

HERMISTON

Relationship between EOTEC, conference center on the agenda

By **JADE MCDOWELL**
East Oregonian

The Hermiston City Council will discuss recommendations for management of the Hermiston Conference Center and Eastern Oregon Trade and Event Center Monday.

The city hired consultants J Robertson and Company to analyze the relationship between the two venues and create a report detailing what the city could do to make both venues successful. The city will take over management of the conference center from the Greater Hermiston Area Chamber of Commerce on Jan. 1.

The report analyzes both facilities, including their rate structures and usage levels. It details eight recommendations for the Hermiston Conference Center, including creating one rate structure for all users, adopting an online booking system and updating the facility’s policies. The report also details three recommendations for EOTEC: Consider providing janitorial work in-house instead of by contract, develop a marketing plan for the facility and “explore additional signage and branding opportunities to assist visitors in finding the facility.”

The discussion begins with a work session at 6 p.m. and will continue during the council’s regular 7 p.m. meeting, where the council will be asked to adopt the report.

During Monday’s regular session the council will be asked to consider two ordinances and a resolution designed to help encourage



Staff photo by E.J. Harris
Umatilla County Fair day campers visit Bill Jennings and Bob Daniel at the American Legion booth in the EOTEC event center in August at the Umatilla County Fair. The city will look at how to manage both EOTEC and the conference center during Monday’s meeting.

more housing development in Hermiston. One ordinance and the resolution create a process for designating “infill” properties that are surrounded by other development but remain undeveloped. Those properties can then receive permission to deviate from certain city development standards if those standards are “not feasible or will result in substandard development.”

The other ordinance would amend lot size, setbacks and lot coverage standards for residential zones. It takes the required lot size for a single family dwelling from 9,000 square feet to 8,000 square feet, for example, and allows the building to cover 40 percent of the lot instead of the previous maximum of 30 percent.

The council will also consider a letter of intent with Mitco Investments for a joint revitalization project along South First Place. The letter outlines a plan for the

city to receive a small parcel of land next to its planned skate park across from the police station, for the city to contribute \$220,000 for a proposed 65-space parking lot along South First Place that will be open to the public and for Mitco Investments to build a 5,000-square-foot shade structure there for hosting outdoor events.

The entire council packet and agenda, including the report that will be discussed during the work session, can be found online at <https://www.hermiston.or.us/city-council-meetings>.

On Monday at 4 p.m. the city council’s transportation committee will meet to discuss two possible re-configurations of the city’s free bus route. Both proposed routes would eliminate some stops that have not been as popular in order to allow the bus to complete six loops through town instead of four per day, and keep each loop to under an hour.

HERMISTON

Waste recycler fined for odor

By **JADE MCDOWELL**
East Oregonian

Four months after citizens first submitted complaints about an odor nuisance in the area of south Highway 207, Luke Dynes was fined \$435 for a violation of Hermiston’s nuisance code and ordered to abate the smell.

Attorney Patrick Gregg stated in court that his client Dynes plans to appeal the decision to Umatilla County Circuit Court, which would cause the order to be stayed until a ruling on the appeal is made in circuit court.

The legal wrangling shows the difficulty of using city code to put a stop to odor nuisances, which is something the nearby city of Stanfield has been wrestling with after complaints about the smell coming from a dehydration plant located there. In response to its problem, Stanfield adopted a new ordinance mirroring language found in Hermiston’s nuisance code, under the belief that the Hermiston version would be more likely to hold up in court.

That language was tested in Hermiston’s municipal court on Friday and stood the test by only a narrow margin.

The case involved a set of complaints by three different citizens, alleging that a strong “stench” from a food waste recycling operation at 78227 S. Highway 395 — a property owned by Dynes and used by various tenants, including limited liability companies of which Dynes is a member — had caused them to have to stay inside their homes on April 24. One complainant, Sarah Anderson, described the smell in court on Friday as “vomit in vapor form.”

Under Hermiston’s nuisance code, there is evidence a violation occurred if there is “oral or written complaint of three or more persons, within any 12-hour period, to the effect that odors emanating from any activity within or in the vicinity of the city are causing adverse health effects, significant discomfort, or serious inconvenience to the persons (or to minors within the custody or care of the persons) at a residence or place of business within the city limits.”

City residents George Anderson, Will Anderson and Sarah Anderson each submitted letters to the city

dated May 11 describing their discomfort on April 24.

Hermiston assistant prosecutor Blaine Clooten argued that their letters fit the definition of evidence as outlined in the ordinance, but Gregg disagreed, stating that the “within any 12-hour period” clause coupled with the present tense wording meant that the complaints about April 24 would have had to be

made within a 12-hour period of April 24.

After a discussion on whether the “12 hour period” clause was modifying the timing of the smell or the timing of the complaints, Judge Will Perkinson stated he believed the clause “modified the effect the odor has on three or more people,” as argued by Clooten.

Perkinson also disagreed with Gregg that it was a company, not Dynes himself, that was in charge of the property and therefore responsible for any nuisances that may have been caused.

In his closing arguments Gregg also questioned whether there was a “preponderance of evidence” that the smell had indeed come from activity at 78227 S. Highway 395. While crimes must be proved “beyond a reasonable doubt,” for a violation the city must only provide a preponderance of evidence, which is often defined as a 51 percent chance of guilt.

“The city has not gotten close to 51 percent,” Gregg said.

He said that the witnesses

did not state in their testimony or in their letters of complaint that they had actually driven to the property and had seen that activity there was causing the smell, or that the smell was tied to Dynes. He pointed to a number of other agricultural and food processing operations within a mile of the property, including a feedlot, Shearer’s Foods and Bud Rich Potato, that could have

“Vomit in vapor form.”
— Sarah Anderson, describing smell coming from operation

been causing the odor.

In the end Perkinson said that “just by a hair” the evidence spoke to the odor more likely than not being caused by activity on Dynes’ property, and found Dynes guilty of a Class A violation. The violation is punishable by a minimum of \$220 and maximum of \$2,000. The presumptive, or standard, fine is \$435, which is what Perkinson imposed.

There are other complaints about Dynes submitted to the city of Hermiston about odors on other dates, but each date counts as a separate “nuisance” that must be addressed separately in court.

The Department of Environmental Quality issued a civil penalty of \$29,534 to Carter & Wyatt Holdings LLC for commercial or industrial activity at 78227 S Highway 395 without holding a Water Pollution Control Facilities permit from the DEQ. A letter sent to the company notifying it of the fine states it is because “your unpermitted storage and discharge of vegetable wastes, which are high in nitrogen, poses a risk to groundwater.”

Parker accused of trying to run over men at marijuana grow

By **PHIL WRIGHT**
East Oregonian

Former marijuana business owner and convicted felon Michael Alan Parker ended Wednesday night in Umatilla County sheriff’s handcuffs, accused of assault at a Hermiston marijuana grow.

The sheriff’s office reported deputies Jon Roberts and Travis Stark responded to a location on North Highway 395 near Hermiston for a report of a driving complaint and assault.

County Undersheriff Jim Littlefield said the sheriff’s office would not provide a more specific address because there is a marijuana grow operation at the location.

The deputies found two men who claimed Parker, 57, was not welcome there but refused to leave.

“The assault victims reported Parker started fighting with them and warned them that they would need guns to keep him away,” according to the sheriff’s statement.

They claimed Parker got in his vehicle and tried to run over one of them, but hit a fence and became stuck. He ran away, the sheriff’s office reported, and the two victims left to call police. When they returned, they found several windows broken out of their motor homes and several damaged marijuana plants.

Undersheriff Jim Littlefield said the deputies found Parker at the scene and arrested him on the following: second-degree attempted assault, fourth-degree assault, two counts of first-degree criminal mischief, one of second

degree criminal mischief, second-degree trespass and two counts of menacing.

Deputies booked Parker into the county jail in Pendleton late Wednesday, according to online jail roster. Littlefield said Parker soon bailed out. Circuit court records show the district attorney’s office has yet to file charges against Parker. The case remains under investigation.

Parker is the former owner of the Columbia Basin Compassion Center medical marijuana dispensary. When reached Friday, Parker would not comment on the arrest but stressed it had nothing to do with High Desert Cannabis, 2003 S.W. Emigrant Ave. in Pendleton. He also asserted he has no interest in the business other than buying his marijuana there. He hung up twice during questions and did not answer a third call.

The morning of his arrest, Parker was at the Pendleton Police Department. Police Chief Stuart Roberts said the he was trying to demonstrate he had some authority over the High Desert Cannabis store.

Parker’s daughter, Aimee Parker, co-owns High Desert with Michael Ekblad. Both live in Hermiston, according to state records. Police Chief Roberts said the two appear to be at odds.

Roberts said Michael Parker came to his office Wednesday morning upset when High Desert staff would not allow him into the store. Roberts said Parker showed paperwork from his attorney, Will Perkinson — who also is

the Pendleton municipal judge — intended for Aimee Parker to relinquish some authority in the business and give her father a say in its operations.

Parker said he was about to head down to the business and deal with the situation, according to Roberts, who said he advised Parker not to cause trouble. Roberts said he agreed with Parker’s request to an officer to accompany him to the marijuana store.

“We were there on a kind of peacekeeping mission more than anything else,” Roberts said.

Roberts said the officer at the scene called the local marijuana compliance agent for the Oregon Liquor Control Commission, and the agent ruled Parker could not manage the store. Roberts said Parker was angry when he left.

While he can’t manage the store, Roberts said he vetted Parker as an employee. Parker has an extensive criminal history, Roberts said, but nothing in recent years that would disqualify him from working in a marijuana retail business.

The *East Oregonian* called Ekblad, but his father, William Reuter, answered. Reuter said neither he nor his son were at the store when Parker was there. Reuter refused to answer questions, stated he and Ekblad had no comment and hung up. Staff at High Desert Cannabis also did not want to talk. And Aimee Parker did not respond to a message via social media before end of work Friday.

Contact Phil Wright at pwright@eastoregonian.com or 541-966-0833.

SUBMIT COMMUNITY NEWS

Submit information to: community@eastoregonian.com or drop off to the attention of Tammy Malgesini at 333 E. Main St., Hermiston or Renee Struthers at 211 S.E. Byers Ave., Pendleton. Call 541-564-4539 or 541-966-0818 with questions.

END OF SAVINGS EVENT SEASON

Outstanding savings on ALL remaining 2017 Toyotas

2017 Camry

0% APR for 72 mos. or \$3,000 CASH BACK

Lease a New 2017 Camry LE

\$179/mo for 36 mos.

2017 Corolla

0% APR for 72 mos. or \$2,000 CASH BACK

Lease a New 2017 Corolla LE

\$159/mo for 36 mos.

2017 TUNDRA

1.9% APR for 72 mos. or \$1,500 CASH BACK

Lease a New 2017 TUNDRA SR5 Double Cab

\$399/mo for 36 mos.

2017 RAV4

0% APR for 72 mos. or \$3,000 CASH BACK

Lease a New 2017 RAV4 LE

\$199/mo for 36 mos.

2017 Tacoma TRD

Off Road Double Cab

Lease a New 2017 Tacoma TRD

\$299/mo for 36 mos.

0% APR Financing

Choose from 13 different 2017 models

OR up to \$3,500 CASH BACK

OR Special Low Payment Leases

ToyotaCare

No Cost Service & Roadside*

Inland Northwest Toyota Dealers

All financing on approved credit through TFS. All vehicles subject to prior sale. All prices plus tax and title. \$75 dealer doc fee. Offers end 10/2/17. For more details call 1-888-21-TOYOTA.

TOYOTA

Let's Go Places

ROGERS

TOYOTA OF HERMISTON

(541) 567-6461 or 800-522-2308

ToyotaOfHermiston.com

Mon-Fri 8:30a - 7:00p

Sat 8:30a - 7:00p • Sun 10:00a - 5:00p