



THE COMMON COUNCIL OF THE CITY OF ECHO WILL HOLD A PUBLIC LAND USE HEARING AT 6:00 P.M MONDAY, SEPTEMBER 15th, 2025. LOCATED AT CITY HALL, 20 S BONANZA, ECHO.

AGENDA

- 1. Open Hearing – File #01-2025 Comp Plan, Municipal Code, Zoning Updates**
- 2. Mayor – Review Process for Hearing**
- 3. Staff Report**
- 4. Public Comment: *(Note: please keep all statements to 5 minutes or less)***
- 5. Council Discussion**
- 6. Motion**
- 7. Adjournment**

MEMORANDUM

To: Echo City Council
From: Dave Slaght, City Manager
cc: Carla McLane, Contract Planner
Date: September 8, 2025
RE: September 15, 2025, City Council Public Hearing

This memorandum is provided a summary and response to the comments from the August 14 City Council Public Hearing – both those submitted by the public and the City Council discussion.

Public Comment

During the public comment period there were two individuals that testified in favor – Joan Sonneberg and Kent Madison. One person spoke in opposition – Gina Sather. There were also many letters submitted in opposition. Three individuals provided neutral comment or asked questions – Katie Barthel, Jay Bales, and Phyllis Shovelski. Joan Sonneberg provided rebuttal testimony.

In Support

Joan Sonneberg: Joan spoke in support of the Comprehensive Plan and specifically spoke to the proposed language in Goal 5 that provides a narrative that explains various aspects of Goal 5 issues. She suggests that the city buy the land designated and Open Space if there is truly a desire to see that land put to recreational or other public use. Until then she recommends that current landowners not be restricted.

Kent Madison/Jennifer Bragar: The letter from Ms. Bragar focuses on the Open Space and encourages the City Council, for a variety of reasons, to change that zoning from Open Space to Residential (consistent with the testimony received from the landowners of these parcels and lots). This letter also addresses the need to amend or remove policy 5 under Goal 7, something staff have previously raised as well.

In Opposition

Gina Sather: Ms. Sather again testified in opposition with limited information specific to the substantive criteria.

Packet of Letters: All the letters that were provided to the City Council as a packet (and added to the record as such) are presented as opposition. The focus in many of them is the area between the two canals requesting to maintain that property as Open Space. The two concerns that are raised is flooding and wildlife habitat.

Information has been provided to the City Council that ensures that any development between the two canals would require coordination with the respective owners or managers of the irrigation canals mitigating or eliminating the flooding risk. Maintaining wildlife habitat is not a requirement of property ownership unless a landowner has entered into an agreement with the Oregon Department of Fish and Wildlife.

Neutral

Katie Barthel: Ms. Barthel spoke to the Comprehensive Plan with a focus on Goal 10.

Jay Bales: Mr. Bales spoke to the Open Space, emphasizing the Jennifer Bragar letter submitted by Mr. Madison. His emphasis was the liability concerns that have been raised.

Phyllis Shovelski: Ms. Shovelski spoke to grant closure requirements and the imbalance of those in support to those in opposition. She asserts that the opposition is just being louder and that they may not be the majority.

Rebuttal

Joan Sonneberg spoke to the comments made by Gina Sather stating that both the current and the proposed Comprehensive Plan is supportive of growth for the City of Echo.

City Council Discussion

One of the first items discussed was manufactured homes and manufactured home parks drawn from comment by Ms. Barthel. Staff provided clarity about the differences between a manufactured home on an individual lot and a manufactured home within a park. Mayor Ray brought the 2019 Housing Strategies Report into the discussion. Dave shared that over the past several years only a handful of homes have been built in Echo with most being manufactured homes as they are perceived to be more affordable.

Councilor Holben shared her thoughts about how Echo has grown and changed over the past 140 years, acknowledging the history, some of the ups and downs the community has experienced. This discussion then shifted to the Open Space concerns and how to address not only Open Space but parks more generally. The Jennifer Bragar letter was discussed relative to Open Space requirements and how to address those concerns. Councilor Anderson shared information from a trail's handbook concluding that based on the landowners request for residential zoning and the Jennifer Bragar letter, she concludes that the land should be rezoned or the city should work to purchase that land. Mayor Ray echoed those sentiments.

The discussion then shifted to the Zoning Map. The need to dedicate park lands was a part of this discussion with an understanding that planning work around parks uses will need to continue once this process concludes. A majority of the Councilors were in support of retaining the zoning map as presented, keeping both the Open Space and Residential/Commercial areas for further discussion. After discussing the previous Residential/Commercial zoning, the request of staff was to draft changes to the proposed Downtown Commercial use zone adding clear language that allows for the homes currently in place to be replaced if a loss is experienced.

City Administrator Slaght requested a discussion about the concerns raised by the City's insurance carrier related to Comprehensive Plan Goal 7 Policy 4. The concern is that the currently written policy statement is the city taking responsibility for failure of the canals. Consensus was to remove this policy statement.

At the last public hearing there was a question regarding the approval of the grant and if the City Council knew what they were approving. Mayor Ray provided several examples where the City Council were provided with information about the grant and took action as part of the City Council agenda. Carla McLane also responded to Phyllis Shovelski's question about grant

closure sharing that the grant has been closed. The city did meet the minimum requirement of providing an adoption ready package by the end of the grant period.

The discussion next turned back to Open Space. Staff shared about current work in building a GIS database and mapping system. This was shared to explain how certain 'ownerships' have been missed. Both the Bureau of Reclamation and the Union Pacific Railroad are rights-of-way, not parcels or lots for tax purposes. So in the GIS framework you don't see those 'ownerships' because they are not a lot or parcel. As city staff use GIS for more of their work there will need to be a recognition of those 'ownerships' that are not showing up from the database of lots and parcels. Tax issues related to the Open Space were also briefly discussed concluding that there is no clear impact. Next discussed were the potential liability issues as raised in the Jennifer Bragar letter.

September 15 Public Hearing:

Staff are not suggesting an agenda or outline for the City Council discussion on September 15. Some limited areas of the proposed Comprehensive Plan, Development Code, and Zoning Map changes as discussed will be provided prior to the September 15 public hearing.

Reeve Kearns PC

Attorneys at Law

P.O. Box 13015
Portland, Oregon 97213
Email: dan@reevekearns.com

Daniel H. Kearns
Direct Dial: 503-997-6032

From: Daniel Kearns, land use counsel
To: Dave Slaght, Echo City Manager
Date: September 3, 2025
Re: Recommendations on Comprehensive Plan and Development Code Up-date

You asked me to look into the city's current Comprehensive Plan and Development Code Up-date both in terms of its process and substance and make a recommendation as to how to proceed to some form of adoption by the Council. This request was prompted by what appears to be a current stalemate in the process, the impression that the Council is divided on how to proceed, and what to adopt by way of an amendment to the City's Comprehensive Plan and Development Code.

My short recommendation is that the City continue the process and adopt the "housekeeping" and other elements of the current up-date package that are not substantively controversial. The "housekeeping" elements include new decision making procedures, floodplain management regulations, historic preservation regulations, provisions intended to implement state law for housing such as accessory dwelling units, clear and objective standards for the review of housing projects, and any similar topic that can fairly be described as a standard "housekeeping" type up-date. I recommend these controversial substantive provisions be pulled-out and set aside for future consideration, including revisions to Goal 7 (Areas Subject to Natural Disasters and Hazards), any rezoning of land zoned Open Space ("OS"), revision of the OS zone regulations, and revisions to the City's downtown commercial zone. The city council should complete public testimony and consideration of the housekeeping and noncontroversial topics and adopt them as the up-date.

Substantive Recommendations: The genesis of this development code and comprehensive plan up-date was to bring the city's land use documents into compliance with current state law, particularly with regard to clear and objective housing standards, floodplain development and historic preservation. The city's procedural sections governing land use decision making also needed up-dating to better comport with state procedural requirements and to make the process more workable and less subject to procedural challenge. I strongly recommend the city continue with these noncontroversial revisions to the development code and comprehensive plan.

The most controversial topics, however, appear unrelated to these "housekeeping" revisions and include rezoning the OS Zone lands between the Furnish Ditch and the Feed Canal and the golf course and revising the city's downtown commercial zone to exclude housing. These, and possibly other topics are controversial and complicated, and they warrant thorough consideration. The suggestion that the OS zoned lands between the Furnish Ditch and the Feed Canal and the golf course be rezoned to a residential designation also raise questions related to the significant expansion land available for residential development, whether claims of "just compensation" are valid and what that might mean for the city, whether the city's water and

sanitary sewer systems have capacity to serve, easement rights of the ditch and irrigation companies that are designed to protect those interests and may preclude development, and ultimately what density, population size and urban form the city desires for itself.

I recommend these and any other controversial, complicated topics unrelated to a strictly housekeeping revision be deferred until later and subject to an in-depth analysis and public process if the council chooses to do so. The city should proceed now to adopt only the less controversial revisions that comport with a standard comprehensive plan and development code up-date.

Procedural Recommendations: As I understand it, the process has progressed from the Public Advisory Committee to the planning commission to the city council. At the council level, however, public testimony suggests that strong feelings remain. Some members of the public and councilors argue that their concerns have been ignored, written comments have been excluded from the record or not distributed prior to council meetings, that public testimony has been curtailed and council concerns ignored. There is also a question of whether proper notice of these legislative revisions was provided to the affected irrigation district, ditch company and US Bureau of Reclamation, whose input is important.

This is a legislative matter that is subject to no particular schedule or deadline for final adoption. As such, there is no prohibition against ex parte contacts; council should be encouraged to engaged individually with community members, and full public testimony and council deliberation should be freely allowed. These sorts of procedural complaints suggest that the process has been unreasonably limited. The possible notice deficiency to the affected irrigation districts, ditch companies and Bureau of Reclamation raises the prospect of procedural appeals of anything adopted through this process.

Given that there is no particular adoption deadline for this up-date,¹ I recommend the council complete the public hearing process and resume public testimony after the substantive scope of the package has been reduced to eliminate the more controversial topics that exceed a standard comprehensive plan and development code up-date.

Conclusions: A significant segment of the public and some city councilors are clearly unhappy with the process and the substance of the current up-date package. Given that this was supposed to be a standard comprehensive plan and development code up-date with no particular adoption deadline, there is no justification in forcing a clearly unpopular package through to a quick decision. The city would be better served if it proceeded with those topics consistent with a standard “housekeeping” up-date, and the controversial substantive topics should be set aside for later. I recommend that the council first segregate-out the controversial items, and set them aside. Then, complete the public hearing and testimony process for the “housekeeping” elements, as described above, because they are required by state law and must be adopted.

¹ The only exception may be a requirement of the grant source that the city adopt something by a certain deadline to complete its performance under the requirements of the grant.