

THURSDAY, MARCH 23, 2023

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

CALL TO ORDER The Regular Council meeting was called to order by Mayor Pam VanArsdale at 6:00 p.m.

INVOCATION/ Mayor Pam VanArsdale called for a Moment of Silence

PLEDGE OF ALLEGIANCE Mayor Pam VanArsdale led the Council and audience in the Pledge of Allegiance

QUORUM **COUNCIL MEMBERS PRESENT:**

Mayor Pam VanArsdale
City Councilor Sharie Davis
City Councilor Rick Kempa
City Councilor Barb Hilty
City Councilor Sherrie Moss
City Councilor Barb Gregory

STAFF PRESENT:

Ryan Nolan, City Administrator
Carol Weir, City Recorder
Mike Bollweg, Public Works Director
Stephanie Madtson, Deputy Recorder

MEDIA PRESENT:

Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

APPROVAL OF MINUTES:

MOVED (HILTY), SECONDED (KEMPA) AND CARRIED TO APPROVE THE MINUTES OF MAY 19, 2022, MAY 26, 2022, JUNE 23, 2022 AND JULY 21, 2022.

COMMITTEE REPORTS:

Community Relations; Rogue River Chamber of Commerce: City Councilor Rick Kempa reported that their Awards Banquet was scheduled for June 9, 2023, they'll be serving Tri-Tip and chicken and the tickets were \$65 per person and asked for an auction item from each of the members and they hired an Administrative Assistant for \$100 a week.

City Councilor Barb Hilty commented that their Mixer was scheduled to be on the

Thursday in April at the High School

Community Relations; Rogue River Community Center: City Councilor Barb Hilty reported that Sherill Boots was hired as the Director starting on April 3, 2023; the dinner was a success and will continue on the third Friday of each month; they recently received a grant to replace all the commercial appliances; and, they were currently renting the kitchen to three different companies.

Emergency Communication of Southern Oregon (ECISO): City Administrator Ryan Nolan reported that there was no meeting.

Finance Committee: City Councilor Sherrie Moss said that she did not receive a report from staff.

Middle Rogue Metropolitan Planning Organization (MRMPO): Mayor Pam VanArsdale reported that she and Alternate City Councilor Barb Gregory attended the meeting where they discussed their Regional Transportation Plan adopting Chapter 2 and moving forward; they approved being a Gold Medal Sponsor for Ride-the-Rogue with a donation of \$2,500; they discussed with the Oregon Metropolitan Planning Organization Consortium legislative issue and Carbon Reduction Program Funding came up where the City would receive about \$250,000 a year for three-years to do sidewalk work, money from ODOT went to the City of Grants Pass who does a fund exchange.

Personnel Committee: City Councilor Barb Hilty reported that they were continuing to work on the job descriptions and Doug Arnett who was a longtime waste water treatment plant operator would be retiring on June 1, 2023 and would be greatly missed.

Planning Commission Liaison: Planning Commission Liaison Barb Gregory reported that they were putting on the finishing touches to Rogue River's Municipal Code.

Rogue Valley Area Commission on Transportation (RVACT): Mayor Pam VanArsdale reported that they were looking to fill a vacancy with a public sector member from Jackson County; they were going to be working on the bridges on Rogue River Highway at Birdseye Creek, Millers Gulch and Foothills Creek over the summer

Rogue Valley Council of Governments: Mayor Pam VanArsdale reported that they had a presentation from Planning Supervisor Ryan MacLaren to both the Rogue Valley MPO and the Grants Pass MPO on the upcoming virtual Open House on transportation.

Council Advisory Committee: Chair Francis Gilbert reported that they reviewed

and discussed the draft resolution for clarifying committee rules.

OLD BUSINESS:

AGENDA ITEM 1 **Public Hearing:** Continuation of Public Hearing to hear a request from Kim & Tim Smith at 5817 Foothill Boulevard, Grants Pass, to hook up to utility services within the Urban Growth Boundary and sign a Consent to Annex Agreement and Deferred Improvement Agreement.

Mayor Pam VanArsdale reopened the public hearing at 6:13 p.m. read a prepared statement which is part of the permanent record regarding a request for water and sewer service for property located outside the city limits and in the urban growth boundary.

Mayor Pam VanArsdale asked for any objections from the audience for the City Council to hold the public hearing and none were heard.

Mayor Pam VanArsdale then asked if any of the City Councilors wished to declare ex-parte contact, site visit, or feel they may a conflict of interest, bias or other reason to be disqualified from participating in the hearing. City Councilors Barb Hilty and Barb Gregory both declared that they were residents of Foothill Estates and aware of the drawing presented to their HOA Board of Directors.

Mayor Pam VanArsdale then asked the audience if there was anyone who wished to challenge any of the City Councilor's qualifications to participate in the hearing and none were heard.

City Administrator Ryan Nolan presented his staff report which is a permanent part of the record reviewing the priorities of hooking up the water and sewer where it was first to property within the City limits and then a ranking for properties in the urban growth boundary adjacent to City limits with health hazards, etc. He said the proposed utility connection complied with the City of Rogue River Comprehensive Plan, and met the requirements of the Public Utilities and Services Section of the Municipal Code. Staff recommended approval with conditions A-1) provide the City with proof of legal easement crossing Map Number 36-4W-16DC Tax Lot 816 with easement language and dimensional standards that shall satisfy the City Public Works Director, 2) provide the City Public Works Director with a final utility connection plan meeting the State Plumbing code and the City Public Works Directors' approval, 3) sign a Consent to Annex Agreement, 4) sign a Deferred Improvement Agreement and 5) pay all necessary City fees associated with utility connection. B-1) Within three-months of connection to City utilities the property owner properly abandon septic tank and drain field to DEQ and City Public Works Director Standards and C-1) additional residential units will require prior approval from the City, including fees associated with utility service of additional residential units and 2) use of City water and sewer must conform with all City standards

related to City utility usage.

City Administrator Ryan Nolan commented that the difference from the previous meetings was that the applicant had proposed an easement through Foothill Estates but is now requesting to have the lines put in the City right-of-way behind the sidewalk crossing the property of Foothill Estates property to their property.

City Councilor Barb Hilty asked for clarification if the easement would be in the bark area or in the sidewalk.

Public Works Director Michael Bollweg replied that it would go into the park area that is within the City's utility right-of-way.

City Councilor Barb Hilty asked if the applicant would be required to continue the sidewalk across their property.

City Administrator Ryan Nolan stated that was part of the Deferred Improvement Agreement once the City is ready to continue the sidewalk.

City Councilor Sharie Davis asked if that was the only deferred improvement.

City Administrator Ryan Nolan stated that if the City was ready to continue the water and sewer lines they would be required to contribute financially to that project. He felt that the continuation of the sidewalk would be the only improvement because the utility lines would be better served from other locations.

Applicant Kimberly Smith asked if she would be responsible for drafting a new easement for public utility easement.

City Administrator Ryan Nolan stated that they would not need to draft an easement if placing the lines in the City's utility easement.

Mayor Pam VanArsdale declared the public hearing closed at 6:20 p.m.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO APPROVE THE REQUEST TO CONNECT TO CITY WATER AND SEWER AT 5817 FOOTHILL BOULEVARD WITH THE CONDITIONS IN THE STAFF REPORT, AS PROPOSED CONNECTION CAN MEET THE REQUIREMENTS FOUND IN THE CITY OF ROGUE RIVER MUNICIPAL CODE CHAPTER 13.20.010 TO 13.20.040. MY MOTION INCORPORATES THE FINDING OF FACT, ALL TESTIMONY PROVIDED AND THE COMPLETE RECORD TO DATE.

AGENDA ITEM 2 **Public Hearing:** Continuation of Revocation Hearing CUP 2021-03, regarding potential revocation of CUP 2016-03, a conditional use permit approving warehouse, production, and delivery of ice for failure to comply with conditions of

approval. Subject property is at 499 East Main Street, applicant HRP, LLC.

Mayor Pam VanArsdale read a prepared statement that is a permanent part of the record and declared the public hearing opened at 6:22 p.m.

Mayor Pam VanArsdale asked for any objections from the audience for the City Council to hold the public hearing and none were heard.

Mayor Pam VanArsdale then asked if any of the City Councilors wished to declare ex-parte contact, site visit, or feel they may have a conflict of interest, bias or other reason to be disqualified from participating in the hearing and none were heard.

Mayor Pam VanArsdale then asked the audience if there was anyone who wished to challenge any of the City Councilor's qualifications to participate in the hearing and none were heard.

City Administrator Ryan Nolan commented that this was an item that the City Council had already heard a lot about in previous meetings and said that additional information for this meeting was a copy of the Planning Commission's Final Order with conditions dated November 9, 2016, a letter from the applicant's Attorney Michael Connors dated March 22, 2023, the Noise Study from Kerrie Standlee with DSA Acoustical Engineers, Inc. dated March 21, 2023 and photos of the north area of the property. He suggested that the City Council focus on the noise issue. He said that if the original conditions in the Final Order were not being met they could confirm the Planning Commission decision to revoke or if evidence showed the majority of the conditions were satisfactory then a reversal decision to uphold the Planning Commission's decision.

City Councilor Barb Hilty question Condition 1) that the hours of deliver would be Monday through Friday from 7:00 a.m. to approximately 3:00 p.m. and referring to a letter that the Applicant's Attorney stated that the approximate typical work hours of 8:00 a.m. to 5:00 p.m. and day light hours. She asked what approximately 3:00 p.m. actually really meant.

City Administrator Ryan Nolan replied that was an interesting choice but he wouldn't suggest those conditions in the future but if that was not really being met it could be a discussion to question the Mr. Hurst's representative about.

Michael Connors with Hathaway Larson LLP out of Portland, Oregon, representing Dale Hurst and HRP LLC thanked the City Council for the continuance due to the weather but the main reason was to see if there was an opportunity for them to engage more constructively with the City and try to resolve some of the issues amicably rather than fighting them out in the process and were able to have some conversations in coordination with the City Administrator and City Attorney which were very constructive and fruitful conversations. He believed with the time that they had as outlined in his March 22, 2023 letter some proposed solutions that they

believed resolved all the remaining issues in a way that was beneficial to all parties. His client continued to operate as well with the neighbors who lived next door and hoped that once the City Council heard how they had addressed the issues that they would agree. He commented that there had been some confrontation between his client and the City in the past and he found it interesting because whenever there are parties that see issues differently and then get into the public process it could really shut down the communication, people become entrenched in their position, become stressful and communication just breaks down but from his prospective it wasn't always the best way to handle it. He said he did not get involved with the case until the LUBA appeal and looking back at the record he felt that was where things got to where they did, the City had legitimate concerns with neighbors reaching out and how things were impacting. His client was taking those concerns seriously and trying to react to them but there was a bit of a difference of understanding of what was approved, what was allowed. Then he felt the former City Administrator felt that the City was getting slow played and didn't feel the applicant was taking it seriously enough so let's start the revocation process to force them to be serious. His client interpreted that the City really didn't want him to be in compliance, they wanted to shut him down so now he had to attend to it because if he was shut down he'd lose his whole business and not just the money invested but the employees and the people that relied on him. One thing that the LUBA appeal did was to provide them an opportunity to reset that table, narrowing the issues, providing guidance and giving both parties a frame work to work with and giving both parties an interest in resetting. The City's Attorney sent a letter dated January 3, 2023 stating that they were out of compliance on these issues and could they respond to them but they did not respond because they did not receive the letter unfortunately through several mishaps that it never got forwarded from the previous firm so they were not aware of it until Mr. Franell said there was no response to our letter. After their discussions he agreed with Mr. Nolan that the big issue was with noise and having a big impact on the neighbors. Mr. Standlee was able to get into the neighbor's yards and do a proper noise study and because of that they were before the City hopefully to present some solutions they came up with. They commissioned a new noise study consistent with DEQ Standards and the results were positive, well under DEQ Standards. With regards to the grass and weed issues and the vehicle maneuvering area they felt could be solved with a landscaping plan they were willing to agree to with the residential project and the truck delivery and outdoor storage issues could resolve themselves.

Mr. Connors said the first was the significant issue of noise and his client hired Mr. Standlee with DSA Acoustical Engineers, Inc. to do a noise study but he couldn't do a true study, he had to do a computer model study but based on that he determined that the warehouse was in fact out of compliance and he came up with a list of militations that he recommended and his client implemented. And, even though they prevailed at LUBA, his client understood the issue and continued to work with Mr. Standlee to evaluate the adjustments resulting in an additional remedy on the south side of the building with additional noise reduction blankets. Then after receiving the letter with the Tenor Report, Mr. Standlee commented on the flaws of the study

didn't account for any ambient noise and with the proximity to Interstate-5 there was a lot of noise generated from traffic and under DEQ's rule as an operator you're looking at what noise the operation makes and not responsible for all the other noise which Tenor did not do. They also felt the report was out of compliance because of the levels the microphone was placed at so they had a new noise study done and they were able to get access from the neighbor's yards and were able to get those measurements accurately concluded that the ice warehouse was operating not only in full compliance with the DEQ noise control limits but well below the limits. He felt his client had gone well beyond taking care of the issue permanently not just for a period of time.

Mr. Connors commented that Mr. Hurst had not been able to deal with the grass and weeds but due to the time of the year and fire hazard restrictions but it wasn't the condition then as seen in the photos they provided. They felt they had come up with a long term condition for that issue as part of the residential project, the appeal of the Planning Commission reviewed their application and determined the landscaping should be included across the entire property including the northern area, which they disagreed with, but his client would agree to it if it took care of the issue.

Mr. Connors commented that the vehicle maneuvering area issue could be resolved through the residential project on the adjacent lot providing paving in that area if approved.

Mr. Connors then commented on the truck delivery issue which he felt were single incidents. He said staff did note that his client was in compliance with that except for one incident noted back in October 2022 with a delivery truck leaving at 4:00 p.m. They don't feel that was a violation because of the approximate language and designed to provide some flexibility with the understanding that businesses are variably and not grounds for revoking the operation of business but felt it was an odd condition and his client was willing to discuss the issue further with the City.

Mr. Connors lastly addressed outdoor storage being on a paved area and within a parameter of a screened-in fence, he didn't know if it was storage as much as it was trash and didn't feel it deemed revocation. Though his client acknowledged it was a condition and the City did get his attention and been diligent on making sure that any outdoor storage was in full compliance of the condition.

In conclusion Mr. Connors hoped that the City would see the value in taking a different kind of approach and that the solutions they had come up with were good solutions and would take care of it and not going forward with the revocation because from a legal perspective it was in the City's best interest with a legal challenge and far better for everybody to be on a more constructive path. His client wanted to be a long term member of the community and in good relations with the City.

City Councilor Barb Gregory expressed concern with that the study being conducted during winter, what was going to happen during the summer time.

Mr. Connors replied that first there was the measurement of ambient noise and for purposes of testing the warehouse operation, Mr. Hurst got it running at full capacity for that entire time period in which the test was done mimicking a worse case scenario and the answer was it would be the same.

City Councilor Sherrie Moss expressed her concern with the hours of operation and the use of approximately which to her meant around the 3:00 hour but the statement was made that it "could mean" till the time of darkness which that could mean 9:00 at night during the summer and felt that it needed to be clarified.

Mr. Connors replied that he did not mean to suggest that particular condition had a daylight nightlight differential, he was stating was that in the past he had seen conditions that had conditions of delivery of certain time frames. He commented that when the conditional was originally approved it was for a smaller footprint and then it increased in size and none of the conditions were looked at. They were willing to address a better way to deal with it in an effective way regarding not only the hours but also the impacts.

Mayor Pam VanArsdale commented that the hours were directly from what the applicant gave to the City and in her mind approximately would have been within an hour.

City Councilor Barb Gregory commented that in the original conditions it said one to two deliveries a day and asked if that was still doable.

Mr. Connors felt that was an issue that LUBA addressed and they determined that there was not a restriction on specific number of deliveries. Being seasonal could give reason for more or less deliveries.

City Administrator Ryan Nolan commented that deliveries was not a condition and LUBA did address that it was a comment.

Mayor Pam VanArsdale asked if there was anyone in the audience that wished to speak in support of the application. None were heard.

Mayor Pam VanArsdale then asked if there was anyone who wished to speak in opposition of the application.

Bonnie Marshall of Pioneer Mobile Home Park said her back fence was approximately ten feet from the ice house and on Saturday, March 18, 2023 she and her neighbor were outside in the street when a gentleman working for Mr. Hurst, apparently gathering sound information came by them and at that time and earlier there was very little sound coming from the ice house and thought it was excellent

timing. At approximately 6:15 a.m. on Thursday, March 23, 2023, a roar from the ice house woke her up and she decided to go outside into her backyard and recorded the noise on her phone which she played for everyone to hear and then an hour later at 7:15 a.m. she recorded again and played that for everyone to hear commenting that it was a significant noise for that early in the morning. She said she had written letters, spoken with everyone she could and didn't know what really happened whether the members of the City Council didn't know what was happening, didn't see what was happening or thought it was a good way to fill the City coffer. Unfortunately they had created a monster and a very dangerous one with the anhydrous ammonia issue which had been addressed several times, she had provided copies of information pertaining to it as well as her neighbors and as far as Mr. Hurst losing his business, he brought that building in pieces and erected it like an erector set and he can take it down in pieces just like it came, he can put it out at the White City industrial park where it belonged where that anhydrous ammonia can be safe. They had tried and tried but it was just getting ridiculous. These people keep providing information on how safe it was but they don't live in the mobile home park, nor in the City. She expressed "what a potential danger existed in the middle of our town".

City Councilor Barb Hilty commented that there were thirty-four homes in the mobile home park and yet there had been a number of public hearings, openings on City Council but was concerned why there weren't thirty-neighbors attending the meeting.

Bonnie Marshall replied that many of them don't get out, they were in wheelchairs, seniors and they were there to represent them the best that they could.

John Joyce of the Pioneer Mobile Home Park commented that the City gave Mr. Hurst the variance to build right in the middle of town. Then he violates the variance and constructs a factory and by passes City Hall. You weren't monitoring him in a professional manner and he got away with building a factory that extruded ammonia into the air, makes noise, and all over this word approximately. It's known that these truckers come in at all kinds of hours making noise. He commented that he walks through Brookside Subdivision which looks over this big white elephant and it look really obnoxious, but they could paint the building. Make them care for the waterway.

Mayor Pam VanArsdale asked the applicant if they would like to rebut any of the comments.

Mr. Connors commented that he understood their frustrations but zoning laws were developed to provide rules for everybody. Someone purchases a piece of property to develop knowing what they need to do. There were public hearings, conditions set but it seemed to him that the people feel that this project should never have been approved in the first place but what they don't understand was even aside from what the law was how unfair it would be to establish rules. Had somebody

gone through a process formally to apply with all those rules and invest money in building something then have somebody come later and say I actually don't like this so shut it down. It's not as easy as taking apart the building and moving it somewhere else. The facility complied with all the ammonia requirements including the fire code. As far as the noise issue, Mr. Standlee was a licensed engineer and he had put his stamp on it and he was going to risk his license not providing an accurate report consistent with the rules and regulations.

City Councilor Sherrie Moss expressed a concern with the comments of the audio given by Ms. Marshall of the early morning hours and the testing time of 1:00 p.m. to 3:30 p.m.

Mr. Connors replied that he didn't feel the time of the day the testing was done was relevant because the noise study took a measurement based on the ambient noise and then the plant at full operation of the ice warehouse and that was in Mr. Standlee's report.

City Councilor Sherrie Moss also commented that if Mr. Hurst wanted to work with the neighbors would he reconsider his hours of operation whether it's within the noise range or not.

Mr. Connors replied that Mr. Hurst could do that if he wanted to.

City Councilor Sharie Davis commented that the City had an Ordinance addressing hours of noise because contractors weren't able to start work at 6:00 a.m. but asked if there was a way to capture the ammonia before entering into the air commenting that coffee roasting plants were not able to operate without a way of capturing it before going into the air and would they be willing to look into that for the safety of everyone.

Mr. Connors commented that it would premise the assumption that the ice plant was unsafe and should not have ever been allowed and was a danger. And yet there was no basis in the City code, state regulations or fire code for that. The use was allowed in the code.

City Councilor Sherrie Davis asked if the noise study included any trucks running at the time.

Mr. Connors replied no because part of LUBA's decision was that DEQ Standards did not apply to any trucks whether part of the operation or not.

Mayor Pam VanArsdale declared the public hearing closed at 7:26 p.m.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED THAT THE CITY COUNCIL REVERSE THE PLANNING COMMISSION REVOCATION OF CONDITIONAL USE PERMIT 2016-03, A CONDITIONAL USE PERMIT

APPROVING WAREHOUSE PRODUCTION AND DELIVERY OF ICE. THIS REVERSAL IS BASED ON NEW INFORMATION THAT SHOWS CONDITIONS OF APPROVAL ARE BEING SATISFACTORILY COMPLIED WITH AT THIS TIME. MY MOTION INCORPORATES THE FINDINGS OF FACT, ALL TESTIMONY PROVIDED, AND THE COMPLETE RECORD TO DATE. City Councilor Sherrie Moss cast a nay vote. City Councilor Sharie Davis ABSTAINED because she felt she did not have enough information to make a decision.

Mayor Pam VanArsdale called a five-minute recess at 7:27 p.m.

Mayor Pam VanArsdale resumed the meeting at 7:34 p.m.

AGENDA ITEM 3 **Public Hearing:** Continuation of Appeal of Planning Commission denial of SIT 2022-08, a Site Plan Review for a 12 unit multi-family complex. Subject property description of T36S R4W Section 15CD Tax Lot 802 at 499 East Main Street. Applicant/Owner HRP, LLC.

Mayor Pam VanArsdale read a prepared statement that is a permanent part of the record and declared the public hearing opened at 7:34 p.m.

Mayor Pam VanArsdale asked for any objections from the audience for the City Council to hold the public hearing and none were heard.

Mayor Pam VanArsdale then asked if any of the City Councilors wished to declare ex-parte contact, site visit, or feel they may a conflict of interest, bias or other reason to be disqualified from participating in the hearing and none were heard.

Mayor Pam VanArsdale then asked the audience if there was anyone who wished to challenge any of the City Councilor's qualifications to participate in the hearing and none were heard.

City Administrator Ryan Nolan presented the staff report reminding the City Council that this was a continuation from February 23, 2023 where they had reviewed the original staff report, evidence, the Planning Commission packet, Planning Commission Final Order where they denied the application documenting that the applicant failed to meet the landscaping requirements, specifically that the entire lot needed to have a landscape plan for all areas that were not paved or developed with a building. They also received a letter from the applicant's attorney dated February 23, 2023 including a revised landscape plan. He also commented that a new list of conditions was included in their packets if they wished to approve SIT 2022-08.

City Councilor Barb Hilty asked if any building permits had been issued.

City Administrator Ryan Nolan replied that they had not received final approval from

the City. They would have an eighteen-month construction period once approved.

Michael Connors with Hathaway Larson LLP out of Portland, Oregon, representing Dale Hurst and HRP LLC commented that his client had proposed the project in 2021 which was approved by the Planning Commission with a landscaping plan limited to the proposed development area only. With the revocation issues going on the project never got built and the permits expired and it was their first time to reapply with the same proposal and during discussion they got into landscaping requirements that the full lot needed to be landscaped. He commented that new state housing statutes designed to facilitate the building of more housing restricting the review of a city significantly more than another other kind of application. So as part of the appeal they proposed a revised landscaping plan which was what the Planning Commission was looking for, and the applicant voluntarily agreed to landscaping over the entire area of the property and mitigated some of the issues with of the adjacent property, the Ice Warehouse. He asked that the City Council reverse the Planning Commissions denial with their new landscaping plan.

City Councilor Sherrie Moss clarified to Mr. Connors that their first vote was not unanimous because of their concerns with landscaping, children's safety, vehicle turnarounds, etc. She then asked if their plan included a fence between the housing project and the ice plant for safety purposes. She remembered there being only a five-foot leeway between the housing structures and the ice plants' delivery area.

Attorney Michael Connors stated that there was a path for pedestrians but he did not believe there was fencing to separate. He said there were no requirements on the site plan criteria for any kind of fencing and fencing would be difficult because it would impact the access. But there was area for the pedestrians to access the site outside of where the vehicular traffic was going.

Mayor Pam VanArsdale asked if there were anyone in the audience who wished to speak in support of the application and none were heard.

Mayor Pam VanArsdale then asked if there were anyone in the audience who wished to speak in opposition of the application.

Bonnie Marshall from Pioneer Village said she spoke directly to Mr. Hurst during the building of the Ice Plant and asked why he wasn't placing the building to the end of the property instead of directly on the fence line of her home and he told here it was an environmental issue and asked the City Council if they were aware of that and why they were allowing it to be right next to Wards Creek.

Mayor Pam VanArsdale commented that she felt it would be flood plain issues and asked Public Works Director Michael Bollweg to comment.

Public Works Director Michael Bollweg replied that in the last year the City adopted Riparian standards which were consistent with Jackson County requiring a set back

of fifty-feet from the top of the bank of Wards Creek and within that range there would be allowed that type of activity.

Bonnie Marshall asked if that was in the conditions.

Mayor Pam VanArsdale commented that according to the site plan the applicant provided in the landscaping plan fifty-feet of natural landscaping as required by the Oregon Department of Environmental Quality.

Bonnie Marshall commented that she felt sorry for anyone who would be occupying those housing units with the delivery trucks going in and out, making noise.

Mayor Pam VanArsdale asked if there were any more comments from the audience and none were heard. She then asked if the applicant if he had any comments or rebuttal and he had none.

Mayor Pam VanArsdale declared the public hearing closed at 7:50 p.m. on the March 23, 2023.

MOVED (GREGORY), SECONDED (HILTY) AND CARRIED TO REVERSE THE PLANNING COMMISSION DENIAL OF SIT 2022-08, A SITE PLAN REVIEW FOR A POTENTIAL 12-UNIT RESIDENTIAL COMPLEX. THIS IS BASED ON NEW INFORMATION THAT SHOW THAT CONDITIONS OF APPROVAL ARE BEING SATISFACTORILY MET AT THIS TIME. MY MOTION INCORPORATES THE FINDINGS OF FACT, ALL TESTIMONY PROVIDED, AND THE COMPLETE RECORD TO DATE. City Councilor Sherrie Moss cast a Nay vote.

NEW BUSINESS:

AGENDA ITEM 4 **Council Bill No 23-2456; Resolution No. 23-1408-R:** A Resolution adopting policy and procedures regarding opening Invocation before City Council meetings for the City of Rogue River, Oregon.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2456.

AGENDA ITEM 5 **Special Event Request:** Approve a request from the Rogue River Greenway Foundation to hold the 2023 Ride the Rogue event in Palmerton Park on September 22-25, 2023, waive the park reservation fee, permission to sell and serve beer and/or wine and waive the liquor license application fee and be allowed to hang a banner across Depot Street from August 29, 2023 to September 25, 2023.

MOVED (MOSS), SECONDED (KEMPA) AND CARRIED TO APPROVE THE REQUEST FROM THE ROGUE RIVER GREENWAY FOUNDATION TO HOLD THE 2023 RIDE THE ROGUE EVENT IN PALMERTON PARK ON SEPTEMBER

22-25, 2023, WAIVE THE PARK RESERVATION FEE, PERMISSION TO SELL AND SERVE BEER AND/OR WINE AND WAIVE THE LIQUOR LICENSE APPLICATION FEE AND BE ALLOWED TO HANG A BANNER ACROSS DEPOT STREET FROM AUGUST 29, 2023 TO SEPTEMBER 25, 2023.

AGENDA ITEM 6 **Special Event Request:** Authorize the Mayor to sign Cal-Ore River Racers Hydroplane Racer's Oregon State Marine Boards event permit for Rooster Crow Weekend and allow them to use John F. Flemming Memorial Park and Dee's Boat Landing on June 24-25, 2023.

MOVED (MOSS), SECONDED (GREGORY) AND CARRIED TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN CAL-ORE RIVER RACERS HYDROPLANE RACER'S OREGON STATE MARINE BOARDS EVENT PERMIT FOR ROOSTER CROW WEEKEND AND ALLOW THEM TO USE JOHN F. FLEMMING MEMORIAL PARK AND DEE'S BOAT LANDING ON JUNE 24, 2023 TO JUNE 25, 2023.

AGENDA ITEM 7 **Audit Report:** Adopt the 2022-2023 Annual Audit Report as prepared by KDP Certified Public Accountants.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO ADOPT THE 2022-2023 ANNUAL AUDIT REPORT AS PREPARED BY KDP CERTIFIED PUBLIC ACCOUNTANTS.

AGENDA ITEM 8 **Reappointments:** Reappoint Dean Stirm to Position No. 3 and Debby Kenny to Position No. 4 of the Planning Commission.

MOVED (GREGORY), SECONDED (KEMPA) AND CARRIED TO REAPPOINT DEAN STIRM TO POSITION NO. 3 AND DEBBY KENNY TO POSITION NO. 4 OF THE PLANNING COMMISSION.

AGENDA ITEM 9 **Reappointments:** Reappoint Darren Jahn to Position No. 7 of the Budget Committee.

MOVED (KEMPA), SECONDED (MOSS) AND CARRIED TO REAPPOINT DARREN JAHN TO POSITION NO. 7 OF THE BUDGET COMMITTEE.

AGENDA ITEM 10 **Appointments:** Appoint Deborah Daves, Dannie Moss, Mike Hammond and Steven O'Brien to the Budget Committee.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO APPOINT DEBORAH DAVES TO POSITION NO. 2, DANNIE MOSS TO POSITION NO. 6, MIKE HAMMOND TO POSITION NO. 3 AND STEVEN O'BRIEN TO POSITION NO. 1 OF THE BUDGET COMMITTEE.

AGENDA ITEM 11 **Five-Year Plan:** Approve the 2022-2023 Five-Year Capital Improvement Plan.

Mayor Pam VanArsdale commented that staff was not prepared to submit the Five-Year Capital Improvement Plan and suggested continuing it to a special meeting on April 6, 2023 with a time to be determined.

MOVED (HILTY), SECONDED (DAVIS) AND CARRIED TO CONTINUE DISCUSSION TO THE WORKSHOP ON APRIL 6, 2023 AT 10:00 A.M.

AGENDA ITEM 12 Proclamation: Mayor Pam VanArsdale read a Proclamation recognizing Rogue River's 40th Year to be recognized as a Tree City, USA and the celebration of Arbor Day on April 6, 2023 and the planting of a new tree in Palmerton Park Arboretum.

Mayor Pam VanArsdale read a Proclamation recognizing our police officers, firefighters, paramedics and ECSO 911 Telecommunicators with National Safety Telecommunications Week from April 9, 2023 to April 15, 2023.

Mayor Pam VanArsdale read a Proclamation recognizing City Recorder Carol Weir honoring her 40-years of service and awarding her a Key to the City for the City of Rogue River.

OTHER BUSINESS:

Mayor Pam VanArsdale commented that the first application for the vacant seat on the City Council had been received.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (GREGORY), seconded (DAVIS) and carried, the meeting adjourned at 8:09 p.m.

ATTEST:



Carol J. Weir, MMC
City Recorder