, a fee of 5% of gross revenues paid quarterly, unless otherwise provided in the franchise agreement. Gross revenue is defined in Section 170.04.050 of the Hermiston Municipal Code.
- B. The franchise fee for a telecommunication utility shall equal 5% of its gross revenue on exchange access services earned within the boundaries of the City.
- C. For limited use telecommunications grantees, a minimum annual fee, payable in advance, of \$1,000.00 or \$1.00 per linear foot of right-of-way used, whichever sum is greater. This fee will increase annually in July of each year, by multiplying the fee by a fraction, the numerator of which is the CPI Index Figure for the month of March preceding the July in which the fee is to be increased and the denominator of which is the Base CPI Index Figure. As used in this section, "Index" refers to the All Urban Consumers (CPI-U), U.S. City Average, CPI Index published by the Bureau of Labor Statistics of the United States Department of Labor. "Base CPI Index Figure" will refer to the Index number indicated for the month of March, 1998, and the "CPI Index Figure" for any other month will refer to the Index number for that month.

**Please Note:** Beginning July 1, 2001, the fee will be \$1.00 per linear foot. This fee will increase annually by the CPI Index as set forth above. The base CPI will be January of 2001. A limited use telecommunication grantee is defined as one whose franchise limits the amount of linear feet the grantee may occupy, or one who has a franchise as of October, 1998, for the purpose of long-distance telecommunications.

## Right-of-Way Permit

1. <b>Diminished Pavement Life Fee-</b> For any construction requiring pavement cuts or excavation within a public right-of-way.	The franchise applicant shall acquire a City of Hermiston permit {§94.37(A)} to utilize City right-of- way and meet all fee and construction standards as specified.
2. <b>Construction Permit Fee</b>	the applicant must pay a permit fee equal to \$500.00 or ¼ of one percent (.25%) of the estimated cost of constructing the telecommunications facilities, whichever is greater; unless otherwise provided in a franchise agreement, prior to issuance of a construction permit for construction within the public right-of-way.

# Garbage & Recycling Services

## Miscellaneous Services & Fees

### FREE Yard Trimming Permits

Free residential yard trimming disposal permits are available, upon request, for residential customers in good standing and can be obtained at: City Hall, 180 NE 2<sup>nd</sup> Street, Hermiston.  
Permit is valid for two months from issuance date.

### FREE Recycling Centers located in Hermiston

1. 1692 NW Geer Road, near Theater Sports Park
2. 81144 N. HWY 395, at Sanitary Disposal

### Account Set-Up (non-refundable)

- |                   |         |
|-------------------|---------|
| 1. Garbage (only) | \$10.00 |
|-------------------|---------|

## 1. Mechanically Emptied Carts & Containers

### A. 35-Gallon Cart, Served Weekly

- |   |   |
|---|---|
| 1. Residential and Commercial Curb  | \$12.70 per month                                   |
| 2. Walk-in Charge   | \$6.68 per month                                    |
| 3. Reduced Residential Rate:<br>For relief of those residents who are experiencing a financial hardship and meet income qualifications, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount in garbage service. | \$10.46 per month<br>Only one allowed at this rate. |

### B. 90-Gallon Cart, Served Weekly

- |                     |                   |
|---------------------|-------------------|
| 1. Residential Curb | \$21.13 per month |
| 2. Commercial Curb  | \$25.97 per month |
| 3. Walk-in Charge   | \$6.68 per month  |

### C. Commercial Yard & Cardboard Containers

- |  |                       |
|--|-----------------------|
| 1. (1) 1.5- Yard Container (Service available Mon-Sat):        |                       |
| a. Served once a week  | a. \$ 87.87 per month |
| b. Served twice a week   | b. \$166.35 per month |
| c. Served three times a week                                   | c. \$244.83 per month |
| d. Served four times a week                                    | d. \$323.31 per month |
| e. Served five times a week                                    | e. \$401.73 per month |
| f. Served six times a week                                     | f. \$480.27 per month |
| 2. (1) 2- Yard Container (Service available Mon-Sat):          |                       |
| a. Served once a week  | a. \$114.24 per month |
| b. Served twice a week   | b. \$217.19 per month |
| c. Served three times a week                                   | c. \$320.14 per month |
| d. Served four times a week                                    | d. \$423.09 per month |
| e. Served five times a week                                    | e. \$526.03 per month |
| f. Served six times a week                                     | f. \$626.98 per month |
| 3. Cardboard Recycling Container:                              |                       |
| a. Serviced up to 5 days a week Mon-Fri is available Recycling | a. \$12.45 per month  |
| b. Compactor Haul  | b. \$207.86 per month |
| c. Demurrage per day after 7 days                              | c. \$5.01 per month   |



## GARBAGE &amp; RECYCLING SERVICES

**D. Regulations**

1. 1.5- Yard container and larger containers must be placed on a hard level surface in a location that will prevent container run-away.
2. Containers placement must be easily accessible to truck and collector.
3. Cart placement must be at curb or roadside.

**2. Dropbox****A. Service within 7-day period**

1. Prepayment: Required to reserve a dropbox and applied to first bill.	\$200.00
2. Delivery Fee	\$46.10 for the first box
3. Weighing up to 5 tons	\$65.12 haul fee plus \$6.52 per cubic yard or \$73.34 per ton, whichever is greater
4. Weighing 5 tons or greater	\$255.57 haul fee plus \$39.27 per ton
5. Demurrage charge per box after 7 <sup>th</sup> day	\$5.01 per day

**B. Regulations**

1. Dropboxes are priced and can be loaded-level full with a maximum weight of 10 tons.

**3. Compacted Dropbox****A. Compactor on call**

1. Weighing up to 5 tons	\$85.57 per hour haul fee plus \$6.52 per cubic yard or \$73.34 per ton, whichever is greater
2. Weighing 5 tons and greater	\$255.57 haul fee plus \$39.27 per ton

**B. Regulations**

1. Maximum weight of 10 tons when full.

**4. Fines & Penalties** (not already listed above)

<b>Disconnection/Reconnection</b> (due to non-payment)	\$20.00
<b>Return Service</b> (Did not set-out cart. Same day only)	\$15.00

**Please Note:** Service shall be restored only upon full payment of account, including: any other costs or fines imposed by the City or Sanitary Disposal.

**All solid waste services, as specified in this section, are subcontracted to:**

**Sanitary Disposal**

81144 N. Hwy 395, Hermiston, OR 97838

541-567-8842

# Harkenrider Senior Center

**Discounted Rates** for Non-Profit Organization may be provided.

## Great Room Rental (Large Meetings & Events)

Includes: Janitorial, Staff Support, and Tear Down.

1. 0-99 Guests	
a. Half Day (1-5 Hours)	a. \$300.00
b. Full Day (6+ Hours)	b. \$500.00
2. 100-200 Guests	
a. Half Day (1-5 Hours)	a. \$425.00
b. Full Day (6+ Hours)	b. \$700.00
3. Day Before Decorating- During business hours M-F 8:00am-5:00pm	\$250.00
4. Set-Up- By Center Staff	\$450.00
5. Refundable Cleaning/Damage Deposit- Due to Hold Date	\$100.00

## Security Guards and Insurance

**Security:** Security Guards may be required for event rental. The number of guard(s) are dependent on the numbers of guests and length of your event.

**Insurance:** Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). \*Clients responsibility to obtain and show event center proof of insurance. \*

## Small Meetings & Events

Includes: Janitorial, Set-Up/Tear down & Staff Support

	Staff Set Up	Half Day (1-5 Hours)	Full Day (6+ Hours)
1. Breakout Room (25 guests max)	NA	\$125.00	\$200.00
2. Refundable Cleaning/Damage Deposit- Due to Hold Date		\$50.00	

## Additional Amenities

1. Coffee & Ice Water (30 guests)	\$25.00
2. Table Toppers	\$6.00 each
3. Napkins	\$0.50 each
4. Table Linens	\$6.00 each

**Please Note:** Fees in "Additional Amenities" are subject to change per vendor notice.

Contact the **Parks and Recreation Department** at 415 S. Hwy 395, Hermiston, OR 97838 or at 541-667-5018 to reserve the Senior Center for your event during the following hours:  
Monday-Friday 3pm to 10pm  
Saturday & Sunday

Contact the **Senior Center Board** at 255 NE 2<sup>nd</sup> St., Hermiston, OR 97838 or at 541-567-3582 to reserve the Senior Center for your event during the following hours:  
Monday-Friday 8am to 3pm

# Hermiston Energy Services (HES)

**Customer Service Policies, Rates, and Associated Fee Manual**

Last adopted/amended:

[November 9, 2020 by Resolution No. 2167](#)**All electric services, as specified in this resolution, are contracted to:****Umatilla Electric Cooperative (UEC)**

750 W. Elm Ave, Hermiston, OR 97838

541-567-6414

<https://www.umatillaelectric.com/>

# Library

## Library Card

1. <b>Hermiston Resident:</b> Live in 97838 zip code	Free
2. <b>Temporary:</b> If you live in the 97838 area and can provide acceptable identification	\$8.75 for three months
3. <b>Non-Resident:</b> If you do not live in the 97838 area, or do not have acceptable identification	\$35.00 per year
4. <b>Replacement Card:</b> lost or stolen	\$2.00

**Inter-Library Loans (ILL) & Sage Library System (SLS):** Patrons may place Inter-library Loan requests for items not found in the Hermiston Public Library. Patrons will be notified of the item(s) arrival and will have seven days to retrieve the item(s).

1. <b>Requesting items from SLS-</b> Retrieved item(s)	Free
2. <b>Searching Fee for Requesting items from ILL-</b> Payable at time of request & is non-refundable, regardless of loan success.	\$3.00 Other fees may apply from lending library
3. <b>Requesting items from ILL and/or SLS-</b> Failed to retrieve item(s)	\$5.00, after first notice

## Research Services

1. All research requests- For example: "Who was X building named after?"	As established in "Administration & General Fees" under "Processing Fees"
2. Obituaries from Hermiston Herald <ul style="list-style-type: none"> <li>a. Self Service</li> <li>b. Staff Completion</li> </ul>	<ul style="list-style-type: none"> <li>a. Free</li> <li>b. As established in "Administration &amp; General Fees" under "Processing Fees"</li> </ul>

## Fines & Collections

1. <b>Overdue Late fees:</b> for Books, Audiobooks, Magazine, Videos/DVDs, High Demand Items:	\$0.20 per item per day \$5.00 Maximum fine per item
2. <b>Overdue Late fees:</b> for special or temporary collections	Cost Varies
3. <b>Collections:</b> Library accounts of \$50.00 or more in arrears, and are more than 60 days past due, will be turned over to collections.	As established in "Administration & General Fees" under "Fines & Penalties"

## Damaged Materials

1. <b>Repair fee:</b> Items requiring less than one-hour of repair	Charged at \$5.00 per 15-minute increments \$5.00 minimum charge
2. <b>Replacement fee:</b> Items requiring more than one-hour of repair	Actual Cost
3. <b>Labels, Bar Codes &amp; Book Pockets:</b> Missing or damaged	\$1.00
4. <b>Video/Audio Covers</b>	\$5.00
5. <b>CD/Media Parts</b>	Actual Cost of missing or damaged part(s). When parts cannot be purchased individually, a replacement cost for the entire set will be charged.

## Room Rental for Small Meetings & Events

Includes: Tables, Chairs, & Staff Support

<b>Program Room</b> (73 guests max) Refundable Cleaning/Damage Deposit- Due to Hold Date	\$100.00
---	----------

## Miscellaneous Services

1. Printing & Copying – Self Service	\$0.10 per page for black and white	\$0.50 per page for color
--------------------------------------	-------------------------------------	---------------------------

LIBRARY	
2. USB Stick, Headphones, etc	Actual Cost
3. Other Misc. Items and Services	As Established
<b>Hermiston Public Library</b>	
235 E Gladys Ave, Hermiston, OR 97838	
541-567-2882	



# Parks and Recreation

Recreation Department		
Recreation Programs & Classes		
Volleyball, Football, Art, Archery, etc	As established per program	
Parks Department		
Park Rental		
EXCLUSIVE USE of entire park or portions of park.	Fees are established for a variety of services on a cost recovery basis which may include tables, garbage cans, staffing, lighting, and other costs to the City. This fee may be waived by the City Manager or designee if the reservation is in conjunction with a community-wide event	
Shelter Rental		
❖ Reservations from April 1 <sup>st</sup> – September 31 <sup>st</sup> .		
❖ Reservations are closed from October 1 <sup>st</sup> - March 31 <sup>st</sup> but can be used for free at a first-come first-serve basis. Tables from the Parks Department are not available to use/rent during these months.		
1. Weekday (M-TH) 4 Hour Rentals at ALL PARKS from: a. 10:00am-2:00pm or b. 3:00pm-7:00pm Includes the use of 4 tables	Resident \$50.00	Non-Resident \$75.00
2. Weekend (FRI-SUN) Rentals: a. 4 Hour Rental @ McKenzie, Hodge, Victory 1. 10:00am-2:00pm or 2. 3:00pm-7:00pm b. 3 Hour rental @ Butte Park Kiwanis Shelter & Rotary Shelter 1. 9:00am-12:00pm, 2. 1:00pm-4:00pm or 3. 5:00pm-8:00pm Includes the use of 4 tables	Resident \$65.00	Non-Resident \$90.00
Please Note: Other fees may apply at a cost recovery basis, include, but not limited to paying a Security Deposit. You will be held financially responsible for any damages, repairs or cleaning of the reserved areas resulting from your use.		
Miscellaneous Rentals		
1. Event Tent 78’ x 40’	\$250.00 per day	
2. Other Rentals & Amenities	As Established	
Parks and Recreation Department is located in the Community Center 415 S. Hwy 395, Hermiston, OR 97838 541-667-5018		

# Planning & Zoning

Accessory Dwelling	
1. Permit- shall be charged upon application for a building permit for an accessory dwelling.	\$200.00
Compliance Reviews	
1. Civil Drawings	
a. 1-2 Reviews	a. \$500.00
b. 3+ Reviews	b. \$1,000.00 per review
2. Zoning Standards Permit Compliance Review	\$75.00
3. Development Agreement Legal Costs (to prep & review agreements)	\$200.00
4. Site Plan Review- New/Initial/Expansion	\$550.00
5. Final Plat Review	\$275.00
Land Use Actions	
1. Addressing Assignment, adding or changing	\$25.00
2. Annexation	\$900.00
3. Appeal of Planning Commission Decisions	\$700.00
4. Appeal of Planning Department Decision	\$250.00
5. Comprehensive Plan/Plan Map Amendment	\$1,500.00
6. Conditional Use	\$800.00
7. Land Partition, Minor	\$775.00
8. Planned Unit Development	\$1,500.00 + \$10.00 per lot
9. Property Line Adjustment	\$300.00
10. Public Right-of-Way Vacation	\$900.00
11. Subdivision/Land Partition, Major	\$1,250.00 + \$10.00 per lot
12. Subdivision- Replat	\$500.00 + \$10.00 per lot
13. Variance- Major	\$800.00
14. Variance- Minor	\$475.00
15. Zone Text Amendment	\$1,500.00
Miscellaneous Services	
1. Administrative Action- Includes requests such as: DMV certification, zoning confirmation, land use compatibility statement, or similar documentation	\$35.00 Research Fee's are as established in "Administration & General Fees" under "Processing Fees"
Planning Department	
180 NE 2 <sup>nd</sup> Street, Suite 211, Hermiston, OR 97838	
541-667-5010	

# Police Department

## Law Enforcement -Effective 04/01/2024

Law Enforcement Staffing Fee- Added to each utility bill (water, sewer, garbage).

\$5.00 per month

## Violations (cannot exceed amount established by state law)

- |  |   |
|--|---|
| 1. False certification                       | Not more than \$1,000.00                    |
| 2. Class A, B, C, & D Individual Violations  | Maximums permitted by State Law             |
| 3. Class, A, B, C & D Corporation Violations | Double the maximum of Individual Violations |
| 4. Towing and Impoundment                    | As established by Towing Company            |

## Miscellaneous Services

- |   |         |
|---|---------|
| 1. Fingerprinting<br>(Livescan Prints only – No ink prints provided)  | \$20.00 |
| 2. Bicycle Registration<br>(Residents living within city limits only) | Free    |

## Prints & Public Records

**Please Note:** Requestors must pre-pay the estimated cost of request. If the actual charges are less than the pre-payment, then the over- payment shall be refunded.

## Documents & Photocopies (Does not include other fees)

- |  |  |
|--|--|
| 1. Black & White (up to 11x17)                 | Single: \$0.25 per page<br>Double-Sided: \$0.50 per page |
| 2. Color (up to 11x17)                         | Single: \$1.00 per page<br>Double-Sided: \$2.00 per page |
| 3. Black & White and Color (larger than 11x17) | Actual Cost  |

## Media (Does not include other fees)

- |  |                                  |
|--|----------------------------------|
| 1. DVD, CD or USB  | Actual Cost                      |
| 2. Audio & Video Recording, in addition to any other fees. | \$35.00 per hour- Minimum Charge |

## Police Investigation Reports

- |  |  |
|--|--|
| 1. Digital Copy- Includes:<br>The initial report and supplemental reports completed at the time of request, along with color full-page photographs.              | \$20.00  |
| 2. Printed Copy- Includes:<br>The initial report, supplemental reports completed at the time of request, along with color photographs in gallery/thumbnail view. | \$20.00, plus<br>\$1.00 per full-page color photos |

## Discovery

- |   |  |
|---|--|
| 1. Criminal Offense: Court Appointed Attorney | Free   |
| 2. Criminal Offense: Retained Attorney        | \$20.00  |
| 3. Violation Offense: Digital Standard Packet | \$20.00  |
| 4. Violation Offense: Printed Standard Packet | \$20.00 with potential additional "Media" fees |

## Miscellaneous

- |   |         |
|---|---------|
| 1. Police CAD (Computer Aided Dispatch) Incident report | \$20.00 |
| 2. Citation copy  | \$5.00  |
| 3. Mugshot copy   | \$5.00  |

POLICE DEPARTMENT	
4. Address/Name Record Check	\$20.00
5. Mailing Services	Actual Cost
<b>Records Request Processing Fees</b> (Does not include other fees)	
1. Lengthy Requests (request over 15 mins to complete) <ul style="list-style-type: none"><li>Fee's charged at 15 min increments.</li><li>Requests less than 15 mins to process may be waived, excluding serial requests.</li></ul>	\$35.00 per hour
2. Attorney Fees	Actual Cost
<b>Hermiston Police Department, Bob Shannon Safety Center</b> 330 S. 1 <sup>st</sup> Street, Hermiston, OR 97838 541-567-5519 (Business) 541-966-3651 (Dispatch) 541-667-5148 (Anonymous Tip Line)	

# Public Transit-Taxicab & Bus Services

## Taxicab Services

### Cab Fares

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| 1. Senior and Disabled Taxi Tickets | \$3.00 per ticket                 |
| 2. General Public Taxicab Fares     | As established by taxicab company |

### WORC Program

- |  |                            |
|--|----------------------------|
| 1. Hermiston City (live and work in City limits)                                   | \$30.00 (10 one-way trips) |
| 2. Hermiston Zip (live or work outside of City limits)                             | \$32.50 (10 one-way trips) |
| 3. Hermiston Plus (live and work outside of City limits but in Hermiston zip code) | \$57.50 (10 one-way trips) |
| 4. West-End (live and work in Stanfield or Umatilla)                               | \$90.00 (10 one-way trips) |

**Please Note: Senior & Disabled and WORC Program Participants must sign up and purchase tickets at Hermiston City Hall prior to receiving a ride.**

### Taxicab Company

#### Operating Certificate (Charged at the time of application)

- |                                |          |
|--------------------------------|----------|
| 1. Application and Renewal Fee | \$50.00  |
| 2. Late Renewal Fee            | \$100.00 |

#### Taxicab Drivers (Charged at the time of application)

- |                            |         |
|----------------------------|---------|
| 1. Application/Renewal Fee | \$25.00 |
| 2. Late Renewal Fee        | \$50.00 |

### Bus Services

- |  |      |
|--|------|
| 1. <b>HART</b> (Hermiston Area Regional Transit)<br>A fixed route within the city limits of Hermiston with several connections to the Hopper Bus | Free |
| 2. <b>Hopper</b><br>A fixed route with connections to: Pendleton, Umatilla, Irrigon, Stanfield, and Echo.  | Free |

#### **Taxicab Services are contracted to: Umatilla Cab Co.**

2430 N. 1<sup>st</sup> Street, Hermiston, OR 97838  
541-567-6055

#### **Bus Services are contracted to:**

#### **The Confederated Tribes of the Umatilla Indian Reservation, Kayak Public Transit**

46411 Timíne Way, Pendleton, OR 97801  
541-276-3165

<https://ctuir.org/>



# Sewer Department

## Account Set-Up (non-refundable)

See "Water Department"

Sewer Usage Calculations	Monthly Base Rate	Calculated Monthly Usage Rate (per 1,000 Gallons)
Rates Adjusted: March 1, 2024		
1. Residential	\$40.67	\$3.49
2. Commercial	\$40.67	\$3.49

## Please Note the Following:

### ❖ Sewer Annual Adjustment:

The Monthly Base Rate, and the Calculated Monthly Usage Rate, shall be adjusted each March 1, by an amount equal to the annual percentage change in the Engineering News-Record Construction Cost (20-City Average) Index averaged for the three preceding calendar years.

### ❖ Monthly Usage Calculation:

Calculated Monthly Usage shall be established each March based on the customer's average monthly winter water usage for the most recent December, January, and February time frame as established above in "Sewer Annual Adjustment".

### ❖ New Customers:

New customers who begin service between:

- February 1 and November 30- shall be billed at an assumed Monthly Usage of 5,000 gallons per month.
- December 1 and January 30- shall be billed at an assumed Monthly Usage of 5,000 gallons per month until a new Calculated Monthly Usage is established using the average of all full months of service received in December through February.

### ❖ Reduced Utility Rate:

For relief of those residents who are experiencing a financial hardship and meet income qualifications, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount of garbage service (see "Garbage & Recycling Services").

## Fines & Penalties

1. Late/Delinquent Payments	See "Water Department"
2. Disconnection/Reconnection (combined fee)	See "Water Department"

**Please Note:** Service shall be restored only upon full payment of account, including: any other costs incurred by the City and any fines imposed.

## Commercial Independent Discharge Users

- ❖ Commercial independent discharge users must operate and maintain independent wastewater disposal facilities which are currently licensed by the State of Oregon for the disposal of wastewater. During all times when approved and licensed wastewater facilities are operable, the rate for discharge to the public treatment works will be based on the actual metered flow of discharge.
- ❖ The metered users of the class will provide access to City personnel to read the meter in each billing period. They will also provide an annual calibration and certification of the metering device from an individual certified for such verification.

**Industrial Discharge Users:** Industrial Users are defined as any existing, or prospective, user of the sewer system who exceeds the Recycled Water Treatment Plant's design parameters for treating BOD, TSS, or Ammonia, by more than 50%.

- ❖ **Usage Rates:** Industrial Users shall pay the same Monthly Base Rate, and Calculated Monthly Usage Rate as identified for Residential and Commercial Users. However, Industrial Users' usage shall be metered monthly, and billed based on their monthly discharge year-round.
- ❖ **Surcharge Rates:** In addition to consumption rates, Industrial Users shall be charged the following surcharge rates.
  1. BOD: \$1.46/lb.
  2. TSS: \$1.56/lb.

3. Ammonia: \$1.59/lb.

- ❖ **Sampling:** The Utility shall install a discharge meter for Industrial Users capable of taking samples throughout the month. Samples shall be taken up to 10 times per month and tested for the discharges which exceed the RWTP design parameters. Sampled discharge amounts shall be averaged monthly. The sampled average shall be combined with the metered volumetric discharge to determine the customer's surcharge bill monthly.

**Vactor Use (Municipality use only, with prior authorization from City Manager or designee)**

Vactor use	\$350.00/hour with the addition of 2 operators at 1.5 hourly wage and full benefits package rate.
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**Waste Disposal at Plant**

1. Septic Tank & Portable Toilet Waste Disposal	\$0.25/gallon – Minimum of 100 gallons
2. Recreational Vehicles (RV)	Free

**Sewer (Recycled Water) Department**

2205 N. First Place, Hermiston, OR 97838

541-567-5272

# Street Department

## Sidewalk & Driveway Permits

All sidewalk & driveway improvement permits	\$50.00
---	---------

## Street Excavation Permits

All right-of-Way Cut Permits:

1. Less than 50 lineal feet, and less than 48" in width	1. \$50.00
2. More than 50 lineal feet, and less than 48" in width	2. \$50.00 plus \$1.00 per lineal foot
3. More than 50 lineal feet, and more than 48" in width	3. \$50.00 plus \$1.00 per lineal foot and replace at least 8' of paving width with an approved paving machine.

**Please Note:** Fees shall be doubled if the start of construction occurs prior to application and approval of the permit. The above amounts do not include repairs needed for Right-of-Way cuts.

## Swale Alteration Permits

Any conversion of a stormwater swale from a grassy swale to a rock swale requires a permit.

1. 4' wide existing grassy swale	\$21.50 per linear foot of swale
2. 6' wide existing grassy swale	\$23.98 per linear foot of swale
3. Deposit- Will be credited to final permit fee	\$250.00

**Please Note:** Swale alteration will be completed by City Crews on a first-come-first-served basis. Customers wishing to have the work done must pay a deposit to be placed on the list. Prior to beginning work, City crews will verify the dimensions of the swale to be converted and calculate the total permit fee owed; the customer must make that payment prior to work commencing.

## Street Dept. fees are processed by the Building Department

180 NE 2<sup>nd</sup> Street, Suite 211, Hermiston, OR 97838

541-667-5025

# System Development Charges & Connection Permits

## A. System Development Charges (SDC's)

Fees are due and payable upon issuance of permit for connection

Alternative Calculations, Credit's, and Exemptions for SDC's may apply or be requested as set forth in Resolution No. 2191.

Please Note: ORS 223.304(8) allows for periodic adjustments in SDC rates. Therefore, the City shall adjust rates on or about January 1st of each year to account for expected changes in the Acquisition and Development Cost Adjustment as set forth in Resolution No. 2191.

**Table A-1: Water, Sewer, Parks, & Transportation SDC's**  
Please Note: Park SDC Fees are not applicable to Commercial Connections

Click the link below to view the last adopted/amended SDC Table.

[June 28, 2021 by Resolution No. 2191](#)

## Connection Permits Fees

There is a \$25.00 account set-up fee added to each meter installation. This charge is payable at the time of permit purchase. Additional charges may be due subject to water line installation assessment.

**Table B-1: Single Residential & Commercial Connection Permit Fees**

Meter Size	Water	Single Residential Sewer	Commercial Sewer
3/4"	\$900.00	\$275.00	\$300.00
1"	\$1,000.00	\$275.00	\$300.00
1 1/2"	\$2,100.00	\$275.00	\$300.00
2"	\$3,100.00	\$275.00	\$300.00
3"	\$4,700.00	\$275.00	\$300.00
4"	\$5,800.00	\$275.00	\$300.00

**Table B-2: Multi-Unit Sewer Connection Permit Fees**

- ❖ Water Connection fee depends on meter size as indicated in "Table B-1" above.
- ❖ Connection permits for assisted living facilities are based on number of living units.

No. of Units	Connection Fee	No. of Units	Connection Fee	No. of Units	Connection Fee
1	\$275.00	18	\$695.00	35	\$900.00
2	\$325.00	19	\$710.00	36	\$910.00
3	\$375.00	20	\$725.00	37	\$920.00
4	\$425.00	21	\$740.00	38	\$930.00
5	\$455.00	22	\$755.00	39	\$940.00
6	\$485.00	23	\$770.00	40	\$950.00

SYSTEM DEVELOPMENT CHARGES & CONNECTION PERMITS

7	\$515.00	24	\$785.00	41	\$960.00
8	\$545.00	25	\$800.00	42	\$970.00
9	\$560.00	26	\$810.00	43	\$980.00
10	\$575.00	27	\$820.00	44	\$990.00
11	\$590.00	28	\$830.00	45	\$1,000.00
12	\$605.00	29	\$840.00	46	\$1,010.00
13	\$620.00	30	\$850.00	47	\$1,020.00
14	\$635.00	31	\$860.00	48	\$1,030.00
15	\$650.00	32	\$870.00	49	\$1,040.00
16	\$665.00	33	\$880.00	50	\$1,050.00
17	\$680.00	34	\$890.00	51+	**See Below

\*\*Sewer Connection Permit Fee for more than 50 units is \$1,050.00 plus \$5.00 for each additional unit.

Building Department

180 NE 2<sup>nd</sup> Street, Suite 211, Hermiston, OR 97838

541-667-5025



# Transient Room Tax

**Imposed Tax:** Rent charged for the sale, service or furnishing of transient lodging defined in Ordinance No. 2236 passed 12/14/2015.

**Imposed Tax Exemptions:** Taxes shall not be charged to those listed under "Exemptions" in Ord 2236.

1. 1 to 6 consecutive days of occupancy by the same person	9% Effective 04/01/2024
2. 7 to 30 consecutive days of occupancy by the same person	2.5%
3. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month	None

**Please Note:** Taxes shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and parking space in recreational vehicle parks.

## Tourism Promotion Assessment Charge

### Hotels

1. 1 to 30 consecutive days of occupancy by the same person- through 12/31/2030	\$2.00 per night rented
2. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month- through 12/31/2030	None
3. 1 to 30 consecutive days of occupancy by the same person- effective 01/01/2031	\$1.00 per night rented
4. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month- effective 01/01/2031	None

### Recreational Vehicle Park

A. 1 to 30 consecutive days of occupancy by the same person	\$1.00 per space night rented
B. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month	None

**Collection of Transient Tax Funds-** Shall be paid by the transient to the transient tax collector at the time that rent is paid.

Collected Each Quarter	Collection Process
Less than \$100.00	None.
\$100.00 or more	The taxes and charges shall be filed with the Finance Director or designee.

### Delinquencies and Interest from Transient Tax Collector

A. <b>Original Delinquency-</b> Imposed on any transient tax collector who has not been granted an extension of time for remittance but pays prior to delinquency established	10% of tax & charges due, in addition to the amount of the tax and charges
B. <b>Continued Delinquency-</b> Imposed on any transient tax collector who has not been granted an extension of time for remittance and is more than 30-days past due	25% of tax & charges due, in addition to the amount of the tax and charges
C. <b>Fraud-</b> Nonpayment of any remittance due to fraud or intent to evade	25% of tax & charges due, in addition to subsections (A) or (B) of this section
D. <b>Interest-</b> In addition to the penalties imposed, any transient tax collector who fails to remit any tax or charge imposed when due	0.5% per month without prorations, exclusive of penalties, until paid

**Petition for waiver:** Any transient tax collector may petition the City Council for waiver and refund of the penalty or any portion thereof as established in Ord 2236.

# Water Department

## Account Set-Up (non-refundable)

Water and/or Sewer, with or without Garbage Services	\$25.00
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## Water Usage Calculations (per 1,000 gallons)

Rates Adjusted: March 1, 2024

	Base Rate	0-15,000 Gallons	>15,000 Gallons
1. Residential	\$34.87	\$0.58	\$4.05
2. Commercial	\$34.87	\$0.58	\$4.05

## Please Note the Following:

### ❖ Water Usage Annual Adjustment:

The Monthly Base Rate, and the Water Usage Rate, shall be adjusted each March 1, by an amount equal to the annual percentage change in the Engineering News-Record Construction Cost (20-City Average) Index averaged for the three preceding calendar years.

### ❖ Reduced Utility Rate:

For relief of those residents who are experiencing a financial hardship and meet income qualification, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount of garbage service (see Garbage & Recycling Services”).

## Fines & Penalties

### 1. Late/Delinquent Payments:

All unpaid bills & charges for water, sewer & garbage services, not paid within 20 days of issuance of statement.

Additional 5% imposed on the gross combined billing

### 2. Disconnection/Reconnection (combined fee):

Due to non-payment and/or failure to comply with water shortage emergency regulations

\$20.00

### 3. Tampering Act:

For any unauthorized alteration or attempted alteration to:

- Reconnect services, once disconnected
- Component(s) or locking mechanism
- Other unauthorized access

\$25.00 per occurrence, plus any additional charges for repairs or replacements due to damage(s)

**Please Note:** Service shall be restored only upon full payment of account, including: any other costs incurred by the City and any fines imposed.

## Water Meter Inspection

Consumer requested inspection & testing of meter	\$15.00
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## Miscellaneous Services

Fire Hydrant Meter	\$1,400.00 Deposit	Double Water Rate. Charged Monthly.
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**View Water Usage – Eye On Water:** As part of our ongoing efforts to improve services to our customers, we offer direct access to view your water usage data. The **EyeOnWater** website and FREE App (available for Android and IOS users) have a variety of available tools to review and analyze your water use. With these tools you are able to view your hourly usage, easy to understand graphs and the ability to establish alerts – including identifying potential water leaks.



To get started go to <https://eyeonwater.com> or scan the QR Code on the right-hand side of this page. You will need your account number (excluding the decimal points), zip code and a valid email address.

## Water Department Services are located at City Hall

180 NE 2<sup>nd</sup> Street, Hermiston, OR 97838

541-567-5521