

CITY OF ROGUE RIVER

City Council Minutes

THURSDAY, MAY 25, 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 /
MOMENT OF
SILENCE** 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

COUNCIL MEMBERS ABSENT:

STAFF PRESENT:

Ryan Nolan, City Administrator
Carol Weir, City Recorder
Mike Bollweg, Public Works Director
Jim Williams, Chief of Police
Stephanie Madtson, Deputy Recorder
James Schireman, Contract Planner

MEDIA PRESENT:

Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

COMMITTEE REPORTS:

Community Relations; Rogue River Chamber of Commerce: City Councilor Rick Kempa reported that they were discussing finances; staggering their appointments like the City does; they wanted to know if the City Council had come up with a fire evacuation plan; and, they asked about directional signs to the City parks.

Community Relations; Rogue River Community Center: City Councilor Barb

Hilty reported that she had been out of town for the meeting but she knew that they were preparing for the Rooster Crow Dinner.

Emergency Communication of Southern Oregon (ECSO): City Administrator Ryan Nolan reported that there was nothing new to report.

Finance Committee: City Councilor Sherrie Moss reported that they met twice during the month of April 2023 to review and approve the bills as submitted and signed 72-checks totaling \$119,410.85 and in May 2023 they met once to review and approve bills as submitted and signed 38-checks totaling \$24,429.61.

Middle Rogue Metropolitan Planning Organization (MRMPO): Mayor Pam VanArsdale reported that herself and her Alternate City Councilor Barb Gregory attended the meeting where they adopted their 2024-2027 Transportation Improvement Program. They discussed the Air Quality Conformity which did not affect Rogue River and the Unified Planning Work Program which was basically the budget for the MPO.

Personnel Committee: City Councilor Sherry Moss reported that they met to discuss advertising for positions in the police department, public works department and in administration. One law enforcement candidate was being put through the hiring process and could be working in June 2023. The public works department was looking for a maintenance technician and seasonal worker and the administration department had two-applications to consider.

Planning Commission Liaison: Planning Commission Liaison Barb Gregory reported that they had a final review for the Rogue River Municipal Code. They reviewed the criteria's for annexation, subdivision, site plan review, multiply development, conditional use permit, and the planned unit development.

Rogue Valley Area Commission on Transportation (RVACT): Mayor Pam VanArsdale reported that there was no meeting.

Rogue Valley Council of Governments: Mayor Pam VanArsdale reported that they adopted their 2023-2024 budget along with an amended budget for the 2022-2023. They had a very good presentation from the Aging and Disability Resource Connection and some of their flyers will be available for our citizens in the front office.

City Councilor Barb Gregory commented that they also are able to provide information for the aging and disability resources.

City Administrator Ryan Nolan commented that ACCESS was looking for delivery driver's for the Meals on Wheels Program in Rogue River.

Mayor Pam VanArsdale commented that during their round table discussing that the Josephine County was looking at doing something with the Flying Lark with a 150-room hotel to be built next to it; the City of Shady Cove came up with a slogan for their town "Small Town Big Adventures"; and, the City of Cave Junction will be celebrating the "75th Anniversary" on June 10th; Representative Goodwin was looking to hold some Town Hall Meetings; and, OSP would be moving their headquarters to Gold Hill while they're doing renovations in Central Point.

Council Advisory Committee: Chair Francis Gilbert reported that he had a sub committee that was working on a logo and slogan for the City; they discussed their committee appointments; the members were interested in attending other City meetings; and, they also discussed System Development Fees and addition dwelling units regarding the tax revenue would be distributed to the City and if they pay utility fees to the City.

PUBLIC INPUT:

Mayor Pam VanArsdale welcomed County Commissioner Colleen Roberts.

Jamie Campbell from the Dove Mercantile at 109 Depot Street spoke to the City Council regarding vendors selling their arts and crafts in her store, they are a 501C and wants to be able to provide members of community reasonable booth prices within their establishment. She had researched other cities' who charge for business owners as herself and found that they were being charged by how many booths were located in their stores and asked that the City consider doing the same. She would like to have 20-vendors. She said the vendors were not making a lot of money and after purchasing a City business license and paying their booth rent. The store does provide their vendors with a 1099 each year. She commented that she had sent out a social media and had responses from as far as Bend, Oregon. And when those vendors come to town they eat, drink and shop here in Rogue River which also helps the local businesses too. She handed out a sample of Grants Pass business license application.

Mayor Pam VanArsdale asked how many vendors she presently had and how many spaces could she provide and with Grants Pass's licence the owner pays for the vendors being in their store.

Jamie Campbell explained that other cities charge based by the number of vendors you have not by employees. She said that she has more vendors waiting for the City's decision. She has enough space for 20-vendors. She did not want to become a thrift shop and compete with the Community Center.

Mayor Pam VanArsdale asked the City Councilors if they were interested in discussing the matter at the next workshop.

Dee Copley of Berglund Street commented that she would encourage the City Councilor to review and discuss another option for the Dove Mercantile and help the people in our community to make a little extra money.

OLD BUSINESS:

- AGENDA ITEM 1** **Rate Increase:** A request from Southern Oregon Sanitation to reconsider a general rate increase of 8.5% to the customers of Rogue River, with a revised rate schedule.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO APPROVE THE REQUEST FROM SOUTHERN OREGON SANITATION TO RECONSIDER A GENERAL RATE INCREASE OF 8.5% TO THE CUSTOMERS OF ROGUE RIVER, WITH A REVISED RATE SCHEDULE.

Nick Fahey, the Community and Government Affairs Manager of Southern Oregon Sanitation said he had nothing more to add other than the correction to the rate schedule.

NEW BUSINESS:

- AGENDA ITEM 2** **Council Bill No. 23-2458; Resolution No. 23-1410-R:** Council Bill No. 23-2458 a Resolution certifying the municipal services provided by the City of Rogue River, Oregon, for the 2023-2024 budget year.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2458.

- AGENDA ITEM 3** **Public Comment:** The City Council to hear comments from the public regarding the City's election to receive State Revenue Sharing for the 2023-2024 budget year.

Mayor Pam VanArsdale asked the audience if there was anyone who wished to comment regarding the use of the State Revenue Sharing the City received for the 2023-2024 budget year.

City Administrator Ryan Nolan commented that the money the City received from the State was from alcohol tax and the City puts that money into the general fund for the police department.

No comments were heard from the audience and closed the public comment time.

- AGENDA ITEM 4** **Council Bill No. 23-2459; Resolution No. 23-1411-R:** Council Bill No. 23-2459 a Resolution declaring the City's election to receive State Revenue Sharing for the City of Rogue River, Oregon for the 2023-2024 budget year.

MOVED (MOSS), SECONDED (KEMPA) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2459.

AGENDA ITEM 5 **Council Bill No. 23-2460; Resolution No. 23-1412-R:** Council Bill No. 23-2460 a Resolution authorizing the funds to be used in the financial management of the City of Rogue River, Oregon, for the 2023-2024 budget year.

MOVED (HILTY), SECONDED (DAVIS) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2460.

AGENDA ITEM 6 **Council Bill No. 23-2461; Resolution No. 23-1413-R:** Council Bill No. 23-2461 a Resolution adopting the budget, making appropriations, and levying taxes for the City of Rogue River, Oregon, for the 2023-2024 budget year.

MOVED (GREGORY), SECONDED (MOSS) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2461 LEVYING TAXED PROVIDED FOR IN THE BUDGET ADOPTED IN PARAGRAPH 1 OF THIS RESOLUTION IN THE RATE OF \$3.1492 PER \$1,000 OF ASSESSED VALUE FOR THE OPERATIONS AND IN THE AMOUNT OF \$95,790 FOR BONDS; AND, THAT THESE TAXES ARE HEREBY IMPOSED AND CATEGORIZED FOR THE TAX YEAR 2023-2024 UPON THE ASSESSED VALUE OF ALL TAXABLE PROPERTY WITHIN THE CITY.

AGENDA ITEM 7 **Public Hearing:** The City Council to hold a public hearing regarding a Municipal Code Update for the City of Rogue River, Oregon.

Mayor Pam VanArsdale opened the public hearing at 6:37 p.m. and read a prepared statement which is a permanent record of the permanent record.

Mayor Pam VanArsdale asked if there was anyone who wished to challenge the authority of the City Council to hear this matter. No comments were heard from the audience.

Contract Planner James Schireman presented the following staff report:

DEVELOPMENT CODE TEXT AMENDMENT EXTENSIVE MUNICIPAL CODE REVISIONS

APPLICANT: City of Rogue River

APPLICATION: The proposal is an ordinance amending numerous, including sections within Titles 2, 3, 5, 16, 17, and 18 of the City of Rogue River Municipal Code. Most of the revisions are focused on Title 17, Zoning, and all subsections within it provide standards regarding development within the urban growth boundary in the City of Rogue River as required by both the State and Department of Land Conservation and Development (DLCD).

PLANNING COMMISSION RECOMMENDATION: On May 9th, following the close of a public hearing the Planning Commission recommended that the City Council approve the proposed text amendments.

I. BACKGROUND:

The Rogue River Zoning Municipal Code establishes the rules, taxes, and processes inherent to Rogue River. Ultimately, a municipal code reflects the conditions of the time it was written, promoting certain past ideas of our needs, desires and values. In order to preserve the vitality and efficiency of such a document, the City of Rogue River pursued a technical grant funded by the Department of Land Conservation and Development with the intent to perform a comprehensive update of the municipal code. Overall, the goals for this code update were to:

1. Modernize our zoning code to reflect our community's current and future needs, values, and aspirations.
2. Address modern day issues identified by Staff and the Planning Commission;
3. Align with State and Federal Laws; and,
4. Provide a user-friendly document through organization, clear and simplified language, and the use of tables and graphics;

The project kicked off in 2022 when the City was awarded a grant for technical assistance from DLCD. The project was originally overseen under the now City Administrator Ryan Nolan, but was taken over by Associate Land Use Planner James Schireman in August of 2022. Throughout this term, planners met with the Rogue River Planning Commission in a public workshop setting twice a month to review concepts and research, identify regulatory intent, and revise potential draft language.

With the changes incorporated into the document shown in exhibit A, staff finds that these proposed changes will enable the City of Rogue River to more efficiently regulate development within the city, afford new economic & residential opportunities, and ultimately preserve the character of Rogue River.

In order to implement these all-encompassing revisions, numerous sections of the code were examined and redrafted to ensure overall improvement. The primary themes of the proposed changes are listed below.

II. Proposed Title-wide Changes:

Throughout the entire Rogue River Municipal code, staff identified misspelled words, out of date reference documents, and inadequate fine amounts, and corrected these deficiencies.

III. Proposed Title 2 Changes:

Within Title 2, Revenue and Finance, staff clarified a conflict when City Council meetings conflict with a recognized holiday. In addition, the secretary role for the planning commission was viewed as obsolete and removed from the code, as well as a misconception which stated the Planning Commission reviewed administrative permits when in reality they would only see the appeals for such permits.

IV. Proposed Title 3 Changes:

Within Title 3, Revenue and Finance, staff removed a conflicting sentence used to determine the number of days associated with a stay as while as delinquency penalties when determining transient room tax. Staff also removed the established 6% provision so that rate could be established by resolution instead, enabling the city greater control of revenue from tourism generated. Lastly Ryan Nolan largely replaced the section detailing the contract review board with the new procurement policy section.

V. Proposed Title 5 Changes:

Besides the title-wide changes, staff viewed it appropriate to remove the established liquor license fees with a more flexible system that can be set by resolution.

VI. Proposed Title 15 Changes:

Taking input from city staff, the old title 15 building code was replaced with a set of provisions that met modern standards, and required the flood hazard section to renumber to 15.55.

VII. Proposed Title 17 Changes:

ADU's

On recommendation from both staff and DLCD, the planning commission decided to implement further flexibility when it came to regulating accessory dwelling units within the city of Rogue River. The maximum size for ADU's was increased from 800 feet to 900 feet, although ADU's located on the 2nd story of structure are allowed to be the same size as the ground floor footprint. Considering that Rogue River has required garages for new residential developments in the past, staff identified this change as excellent to allow for a unique housing type to more easily occur within the City, without drastically altering neighborhood character.

Landscaping

The old Rogue River Code utilized a somewhat vague landscaping section, which could frustrate developers when applications were denied for failing to provide an adequate landscaping plan. The proposed revisions proactively resolve this potential conflict, by proposing a set 15% area dedication to landscaping for significant commercial-and multifamily developments. Not only does this clarify the requirement to developers, but ensures larger developments provide a greater degree of landscaping than before.

Refining of Permitted Uses

The City of Rogue River benefits from more base zones than small cities typically feature within their development code. The Office and Research Technology (ORT) Tourism and Recreation (TR) and Light Industrial (LI) zones afford the city the opportunity to better regulate which land uses occur where within the city of Rogue River. The old code didn't utilize these unique zones to the greatest extent, whereas the new code does so. For example, self-storage and some forms of manufacturing are permitted within the light industrial zone, whereas resource extraction and refinement is relegated to the M-1 zone. This refining of permitted uses is evident through the new allowable use tables, which function as an administrative tool to both community members and staff to quickly and clearly identify which land uses are allowed across all the zones within Rogue River.

Administration

Lastly, the new code improves the planning process, giving staff the tools to request exact information regarding a development, or to approve applications with objective criteria at the staff level. Staff anticipates that this will allow the planning process to proceed smoother and in turn reduce costs associated with staff hours.

VIII. Proposed Title 18 Changes:

Edits within title 18, Development Administration, cleared up conflicts with the annexation process, which largely defers to ORS 222.

IX. FINDINGS OF FACT AND CONCLUSIONS OF LAW and APPLICABLE CRITERIA

A. Section 17.125.010 Text Amendment:

The text of the Municipal Code may be recommended for amendment and amended at any time through initiation from the Rogue River Planning Commission or City Council whenever the public necessity and convenience and the general welfare require such an amendment as outlined in Section 17.125.010.

FINDING: Satisfied. Ensuring that title 17 of the Rogue River Municipal code efficiently regulates development and remains representative of the community is a public necessity, and therefore warrants such an amendment.

- B. Section 1.01.020 Title, citation, reference, amendments:
It shall be sufficient that any ordinance amending or repealing a provision of this code refer to the section, chapter, or title being affected without reference to the underlying ordinance.

FINDING: The proposed sections span multiple ordinances. These new edits will be incorporated into a single Ordinance.

- C. City of Rogue River Amended Comprehensive Plan Goal 2:
Goal 2, Land Use Planning is aligned with the Statewide Planning Goal 2. The City's specific Goal related to Land Use states that it is the goal of the City of Rogue River to establish a land use planning process and policy framework which will be the basis for all land use decisions, and will provide an adequate, factual base for these land use decisions.

FINDING: The code amendments presented to the City of Rogue River align with the intent of goal 2 by altering the clear and objective criteria to implement a new basis for land use decisions, affording the same opportunities to development for all. The potential impact of these revisions was carefully considered by both professional staff and members of the planning commission and utilizing the proposed amended Title 17 will further the intent of Goal 2.

X. RECOMMENDATION

The Planning Commission can find that this application complies with the City of Rogue River Comprehensive Plan Goals, specifically Goal 2, and requirements of any proposed Municipal Code text amendment as outlined in Chapter 17.125.010.

The Planning Commission recommends the City Council adopt the text amendments found in Exhibit 'A', Council Bill No. 23-2462.

Respectfully Submitted,
James Schireman
Contract Planner

Mayor Pam VanArsdale asked if there was anyone in the audience who was opposed to the application. No comments were heard.

Mayor Pam VanArsdale asked if there was anyone in the audience who was in support of the application.

Dee Copley, a Berglund Street resident and a member of the Rogue River Planning Commission expressed her thanks to Mr. Schireman, the Rogue Valley Council of Governments, staff and members of the Planning Commission for all the months of hard work and deliberation. She commented that the members of the Planning Commission tried really hard to incorporate what they found in the results from the City Survey keeping in mind the citizens comments.

Mayor Pam VanArsdale closed the public hearing at 6:52 p.m.

City Councilor Sharie Davis asked for clarification about the percentage of landscaping and the time frame to guarantee that it be completed.

Contract Planner James Schireman commented there was a time frame and also an initial deposit required that could be withheld if the landscaping did not meet the standards required.

Mayor Pam VanArsdale asked if a home was rebuilt would the property owner be grand fathered in to the old code or would they need to meet the newer code.

Contract Planner James Schireman commented that the code read on new development that the landscaping standards were one of the more elegant administrative tools implemented and a code interpretation section which enabled the planner to perform an interpretation regarding the building permit and likely it could fall under that section of the code.

City Administrator Ryan Nolan commented that if it was a demolition and new construction staff would require a new site plan and the applicant would have to conform with the new code. If it was a substantial remodel the property owner would also need to conform with the new code standards if they did not have enough landscaping or they would need to make it better.

Mayor Pam VanArsdale commented that with some new home sales the seller would do the front landscaping but leave the rear landscaping to the buyer, would that no longer be allowed.

City Administrator Ryan Nolan commented that the code stated that fifteen-percent of the lot must be landscaped.

City Councilor Sharie Davis asked that landscaping definition included trees, shrubs and grasses, not just gravel.

Contract Planner James Schireman said they adopted the City of Grants Pass landscaping code which included four landscaping types such as fire wise, native pollinators, water resistant and traditional, with a minimum amount of trees and shrubs needed to be planted.

AGENDA ITEM 8 **Council Bill No. 23-2462; Resolution No. 23-419-O:** Council Bill No. 23-2462 an Ordinance adopting Text Amendments amending Titles, 2, 3, 5, 15, 16, 17, and 18 of the City of Rogue River Municipal Code and declaring an emergency.

MOVED (KEMPA), SECONDED (MOSS) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2462 WITH AN EFFECTIVE DATE OF JUNE 24, 2023.

AGENDA ITEM 9 **Council Bill No. 23-2463; Resolution No. 23-1414-R:** Council Bill No. 23-2463 a Resolution Amending Rules for City Committees.

MOVED (HILTY), SECONDED (GREGORY) AND CARRIED TO ADOPT COUNCIL

BILL NO. 23-2463.

City Administrator Ryan Nolan commented that the City Council had previously passed the rules for committees but needed more clarification regarding the members of the Tree City Committee from three to five members.

AGENDA ITEM 10 **Council Bill No. 23-2464; Resolution No. 23-1415-R:** Council Bill No. 23-2464 a Resolution Providing for Voting on a Municipal Measure to eliminate term limits for Council and Mayor Positions.

MOVED (MOSS), SECONDED (HILTY) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2464.

City Councilor Barb Hilty asked for clarification on the time needed for the City Attorney to process the paper work and have the measure filed with the County Clerk and were they on track with the filing date of August 15, 2023.

City Administrator Ryan Nolan commented that the City Attorney had reviewed the language and could be filed in time for the November election.

Mayor Pam VanArsdale explained to the audience the structure of terms limit requirements.

City Councilor Barb Hilty also commented that residents would still have to run for office at the end of their terms giving the citizens the opportunity to or not to reelect someone.

AGENDA ITEM 11 **Council Bill No. 23-2465; Resolution No. 23-1416-R:** Council Bill No. 23-2465 a Resolution Providing for Voting on a Municipal Measure to change the terms of office for Mayor from two to four years.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO ADOPT COUNCIL BILL NO. 23-2465.

AGENDA ITEM 12 **Appointments:** Appoint members to the Council's Advisory Committee.

MOVED (HILTY), SECONDED (KEMPA) AND CARRIED TO APPROVE THE MAYORS RECOMMENDATION TO APPOINT FRANCIS GILBERT TO POSITION NO. 1, JOANN DIXON TO POSITION NO. 2, ELLEN CAMPBELL TO POSITION NO. 3, DAVID OWENS TO POSITION NO. 4, RACHEL REBER TO POSITION NO. 5 AND SUSAN BARNES TO POSITION NO. 6 OF THE COUNCIL'S ADVISORY COMMITTEE.

AGENDA ITEM 13 **Appointments:** Appoint members to the Tree City, USA, Committee.

MOVED (HILTY), SECONDED (MOSS) AND CARRIED TO APPROVE THE MAYORS RECOMMENDATION TO APPOINT JOANN DIXON TO POSITION NO. 1, LAURA JONES TO POSITION NO. 2, DEE COPLEY TO POSITION NO. 3, HELGA BUSH TO POSITION NO. 4 AND GINNY CHABOT TO POSITION NO. 5 OF THE TREE CITY, USA, COMMITTEE.

AGENDA ITEM 14 **Surplus Property:** Declare unused building materials purchased for the Rooster Park construction project as surplus property to be disposed.

MOVED (MOSS), SECONDED (KEMPA) AND CARRIED TO DECLARE UNUSED BUILDING MATERIALS PURCHASED FOR THE ROOSTER PARK CONSTRUCTION PROJECT AS SURPLUS PROPERTY TO BE DISPOSED.

AGENDA ITEM 15 **Liquor License:** Request for Local Government recommendation for temporary liquor license for outdoor sales related to Rooster Crow Weekend for Bee Gee's Diner.

MOVED (KEMPA), SECONDED (HILTY) AND CARRIED TO APPROVE THE REQUEST FOR OF A LOCAL GOVERNMENT RECOMMENDATION FOR TEMPORARY LIQUOR LICENSE OF OUTDOOR SALES RELATED TO ROOSTER CROW WEEKEND FOR BEE GEE'S DINER.

OTHER BUSINESS:

Mayor Pam VanArsdale announced that long time public work's employee Doug Arnett would be retiring effective June 1, 2023, serving the City for sixteen-years and invited everyone to a surprise luncheon on Friday, May 26, 2023 at City Hall.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (GREGORY), seconded (KEMPA) and carried, the meeting adjourned at 7:15 p.m.

ATTEST:



Carol J. Weir, MMC
City Recorder