

CITY OF ROGUE RIVER

City Council Minutes

THURSDAY, JUNE 24, 2021

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

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

INVOCATION Pastor Austin Abbott with the River Valley Church delivered the Invocation

PLEDGE OF ALLEGIANCE Mayor Wayne Stuart led the Council and audience in the Pledge of Allegiance

QUORUM **COUNCIL MEMBERS PRESENT:**
Mayor Wayne Stuart
City Councilor Jack Bird
City Councilor Rick Kempa
City Councilor Pam VanArsdale
City Councilor Barb Hilty
City Councilor Don Daugherty
City Councilor Barbara Gregory via phone

ALSO PRESENT:
Mark Reagles, City Administrator
Carol Weir, City Recorder
Mike Bollweg, Public Works Director
Jim Williams, Chief of Police
Paige Chick, Clerk Typist

MEDIA PRESENT:
Brian Mortensen, Rogue River Press

A quorum was present and due notice had been published.

COMMITTEE REPORTS:

Community Relations; Rogue River Community Center: City Councilor Barb Hilty reported that they would be serving chicken with waffles for the Rooster Crow Dinner prepared by the Depot Street Grill and they started conducting interviews for the Director position.

Emergency Communication of Southern Oregon: Mayor Wayne Stuart reported they held no meeting but they had an incident where their lines went down for over an hour before the emergency backup took effect. He added that the director commented that it had not gone down in 31-years and it had never happened before.

Finance Committee: City Councilor Don Daugherty reported they met twice during the month of May 2021 to review and approve bills and signed a total of 68-checks amounting to \$202,671.97.

Middle Rogue Metropolitan Planning Organization (MRMPO): City Councilor Pam VanArsdale reported they held a zoom meeting where they had confirmed that they would be receiving the \$800,000 plus from the federal government as part of the economic relief package and hoped that Rogue River would be able to utilize some of the funds. The Oregon Department of Transportation (ODOT) had talked about their 2021-2024 Surface Transportation Improvement Program and asked the jurisdictions for feedback on their projects, then ODOT would decide what projects they would fund. They also approved a Gold Sponsorship for the Rogue River Greenway's Ride the Rogue event along with the RVMPO approving a Gold Sponsorship in the amount of \$2,500 each.

Police Commission: Wayne Stuart reported that the department had a busy month and it was brought to their attention that all the officers were wearing all new black uniforms.

Chief Jim Williams said they were working through some issues with their motor vehicle computers.

Rogue Valley Council of Governments: Mayor Wayne Stuart reported they held a zoom where they discussed the wild fire cameras and that a camera would be installed in Cave Junction at no charge to the city.

City Administrator Mark Reagles commented that the annual maintenance was \$16,000 for the camera so other cities were struggling with the cost. They had discussed about installing a camera at the 911 Center and would be reaching out to other cities to find a location for one more.

Mayor Wayne Stuart said that he along with City Administrator Mark Reagles, City Councilors Pam VanArsdale and Don Daugherty attended the League of Oregon Cities Small City meeting in Jacksonville where they toured their newly renovated City Hall and they discussed the debris management clean up process of the fires in Talent and Phoenix so that the rebuilding could begin. He also commented that it had been the first time for everyone to get together since the start of the COVID-19 pandemic restrictions. He also announced that Rogue River would be hosting the next Small Cities meeting in September 2021.

Council Advisory Committee: Chair Francis Gilbert reported that he had struck out contacting anyone from Emergency Operations from Jackson County and the Oregon Department of Forestry in an attempt to have them speak to the City Council regarding the Wild Fire Alert evacuations. They discussed the riparian zones and Dee Copley spoke with them as a representative from both the City's

Planning Commission and the Evans Valley Water Shed Council. Regarding the fire on North River Road he had sent an email about the recent fire evacuation notifications. JoAnn Dixon did receive a phone call but after they already knew there was an evacuation. He felt that the old system of calling neighbors was more efficient than the electronic system. The face book notification became a mess. Everyone commented something different revealing that Facebook is a rumor of information, not factual information. The ODF cameras worked well for ODF but still not working for the community. He felt that the wild fire cameras were more effective because their information went out to the citizens showing GPS locations, level of evacuation, and you didn't have to call someone though it cost a lot of money. He said that the committee had some ideas but didn't know how to implement them but would continue with their effort.

PUBLIC INPUT:

Jackson County Commissioner Colleen Roberts attended the meeting by phone and commented that they passed a second amendment ordinance during their meeting and they would be referring to the voter's in the November election whether they wanted to have the Assessor's position appointed or elected.

NEW BUSINESS:

AGENDA ITEM 1 **Resignation:** Accept a resignation from Planning Commissioner Jack Bird.

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO ACCEPT THE RESIGNATION FROM PLANNING COMMISSIONER JACK BIRD.

AGENDA ITEM 2 **Appointment:** Appoint Jack Bird to City Council Position No. 1.

MOVED (KEMPA), SECONDED (VANARSDALE) AND CARRIED TO APPOINT JACK BIRD TO CITY COUNCIL POSITION NO. 1.

City Recorder Carol Weir administered the Oath of Office to Jack Bird who then took his seat at the podium.

AGENDA ITEM 3 **Public Hearing:** Hold a Public Hearing to hear public testimony on amending Rogue River's Comprehensive Plan Goal 12 Transportation Element for the City of Rogue River, Oregon.

Mayor Wayne Stuart declared the public hearing opened at 6:24 p.m. He read the following information into the record which would be a permanent part of the land use file.

Mayor Wayne Stuart stated that the hearing was being conducted as a Quasi-Judicial hearing. Oregon land use law required that several things be read

into the record at the beginning of every public hearing and proceeded to do so.

Mayor Wayne Stuart asked the members of the City Council if they wished to abstain or declare ex-parte contact, have any conflicts of interest, bias, or ex-parte contact.

City Councilor Jack Bird declared that as a member of the Planning Commissioner he had attended Planning Commission meetings including their Public Hearing where he was one of the members to recommend the changes to the City Council.

City Councilor Pam VanArsdale declared that as an advisory committee member of the Middle Rogue Metropolitan Planning Organization (MRMPO) she had also participated in discussion of the development of the transportation plan.

Mayor Wayne Stuart asked the audience if there was anyone who wished to challenge any of the Commissioner's qualifications to participate in the public hearing. No comments were heard.

City Administrator Mark Reagles read the following prepared Staff Report prepared by City Planner Ryan Nolan:

APPLICANT: City of Rogue River

APPLICATION: The proposal is an ordinance to adopt the City of Rogue River Transportation System Plan update, amending the City of Rogue River Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION: Approval

1. BACKGROUND:

The City of Rogue River received a State of Oregon grant to prepare a Transportation System Plan (TSP). The TSP is a 20-year multi-modal plan that identifies a system of transportation facilities and services that meets local transportation needs and services. The TSP is consistent with the Oregon Transportation Plan (OTP) and the relevant policies of the Oregon Transportation Planning Rule. An important element of the TSP is a list of necessary transportation facility improvements with estimated project costs, and time frame for completion. PROJECT AREA: The TSP project area includes all lands within Rogue River's Urban Growth Boundary (UGB). The area of Rogue River's UGB is approximately two times larger than the area within the city limits. The estimated population of Rogue River is 2,250. Since a construction moratorium from 1992 through 1998, Rogue River has witnessed an increased interest in new development within the city limits and the UGB.

The purpose of a TSP is to develop a transportation system that serves the needs of residents, motorists, pedestrians, and bicyclists. Critical objectives to the project are to:

- Provide for a safe and efficient transportation system based on existing and future land uses
- Prioritize improvement projects for existing transportation facilities
- Establish a document that is simple and easy to understand for developers and the community
- Includes safe routes to school component that provides a plan to construct missing portions of bicycle and pedestrian infrastructure
- Comply with applicable state and local laws, rules, and regulations

The TSP includes implementation tools resulting in a street pattern and internal circulation network that serves the needs of residents, pedestrians, bicyclists, and motorists and will guide land use decisions. This street and internal circulation pattern must strive to enhance and/or create direct and convenient routes for pedestrians and bicyclists to neighborhood destinations. In addition, the TSP includes street standards that serve to make streets more livable and safe for pedestrians and bicyclists. Key considerations are the enhancement of neighborhood integrity, traffic circulation, safety, improvement costs and the development of a connected multi-modal transportation network.

Finally, the plan serves as an instrument for making land use and transportation investment decisions.

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

A) Section 2.15.100 Comprehensive Plan Text Amendment

Changes to the Text of the City's Comprehensive Plan may be recommended by the City's Planning Commission and approved by the City Council.

FINDING: A Public Hearing was held before the Planning Commission, where they recommended approval of the Text Amendment. A Public Hearing is scheduled before the City Council tonight regarding this potential Comprehensive Plan 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 amendment to the City's Comprehensive Plan will be considered the Transportation Element of the City's Comprehensive Plan and will replace pages 97-120 in the currently adopted Comprehensive Plan.

- C) City of Rogue River Comprehensive Plan Goal 12, Transportation Element is aligned with the Statewide Planning Goal 12. The City's specific Goal related to transportation requires that the City amend the transportation system plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule.

FINDING: The City of Rogue River has reviewed previous Transportation System Plans of the City, and with assistance from ODOT has reviewed current conditions in order to update the Transportation System Plan to be consistent with the transportation planning rule and State requirements.

III. RECOMMENDATION

The Planning Commission finds that this application complies with the City of Rogue River Comprehensive Plan Goals specifically Goal 12 and requirements of any proposed Comprehensive Plan amendment as outlined in Chapter 2.15.100.

The Planning Commission recommends approval of this comprehensive plan amendment and the replacement of the Transportation Element in its entirety with the text found in Exhibit 'A'.

Mayor Wayne Stuart asked the City Council if they had any questions of staff. None were heard.

Mayor Wayne Stuart asked if there was anyone from the public who wished to speak. None were heard.

Mayor Stuart asked for a motion to close the Public Hearing.

MOVED (HILTY), SECONDED (KEMPA) AND CARRIED TO CLOSE THE PUBLIC HEARING AT 6:37 P.M.

AGENDA ITEM 4 **Council Bill No. 21-2427; Ordinance No. 21-411-O:** An Ordinance amending the Rogue River Comprehensive Plan Goal 12 by adopting a new Transportation System Plan, repealing Ordinance No. 03-314-O and declaring an emergency.

MOVED (HILTY), SECONDED (VANARSDALE) AND CARRIED TO ADOPT COUNCIL BILL NO. 21-2427.

AGENDA ITEM 5 Public Hearing: Hold a Public Hearing to hear public testimony on a proposed Riparian Protection Ordinance for the City of Rogue River, Oregon.

Mayor Wayne Stuart declared the public hearing opened at 6:24 p.m. He read the following information into the record which would be a permanent part of the land use file.

Mayor Wayne Stuart stated that the hearing was being conducted as a Quasi-Judicial hearing. Oregon land use law required that several things be read into the record at the beginning of every public hearing and proceeded to do so.

Mayor Wayne Stuart asked the members of the City Council if they wished to abstain or declare ex-parte contact, have any conflicts of interest, bias, or ex-parte contact.

City Councilor Jack Bird declared that as a member of the Planning Commissioner he had attended Planning Commission meetings including their Public Hearing where he was one of the members to recommend the changes to the City Council.

Mayor Wayne Stuart asked the audience if there was anyone who wished to challenge any of the Commissioner's qualifications to participate in the public hearing. No comments were heard.

City Administrator Mark Reagles read the following Staff Report prepared by City Planner Ryan Nolan:

APPLICANT: City of Rogue River

APPLICATION: The proposal is an ordinance amending the City of Rogue River Municipal Code. The Text Amendment would add a Riparian Protection Ordinance to the City of Rogue River Municipal Code.

PLANNING COMMISSION RECOMMENDATION: Approval

I. BACKGROUND:

Working with Jackson County Soil & Water as well as Oregon Department of Fish & Wildlife, staff has developed a potential new Municipal Code section to clarify measure that property owners can take to protect the riparian corridor along major waterways within the City of Rogue River.

II. 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: The Public Works Director has identified measures that would help ensure the City is complying with the adopted goals of the City identified in the City's Comprehensive Plan, and has provided recommended additional Municipal Code language to ensure protection of clearly identified natural resources. The Planning Commission has reviewed and recommended adoption of the proposed Municipal Code text additions.

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 Ordinance is creating a new section of code and is not repealing or amending any currently adopted code section.

C) City of Rogue River Comprehensive Plan Goal 6, Open Space, Scenic and Historic Areas and Natural Resources are aligned with the Statewide Planning Goal 6.

The City's specific Goal related to Natural Resources states that it is the goal of the City of Rogue River to maintain a "stream corridor concept" along the Rogue River, Evans Creek, and Wards Creek.

FINDING: The City of Rogue River has clearly defined the Rogue River, Evans Creek, and Wards Creek as important natural resources worthy of protection. The proposed text amendment would provide clear standards to ensure that stream corridors are protected in a clear and objective fashion.

III. RECOMMENDATION

The Planning Commission finds that this application complies with the City of Rogue River Comprehensive Plan Goals specifically Goal 6 and requirements of any proposed Municipal Code text amendment as outlined in Chapter 17.125.010.

The Planning Commission recommends approval of this text amendment and the addition of the Riparian Protection Ordinance in its entirety with the text found in Exhibit 'A'.

Mayor Wayne Stuart asked for a motion to close the Public Hearing.

Public Works Director Mike Bollweg commented that the city currently did not have a riparian ordinance and through the Department of Environmental Quality (DEQ) and with the TMDL they have guidelines for protecting water ways which comes with a lot of requirements. The City is also MS4 community which comes with storm water management issues. The Ordinance would give the City a way to get grants to local land owners to help remove vegetation. The City would coordinate with Jackson County Soil and Water Conservation as far as protecting stream banks and erosion. The ordinance was intended to be a starting point but as the City grows it would evolve for protecting streams, banks and structures.

Mayor Wayne Stuart asked if anyone had questions for staff. None were heard.

MOVED (KEMPA), SECONDED (VANARSDALE) AND CARRIED TO CLOSE THE PUBLIC HEARING AT 6:53 P.M.

AGENDA ITEM 6 **Council Bill No. 21-2428:** An Ordinance adopting Riparian Protection Requirements for the City of Rogue River, Oregon.

MOVED (VANARSDALE), SECONDED (HILTY) AND CARRIED TO ADOPT COUNCIL BILL NO. 21-2428.

AGENDA ITEM 7 **Liquor License:** Authorize the Mayor to sign an Oregon Liquor License Control Commission application for Off-Premise use for BACI's Pizza & Pasta at 510 East Main Street, Rogue River, Oregon. Applicant(s): Alfred & Kimberly Lane, owners.

MOVED (HILTY), SECONDED (KEMPA) AND CARRIED TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN OREGON LIQUOR LICENSE CONTROL COMMISSION APPLICATION FOR OFF-PREMISE USE FOR BACI'S PIZZA & PASTA AT 510 EAST MAIN STREET, ROGUE RIVER, OREGON. APPLICANT(S): ALFRED & KIMBERLY LANE, OWNERS.

AGENDA ITEM 8 **Request:** A request from Christy Willard, Children Ministry Director with River Valley Church to reserve Palmerton Park Arboretum to hold Vacation Bible School from June 28, 2021 to July 1, 2021 and waive the park reservation fee.

MOVED (HILTY), SECONDED (VANARSDALE) AND CARRIED TO APPROVE THE REQUEST FROM CHRISTY WILLARD, CHILDREN MINISTRY DIRECTOR WITH RIVER VALLEY CHURCH TO RESERVE PALMERTON PARK ARBORETUM TO HOLD VACATION BIBLE SCHOOL FROM JUNE 28, 2021 TO JULY 1, 2021 AND WAIVE THE PARK RESERVATION FEE.

AGENDA ITEM 9 **Request:** A request from Ronny Huffstutter with Tunel13 Films to reserve Palmerton Park Arboretum to film a low budget short film on August 3, 2021.

MOVED (VANARSDALE), SECONDED (KEMPA) AND CARRIED TO APPROVE

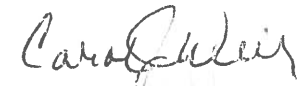
THE REQUEST FROM RONNY HUFFSTUTTER WITH TUNEL13 FILMS TO RESERVE PALMERTON PARK ARBORETUM TO FILM A LOW BUDGET SHORT FILM ON AUGUST 3, 2021.

AGENDA ITEM 10 **Proclamation:** Mayor Wayne Stuart read a Proclamation declaring "Rogue River's National Rooster Crow 2021 Car Show" on Saturday, June 26, 2021.

OTHER BUSINESS:

ADJOURN There being no further business to come before the City Council and upon motion duly made (VANARSDALE), seconded (BIRD) and carried, the meeting adjourned at 7:12 p.m.

ATTEST:



Carol J. Weir, MMC
City Recorder