



CITY OF ROGUE RIVER

133 Broadway • Box 1137 Rogue River, Oregon 97537 • (541) 582-4401
Fax: (541) 582-0937 • website: cityofrogueriver.org

REGULAR COUNCIL MEETING

THURSDAY, JUNE 26, 2025

6:00 P.M.

This meeting is also available for attendance by phone or internet via <https://join.freeconferencecall.com/rogueriver>:

Dial-in using your phone:

1-978-990-5207

Enter Access Code: 2145898

Or visit the website:

freeconferencecall.com

Enter Online Meeting ID: [rogueriver](#)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Josh Keeton, Rogue River Calvary Chapel

ROLL CALL

AGENDA

APPROVAL OF MINUTES:

May 22, 2025

June 5, 2025

COMMITTEE REPORTS:

Community Relations: Chamber of Commerce Liaison
Community Relations: Community Center Representative
Emergency Communications of Southern Oregon
Finance Committee
Planning Commission Liaison
Rogue Valley Area Commission on Transportation
Rogue Valley Council of Governments
Rogue Valley Metropolitan Planning Organization

(City Councilor Barb Hilty)
(City Councilor Barb Gregory)
(City Administrator Ryan Nolan)
(City Councilor Sherrie Moss)
(City Councilor Barb Gregory)
(City Councilor Sharie Davis)
(Mayor Pam VanArsdale)
(Mayor Pam VanArsdale)

PUBLIC INPUT: Speakers will be allowed three (3) minutes

NEW BUSINESS:

- 1 Request** Consider approving a funding request from Rogue Food Garden.
- 2 Request** Consider approving a request to use the City logo from the Wards Creek Restoration Initiative.
- 3 Resolution** Consider approving Resolution 25-1455-R, a Resolution adopting a Master Fee Schedule for the City of Rogue River.
- 4 Bid Award** Convene as the Contract Review Board to consider awarding a bid for the 7th Street Fire Hydrant and Water Main Improvements Project.



CITY COUNCIL MEETING PACKET

JUNE 26, 2025

"Home of the National Rooster Crowing Contest"



- 5 Ordinance** Consider adopting Ordinance 24-433-O, an Ordinance adopting FEMA BiOp standards in the City's Development Standards.
- 6 Committee** Consider accepting the June 12th, Tree City Committee Minutes.

OTHER BUSINESS:

ADJOURN

Public Participation: Members of the public are welcome to attend Council meetings unless otherwise noted. Public participation by testimony or comment is only permitted on certain matters, the order and length of which shall be regulated by the Council's presiding officer. Any member of the public who fails to comply with the Council's rules of conduct or who causes a disturbance shall be asked to leave, and upon failure to do so, becomes a trespasser. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted.

Access Assistance: City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for the other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Administrator, Ryan Nolan, in person, Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at rnlolan@cityofrogueriver.org.

Meeting Violation: Written grievances regarding violations of provisions of Public Meeting Law (ORS 192.610 to 192.705) may be submitted to City Administrator, Ryan Nolan, in person Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at rnlolan@cityofrogueriver.org.

Invocation Policy: Any invocation that may be offered before the official start of the City Council meeting is the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution No. 23-1408-R. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief of the City Council or the City of Rogue River. No person in attendance at this meeting is or shall be required to participate in any invocation, and the decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

If you wish to speak regarding an agenda item, please sign in before the start of the meeting.



**CITY OF ROGUE RIVER
CITY COUNCIL
MEETING
PACKET**

Thursday, June 26 – 6:00 P.M.

ORDER	EXHIBIT	PAGE #
	May 22, 2025 Minutes	4-7
	June 5, 2025 Minutes	8
1	Rooster Crow Proclamation	9
2	Rogue Food Garden Funding Request	10-11
3	Wards Creek Restoration Initiative City Logo Use Request	12-14
4	Resolution 25-1455-R, Master Fee Schedule	15-34
5	Contract Review Board, 7 th Street Project	35-38
6	Ordinance 24-433-O, FEMA Code Updates	39-73
7	Ordinance 25-438-O, Alarm Fee Removal from Code	74
8	June 12 th Tree City Committee Minutes	75

REGULAR COUNCIL MEETING MINUTES

THURSDAY, MAY 22, 2025

6:00 P.M.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE

INVOCATION – Dr. Bob Farmer, Grace Baptist Church

ROLL CALL Barb Gregory, Barb Hilty (on-line), Grace Howell, Sherrie Moss, Sharie Davis, and Mayor, Pam VanArsdale.

ABSENT Mark Minegar

STAFF PRESENT City Administrator, Ryan Nolan, Paige Chick, Finance Officer/ Planning Assistant, Annette Phillips, Administrative/Finance Assistant, City Recorder Diane Oliver, and Chief Dave Rash.

PRESS: Brian Mortensen with the Rogue River Press

AGENDA

APPROVAL OF MINUTES:

Moved by Councilor Howell, seconded by Councilor Moss to approve minutes of April 24th, 2025. No discussion on the motion.

Vote: All ayes, none opposed, minutes of April 24th, 2025, are approved.

COMMITTEE REPORTS:

Community Relations: Councilor Barb Hilty reports that tickets are on sale for the monthly dinner for \$8.00 for members, and \$10.00 for non-members. The dinner will be June 27th at 5:00PM. We have already sold 44 tickets so far with only 100 left.

Community Relations: Councilor Barb Hilty reports that the installation dinner is June 7th with A Hawaiian theme starts at 5:00PM with a live band and dancers, along with a silent auction and food. Our current membership is 91.

Emergency Communications Ryan Nolan City Administrator reports that the Dispatch 911 passed their budget. They will be joining our City Council workshop on June 19th here in chambers.

Finance Committee Councilor Sherrie Moss reports that between April 23rd and May 20, 2025 the finance committee met four times, issuing a total of 84 checks and 5 electronic payments totaling \$97,085.80.

Planning Commission Liaison Councilor Gregory reports that the Planning Commission has been working hard on the Planned Unit Developments in our code, and Cluster Housing. The Commission will bring this to the City Council soon.

Rogue Valley Area Commission on Transportation Councilor Sharie Davis reports that the meeting was on May 13th where discussion took place regarding priorities, goals, funding allocations and deadlines. There are several projects going on currently including mostly ADA compliance. A big project is "The Big X" where Oregon highway, 99, 62, all come together, including the bridges and bike lanes are all work that is current. The Foothill Road project is almost complete. Also, Oregon Hwy at 99 at North Phoenix which is part of the Alameda fire rebuilding project had a big discussion on upcoming projects which include Barnett Road, Highland at Exit 27 in Medford, Goldhill bridge, the I5 Monument Drive in Grants Pass. Hwy 62 and Hwy 234 roundabout. There was discussion about the future of Oregon 140 adding a dedicated right turn lane at Lee Way.

Rogue Valley Council of Governments The mayor reports there was no meeting this month.

Rogue Valley Metropolitan Planning Organization Mayor Pam VanArsdale reports that there was no meeting due to a lack of agenda items.

PUBLIC INPUT: Ryan Nolan City Administrator said that whoever does not get the Rogue River Press should because on the front page you will see our very own Police Chief, Dave Rash received an award from the FBI in Portland, and we are very proud of him.

NEW BUSINESS:

Oath Administer Oath of Office to Patrol Officer Chad Mathews.

OLCC Consider providing a recommendation of 'approval', 'denial', or 'no comment' regarding a temporary OLCC license for Taqueria La Guacamaya.

Motion by Councilor Hilty, seconded by Councilor Moss- no discussion on the motion

Vote "all ayes" none opposed, the temp OLCC license is approved for Taqueria La Guacamaya.

Resolution Consider approving Resolution 25-1448-R, a Resolution re-certifying reserve funds for the 2025-2026 fiscal year for the City of Rogue River.

Motion by Councilor Moss, seconded by Councilor Hilty- no discussion on the motion

Vote, Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1448-R is approved

Resolution Consider approving Resolution 25-1449-R, a Resolution certifying municipal

services provided by the City of Rogue River for the 2025-2026 fiscal year.

Motion by Councilor Hilty, seconded by Councilor Howell- no discussion on motion

Vote Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1449-R is approved

Resolution Consider approving Resolution 25-1450-R, a Resolution declaring the City's election to receive state revenue sharing funds for the 2025-2026 fiscal year.

Motion by Councilor Moss, seconded by Councilor Howell- no discussion on motion

Vote Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1450-R is approved

Resolution Consider approving Resolution 25-1451-R, Resolution authorizing funds used in the financial management of the City of Rogue River for the 2025-2026 fiscal year.

Motion by Councilor Hilty, seconded by Councilor Davis- no discussion on motion

Vote Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1451-R is approved

Resolution Consider approving Resolution 25-1452-R, a Resolution adopting the budget, making appropriations, and levying taxes for the City of Rogue River for the 2025-2026 fiscal year.

Motion by Councilor Howell, seconded by Councilor Moss- no discussion on motion

Vote Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1452-R is approved

Resolution Consider approving Resolution 25-1453-R, a Resolution approving updated job descriptions for all Police Department Positions.

Motion by Councilor Howell, seconded by Councilor Hilty- no discussion on motion

Vote Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1453-R is approved

The Council thanked Chief Rash for his work

Resolution Consider approving Resolution 25-1454-R, a Resolution increasing business license fees to generate revenue for continued Police Services.

Motion by Councilor Howell, seconded by Councilor Hilty- discussion on motion to correct the statement on page 47 of your packet that should read 5.05 of the municipal Code and not 5.15.

Vote: Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes. Resolution 25-1454-R is approved with corrections.

Ordinance Consider adopting Ordinance 25-437-O, an Ordinance changing the business license term from a fiscal year term to a rolling calendar year term.

Motion by Councilor Moss, seconded by Councilor Howell- discussion on the motion

**Vote: Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes.
Ordinance 25-437-O is approved**

Contract Consider approving a contract with Axon Enterprises, Inc. in the amount of \$94,696.80 (to be paid over the next six years) for records systems software services for the Police Department.

Motion by Councilor Hilty, seconded by Councilor Howell- discussion on the motion to correct the six years to five years

**Vote: Gregory yes, Moss yes, Hilty yes, Howell yes, and Davis yes.
The contract with Axon is approved with corrections.**

OTHER BUSINESS: Councilor Barb Gregory says the Rooster Crow Float is coming along fine. She will consider asking for Candy donations from a local store.

Ryan Nolan, City Administrator, says we were awarded a State grant this week to re-seal the parking lot at Coyote Evans. The Tree city committee cancelled their last meeting, but they are actively working on a tree inventory at Palmerton with our city engineer to design a walkable virtual map so that people can identify the trees with your smart phone.

Mayor Pam VanArsdale reminded the council about serial emails, and to be careful you are not breaking Oregon's public meeting laws by responding to reply all. All decisions being made by the council needs to be made in public.

The Council discussed conferences in the future.

Chief Rash is in the last phase of getting his department accredited, and there will be an onsite inspection here on May 30th at 11:00AM.

ADJOURN: Move to adjourn this meeting, motion by Councilor Howell, seconded by Councilor Hilty

Vote: All ayes, none opposed, this meeting is adjourned at 6:45PM

ATTEST:

Mayor Pam VanArsdale _____ Date _____

Diane Oliver, City Recorder _____

SPECIAL COUNCIL MEETING

THURSDAY, JUNE 5, 2025

CALL TO ORDER 10:00am

PLEDGE OF ALLEGIANCE

ROLL CALL: Councilors Davis, Minegar, Moss, and Gregory were in attendance. Councilors Howell and Hilty were excused. Mayor VanArsdale was also in attendance.

AGENDA

NEW BUSINESS:

- 1 OLCC** The Council Consider providing a local government recommendation to Grit Cellars for a temporary OLCC permit for Rooster Crow. Councilor Minegar made the motion to provide a recommendation to approve the permit. Councilor Davis seconded the motion. It was approved with all five Councilors present voting yes.
- 2 Park Use** The City Council considered approving reservation of the tennis courts at Anna Classick Park for a free tennis clinic sponsored by the Grants Pass Community Tennis Association to be held on June 14th. Councilor Moss made the motion to approve the park reservation request. Councilor Minegar seconded the motion. It was approved with all five Councilors present voting yes.
- 3 Resolution** Consider approving Resolution 25-1447-R a resolution authorizing an additional loan amount of \$3,159,015 from Business Oregon for the Safe Drinking Water Revolving Loan Fund Project. Councilor Minegar made the motion to approve the resolution authorizing the additional loan amount of \$3,159,015. Councilor Moss seconded the motion. It was approved with all five Councilors present voting yes.

ADJOURN at 10:12am.

ATTEST:

Mayor Pam VanArsdale _____ Date _____

Diane Oliver, City Recorder _____

PROCLAMATION

WHEREAS, the City of Rogue River, Oregon, known as the "**Home of the National Rooster Crowing Contest**" since 1953, has much to crow about; and,

WHEREAS, we are ready to celebrate a full weekend of activities for everyone to enjoy as expressed in this year's theme "**Plenty of Pluck!**"; and,

WHEREAS, in the custom for the last 72 years, Roosters in the City of Rogue River will be allowed to prove they have plenty of pluck and crow their loudest on this day of the Roosters; and,

WHEREAS, we are privileged to have an amazing human **Karen Thornton** as this year's Grand Marshal with gratitude for her dedication to, love for, and the bright light she has shown on this community; and,

WHEREAS, as we honor the memory of past Rooster Crow Master of Ceremonies **Charlie Weaver**, who is depicted as the City's Rooster mascot "Charlie"; and,

WHEREAS, amnesty is hereby proclaimed for 24 hours so that Roosters attired in their finest plumage may crow to their hearts content without fear of retribution.

NOW, THEREFORE, with the power vested in me as Mayor of the City of Rogue River, Oregon, I, Pam VanArsdale, hereby proclaim the festivities officially underway and declare June 27th, 28th, and 29th as a time for people of all ages to celebrate the

72nd Annual National Rooster Crowing Contest

Weekend in the City of Rogue River, Oregon; and,

BE IT FURTHER proclaimed that the City of Rogue River, Oregon, invites all finely clad and often crowing Humans and Roosters from throughout the United States to attend this holiday in honor of Roosters.

Dated this 26th day of June 2025.



Pam VanArsdale
Mayor

Attest:



Diane Oliver
City Recorder

Ryan L. Nolan
City Administrator
City of Rogue River
133 Broadway Street, P.O. Box 1137
Rogue River, Oregon 97537

The Rogue River Food Garden located at 270 W Evans Creek Road on the grounds of the Assembly of God Church is requesting \$2000 to assist with the payment of our annual expenses. Our mission is to grow more than 5000 pounds of fresh, natural, organic like vegetables for the many families in need in the Rogue River area. The garden is under the insurance and 501(c)(3) status of the church but is financially and administratively independent from the church. The garden has nearly a 20-year history and has recently lost its financial support from Access. All of the garden's income is now via donations. These are the reasons for this request.

The garden is administered and run completely by skilled and dedicated volunteers. One of whom is visually impaired yet is responsible for making our organic compost and planting all those amazing sunflowers you see when you drive by the garden. The produce grown is distributed through the two local food pantries. One is the Harvest House at Assembly of God Church and the other is at the Rogue River Community Center.

The required annual expenses include plants starts which are purchased at local nurseries at a significant discount, potting soil for up-planting to gallons for planting after the threat of frost, organic fertilizer and soil amendments, facility maintenance and upgrades, tools and additional supplies, our share of city and GPID water and others. Some of the equipment is way beyond its expected life span. There is also a desire to add more raised beds to help with growing more sensitive vegetables that are prone to devastation by gophers and other creepy-crawlers.

Your support would help the garden continue its contribution to those deserving the produce we offer. We would like to offer anyone from the city a tour of our garden at your convenience to help better understand our operation and commitment.

Contact information:

Helga Bush – administrator
847/582-6555
helga@doneandtodo.com



Ron Willing – facilities
541/582-9694
rwillig@charter.net



We grow only happy vegetables



View late in the season of healthy plants



One of our up-potting sessions



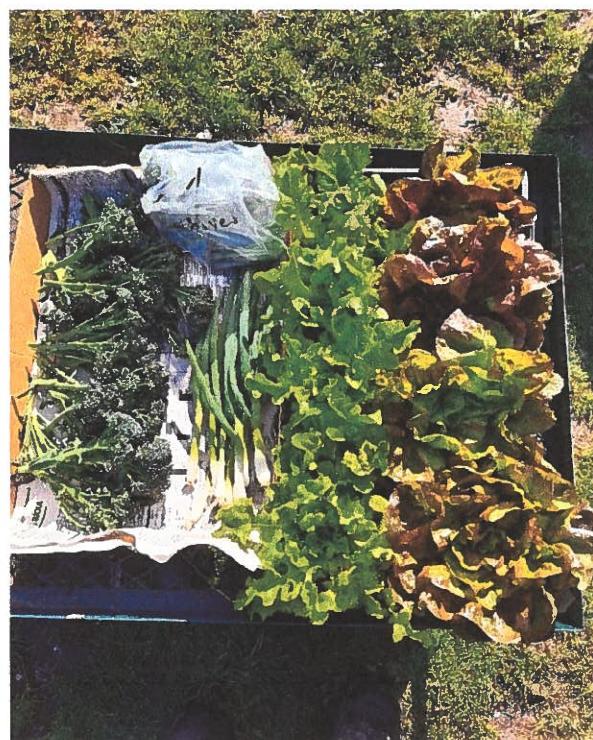
Our initial raised beds - more are needed



A delivery ready for the church pantry 2024



Early Spring 2025 harvest for the pantry





Memo

To: City Council
From: Ryan
Date: June 24, 2025
Re: Requested use of City logo

The City has received a request to use the City logo:

From: Niki Murphy <niki@truwespropertygroup.com>
Sent: Wednesday, June 18, 2025 4:08 PM
Subject: WCRI Ready, Set, Go banners - city logo needed

Hi Paige and Ryan,

Fire season is here and WCRI would like to push out public education on evacuation zones. We are printing two banners almost exactly like the City of Talents banner below - our will be for Rogue River. Also, A-frame posters.

I have the RRFD logo. However, the City logo I have is only a screen shot. See below.

May I please have a JPG or PDF of the City logo? Pronto Print in Medford can do a file conversion as needed

Thank you,

Niki Murphy
Executive Director
541-821-9372 Direct
541-821-6630 Office
murphy@wardscreekrp.org
Wards Creek Restoration Initiative

308 E Main St
Rogue River, OR 97537

From: Niki Murphy <niki@truwespropertygroup.com>
Sent: Wednesday, June 18, 2025 5:00 PM
Subject: WCRI Ready, Set, Go banners - city logo needed

Hi Ryan,

Would you please ask the council if WCRI can use the city logo to print the Ready, Set, Go banners. The banners are for use in the City of Rogue River to promote Know Your Zone for evacuation notices.

WCRI is paying for the printing. The city is not being asked for any money for this project.

Thank you,

Niki Murphy
Executive Director
541-821-9372 Direct
541-821-6630 Office
murphy@wardscreekrp.org
Wards Creek Restoration Initiative
308 E Main St
Rogue River, OR 97537
Niki Murphy<niki@truwespropertygroup.com>

Mon 6/23/2025 10:43 AM

Hi Paige,

I will bring a copy of the Ready, Set, Go banner photo to council meeting on Thursday so everyone can see it.

We are setting up a WCRI registration table next to the RRFD table for this weekends Rooster Crow in our lot.

RRFD will be signing folks up for home assessments.

WCRI staff will be registering folks for the Jackson County Alert system and confirming their specific evacuation zone.

We would like 1-banner at the table for this weekend.

I'd like the City to let us know where the other banner could be placed.

I'll present several ideas about locations.

The City is NOT paying for these. WCRI will be paying for all printings.

I will be at the council meeting to present this as well.

Thank you,

Niki Murphy - Oregon Realtor
541-821-9372 direct
Niki@TruWestPropertyGroup.com
308 East Main St.
Rogue River, OR 97537
License # 201233626
Brokered by MORE Realty

USE OF CITY LOGO:

The City logo is the property of the City and generally city policies only allow or permit city logo use on city owned, created, or licensed materials, documents, equipment, products, signs, or property. While the City of Rogue River has not adopted a formal policy regarding the use of the City logo or seal, use should be limited to City sponsored or endorsed activities.

The City logo and seal are used only on documents and property, and for programs that reflect official City business, ownership, or endorsement, and to identify persons duly elected or appointed to a City position or office. In deciding the manner by which the city's logo and seal may be utilized, the City shall endeavor to protect the City's brand, reputation and credibility by preventing use of the insignia in such a manner as to suggest City endorsement of commercial events, political issues, products and other uses that are prohibited by law.

The City Council has authority to decide whether the City logo should be used as a sign of partnership, endorsement, or sponsorship.

Ryan Nolan, City Administrator

RESOLUTION NO. 25-1455-R

A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE FOR ROGUE RIVER, AMENDING RESOLUTIONS 07-1126-R, 07-1128-R, 07-1129-R, 12-1210-R, 24-1429-R, 22-1394-R, 24-1431-R, 25-1444-R, 25-1445-R, 25-1446-R, AND RESCINDING RESOLUTIONS NO. 04-1074-R, 05-1080-R, 06-1108-R, 12-1209-R, 13-1237-R, 13-1239-R, 13-1241-R, 25-1454-R BY PLACING ALL FEES IN A MASTER FEE SCHEDULE.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER, OREGON.

WHEREAS, the City has previously set fees in numerous different Resolutions, and in some cases by Ordinance. The City would like to consolidate all fees into one master schedule in order to more accurately track and locate all City fees.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rogue River, Oregon, that Exhibit 'A' shall be approved as the Master Fee Schedule of the City of Rogue River.

BE IT FURTHER RESOLVED that Resolutions No. 07-1126-R, 07-1128-R, 07-1129-R, 12-1210-R, 24-1429-R, 22-1394-R, 24-1431-R, 25-1444-R, 25-1445-R, 25-1446-R, are hereby amended and Resolutions No. 04-1074-R, 05-1080-R, 06-1108-R, 12-1209-R, 13-1237-R, 13-1239-R, 13-1241-R, 25-1454-R are hereby rescinded.

PASSED by the Common Council of the City of Rogue River on this 26th day of June 2025.

SUBMITTED TO AND APPROVED by the Mayor of the City of Rogue River on this 26th day of June 2025.

Pam VanArsdale
Mayor

ATTEST:

Diane Oliver
City Recorder

City of Rogue River – Comprehensive Fee Schedule
07/01/2025

Credit Card payment is limited to fees of \$3,000.00 or less.

Section I. Administration Department

1) Administrative Charges

Fee Name		Current Rogue River Fee
Technology Fee		3% of all permit fees, including administrative, plan review, and inspection fees. Pass-through fees and surcharges excluded.
Faxing Fee		\$1.00 per page
Black & White Copies		
Letter	8 1/2 x 11	\$0.25 per page
Legal	8 1/2 x 14	\$0.50 per page
Ledger	11 x 17	\$1.00 per page
Color Copies		
Letter	8 1/2 x 11	\$1.50 per page
Legal	8 1/2 x 14	\$3.00 per page
Ledger	11 x 17	\$5.00 per page
Other Administrative Fees		
Research Fee		If a request for records requires staff to spend more than fifteen (15) minutes searching or reviewing records prior to their review or copying, the fee will be: — \$60.00 per hour plus copy cost after ten (10) copies
Electronic Searches		For non-exempt public record requests, including emails or other electronic files stored on any City network, the information shall be provided by data transfer. The cost will be \$5.00 per data transfer plus \$60.00 per hour for the research and copy time, with a minimum one (1) hour charge.
Lien Search Fee (to accompany each research request)		\$30.00
Data Transfer (multiple files on a thumb drive or CD)		\$5.00
Non-Sufficient Fund (NSF) Fee		\$35.00
Refund processing fee – not subject to State Surcharge. See refund policy for more information about amounts.		\$50.00
Audio copy of City Meeting		\$5.00

2) Business, License and Occupation Tax Fee Schedule

Fee Name	Current Rogue River Fee
Business License Fee (Operating inside City Limits)	\$150.00 plus an additional \$10.00 for each additional person in excess of two (2) people
Business License Fee (Operating outside City Limits)	\$200.00 plus an additional \$10.00 for each additional person in excess of two (2) people
Mini-Storage Units	\$150.00 plus \$20 for each additional unit in excess of ten (10) units
Outdoor Market, Craft/Vendor Market, Circus, Carnival, or Special Event	\$150.00 plus \$20.00 for each booth/tent space (requires site plan, generally CUP)
Mobile Vendor/Food Truck Site	\$150.00 (sites may have up to three food truck sites, requires CUP)
Mobile Vendor/Food Truck	\$150.00 for each vendor/truck
Single Day Business License	\$25.00 per day
Liquor License Fees: Original Application	\$100.00
Change of Ownership, Location or Privilege application	\$75.00
Temporary application	\$35.00
Renewal application	\$35.00
Rental Property	\$150.00 (covers two rental units) plus \$20.00 for each additional unit (no charge if only one rental unit)
Late Fee Penalty	10% (of initial fee) penalty charged per month that the payment is delinquent

3) Transient Lodging Tax

Fee Name	Current Rogue River Fee
Transient Lodging Tax (TLT)	6%
TLT delinquency penalty	Additional 10%
TLT delinquency penalty (over one month)	Additional 15%

* Additional penalties may apply to continually late transient lodging tax payments.

Section II. Planning Department

1) Land Use Fees 3% Tech Fee Applies

Fee Name	Current Rogue River Fee	With Technology Fee added, if applicable
Pre-application, Minor	\$250 per application	\$257.50 per application
Pre-application, Major	\$350 per application	\$360.50 per application
Appeals	One half of the application fee plus attorney costs	One half of the application fee plus attorney costs
Landscape Design Deposit	\$150.00	\$150.00
Type I Planning Action Fees		
Home Occupation Permit and Review	\$100.00	\$103.00
Code Interpretation	\$250.00	\$257.50
Land Use Compatibility Statement (LUCS)	\$250.00	\$257.50
Lot Authorization	\$250.00	\$257.50
Non-conforming Use or Development Confirmation - Administrative	\$250.00	\$257.50
Temporary Use Permit Vacation of Property Line Variance	\$250.00	\$257.50
Zoning Clearance Fee	\$250.00	\$257.50
Type II Planning Action Fees		
Lot Line Adjustments	\$350.00	\$360.50
Modification to Land Use Approval	\$350.00	\$360.50
Site plan review, administrative	\$350.00	\$360.50
Temporary Use Permit	\$350.00	\$360.50
Variance	\$350.00	\$360.50
Partitions	\$1,200.00	\$1,236.00
Type III Planning Action Fees		
Appeal of a Planning Commission decision to the City Council	\$600.00	\$618.00
Appeal to Planning Commission	\$600.00	\$618.00
Conditional Use Permit	\$600.00	\$618.00
Conversion Plan Manufactured Dwelling Park	\$600.00	\$618.00
Manufactured dwelling park	\$600.00	\$618.00
Modification to Land Use	\$600.00	\$618.00
Recreational Vehicle park	\$600.00	\$618.00
Site Plan Review by Planning Commission	\$600.00	\$618.00
Variance	\$600.00	\$618.00
Partitions	\$1,500.00	\$1,545.00

CONTINUED: Land Use Fees 3% Tech Fee Applies (Continued)

Fee Name	Current Rogue River Fee	With Technology Fee added, if applicable
Type IV Planning Action Fees		
Subdivision or Planned Unit Development	\$2,500.00 plus \$325 per lot	\$2,575.00 plus \$334.75 per lot
Annexation	\$3,500.00	\$3,605.00
Comprehensive Plan Amendment	\$3,500.00	\$3,605.00
Master Plan Amendment	\$3,500.00	\$3,605.00
Municipal Code Amendment	\$3,500.00	\$3,605.00
Street Vacations	\$3,500.00	\$3,605.00
Variance	\$3,500.00	\$3,605.00

2) Floodplain Development

Floodplain Development Permits		
Processing minor permits for a fence, accessory structure, residential garage, lot line adjustment and property line vacation	\$150.00	\$154.50
Processing major permits for a single family dwelling, accessory dwelling unit and a duplex	\$400.00	\$412.00
Processing permits for multi-family residential, commercial, industrial, partition, zone change and site plan reviews	\$700.00	\$721.00
Processing permits for four (4) or more lots, manufactured dwelling park, recreational vehicle park and planned unit development	\$1,000.00	\$1,030.00

Section III. Building Department (3% Tech Fee Applies)

Note: All permits and inspections are subject to state 12% state surcharge in accordance with state law. See Building Codes Division website for additional information on state surcharge Technology fee also applies to these permits; but is not added into Building Fee schedule.

1) Structural Permit Fees

When applicable, structural permits use valuation as determined by ICC Valuation Table current as of April 1 of

Floodplain Compliance Permits		
Fee Name	Current Rogue River Fee	With Technology Fee added, if applicable
Processing minor permits for fences, accessory structure, single family dwelling and accessory dwelling units (Includes one (1) inspection.)	\$250.00	\$257.50
Processing permits for a single family dwelling unit, accessory dwelling unit, manufactured dwelling unit, duplex (includes three (3) inspections: two (2) inspections during work, a final inspection and certificate of compliance, inspection report, and consultation regarding replacement products.)	\$550.00	\$566.50
Processing permits for an industrial unit (includes 3 inspections.)	\$750.00	\$772.50
Processing fee for each additional inspection of above.	\$150.00	\$154.50
Plan Review Fees		
Plans reviewed by the City Planner	\$100.00 per hour	\$103.00 per hour
Plans reviewed by the City Engineer	\$250.00 per hour	\$257.50 per hour

each year, as per OAR 918-050-0100. The ICC Valuation table is adopted annually as part of this fee table

Fee Name	Current Rogue River Fee
Valuation, \$1 - \$2000 (Minimum Fee)	\$95.00
Valuation, \$2001 - \$25000	\$95.00 for the first \$2000 plus \$12.00 for each additional \$1000 or fraction thereof, to and including \$25000
Valuation, \$25001 - \$50000	\$371.00 for the first \$25000 plus \$10.00 for each additional \$1000 or fraction thereof, to and including \$50000
Valuation, \$50001 - \$100000	\$621.00 for the first \$50000 plus \$6.00 for each additional \$1000 or fraction thereof, to and including \$100000
Valuation, \$100001 and above	\$921.00 for the first \$100000 plus \$5.00 for each additional \$1000 or fraction thereof

When a structural permit is required by the state building code for retaining walls, decks, fences, accessory structures, etc. — see Structural Permit fees by valuation. Valuation shall be determined by fair market value as determined by the building official and shall include materials and labor.

2) Other Structural Permit Fees

Fee Name	Current Rogue River Fee
Structural Plan Review (when applicable)	65% of structural permit fee
Seismic Surcharge — plan review on essential structures	1% of structural permit fee
Additional Plan Review (when applicable) (<i>hourly</i>)	\$95.00, minimum one hour
Fire Life Safety Plan Review (when applicable)	40% of structural permit fee
Reinspection — per each	\$95.00
Each additional inspection, above allowable — per each	\$95.00
Inspections for which no fee is specifically indicated (as required) (<i>hourly</i>)	\$95.00, minimum one hour
Inspection outside of normal business hours (<i>hourly</i>)	\$95.00, minimum two hours
Deferred Submittal Plan Review Fee — in addition to project plan review fees	65% of the building permit fee calculated using the value of the deferred portion with a \$275 minimum
Phased Project Plan Review Fee — in addition to project plan review fees	\$275.00 minimum phasing (application) fee plus 10% of the TOTAL project building permit fee; not to exceed \$1500.00 per phase
Structural demolition — complete demolition, not subject to State Surcharge (<i>has been locally adopted</i>)	See Structural Permit Fee table: by valuation, \$200 minimum
Structural alteration (<u>not</u> demolition) — partial, soft, interior	See Structural Permit Fee table: by valuation, incurs State Surcharge
Structural Minimum Permit Fee	\$50.00

3) Mechanical Permit Fees

a) Residential Appliances and Equipment

Fee Name	Current Rogue River Fee
Air conditioner	\$25.00
Air handling unit of up to 10,000 cfm	\$25.00
Air handling unit 10,000 cfm and over	\$25.00
Appliance or piece of equipment regulated by code but not classified in other appliance categories	\$25.00
Attic or crawl space fans	\$25.00
Chimney/liner/flue/vent	\$25.00
Clothes dryer exhaust	\$25.00
Decorative gas fireplace	\$25.00
Ductwork only	\$25.00

CONTINUED: Mechanical Permit Fees — Residential Appliances and Equipment

Evaporative cooler other than portable	\$25.00
Floor furnace, including vent	\$25.00
Flue vent for water heater or gas fireplace	\$25.00
Furnace — greater than 100,000 BTU	\$50.00
Furnace — up to 100,000 BTU	\$50.00
Furnace/burner including duct work/vent/liner	\$50.00
Gas or wood fireplace/insert	\$50.00
Gas fuel piping outlets, one to four	\$25.00
Additional gas piping outlets over four/each	\$10.00
Heat pump	\$25.00
Hood served by mechanical exhaust, including ducts for hood	\$25.00
Hydronic hot water system	\$25.00
Installation or relocation domestic/type incinerator	\$25.00
Mini split system	\$25.00
Oil tank/gas diesel generators	\$50.00
Pool or spa heater, kiln	\$25.00
Radiant heat — gas or fuel-fired	\$25.00
Range hood/other kitchen equipment	\$50.00
Repair, alteration, or addition to mechanical appliance including installation of controls	\$25.00
Suspended heater, recessed wall heater, or floor mounted heater	\$25.00
Ventilation fan connected to single duct	\$25.00
Ventilation system not a portion of heating or air conditioning system authorized by permit	\$25.00
Water heater	\$25.00
Wood/pellet stove	\$50.00
Other heating/cooling	\$25.00
Other fuel appliance	\$50.00
Other environment exhaust/ventilation	\$25.00

b) Commercial Mechanical Fees

Fee Name	Current Rogue River Fee
Valuation, \$1 - \$2000 (Minimum Fee)	\$95.00
Valuation, \$2001 - \$25000	\$95.00 for the first \$2000 plus \$12.00 for each additional \$1000 or fraction thereof, to and including \$25000
Valuation, \$25001 - \$50000	\$371.00 for the first \$25000 plus \$10.00 for each additional \$1000 or fraction thereof, to and including \$50000
Valuation, \$50001 - \$100000	\$621.00 for the first \$50000 plus \$6.00 for each additional \$1000 or fraction thereof, to and including \$100000
Valuation, \$100001 and above	\$921.00 for the first \$100000 plus \$5.00 for each additional \$1000 or fraction thereof

c) Other Mechanical Fees

Fee Name	Current Rogue River Fee
Mechanical Plan Review (when applicable)	25% of mechanical permit fee
Additional Plan Review (when applicable) — per hour	\$95.00/hour, minimum one hour
Reinspection — per each	\$95.00
Each additional inspection, above allowable — per each	\$95.00
Inspections for which no fee is specifically — per each indicated (as required)	\$95.00/hour, minimum one hour
Inspection outside of normal business hours	\$95.00/hour, minimum two hours
Residential or Commercial Mechanical Minimum Permit Fee	\$95.00

5) Plumbing Fees

Fee Name	Current Rogue River Fee
New 1&2 Family Dwelling - includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. Half bath counted as whole.	
One bathroom, one kitchen	\$450.00
Two bathrooms, one kitchen	\$525.00
Three bathrooms, one kitchen	\$600.00
Each additional: bathroom> 3 or kitchen> 1	\$100.00/each
Each additional 100 ft or fraction thereof of site utilities - water, sewer, storm (which includes rain, footing, trench, and leach) - first 100 ft included in bathroom/kitchen fee	\$75.00
Sanitary Sewer — First 100 feet or less	\$95.00
Sanitary Sewer — Each additional 100 feet or fraction thereof	\$75.00
Storm — first 100 feet or less	\$95.00
Storm - Each additional 100 feet or fraction thereof	\$75.00
Water — first 100 feet or less	\$95.00
Water — Each additional 100 feet or fraction thereof	\$45.00
MH Park — site utility connections, to include Sewer, Water, and Storm Drain, per space	\$95.00
Absorption valve	\$25.00
Backflow preventer	\$25.00
Backwater valve	\$25.00
Catch basin or area drain	\$25.00
Clothes washer	\$25.00

CONTINUED: Plumbing Fees

Dishwasher	\$25.00
Drinking fountain	\$25.00
Ejectors/sump pump	\$25.00
Miscellaneous Plumbing Fees	
Plumbing Plan Review (when applicable) — commercial	40% of commercial plumbing permit fee
Additional Plan Review (when applicable) — per hour	\$95.00/hour, minimum one hour
Reinspection — per each	\$95.00/each
Each additional inspection, above allowable — per each	\$95.00
Inspections for which no fee is specifically indicated (as required) — per hour	\$95.00/hour, minimum one hour
Inspection outside of normal business hours — per hour	\$95.00/hour, minimum 2 hours+ mileage
Investigation fee — Plumbing	See Investigation Fees
Plumbing Minimum Permit Fee — Commercial or Residential	\$95.00
Medical Gas - fee based on installation costs and system equipment, including but not limited to: inlets, outlets, fixtures and appliances	
Valuation, \$0-\$2000	\$150.00
Valuation, \$2001 - \$25000	\$150.00 for the first \$2000 plus \$15.00 for each additional \$1000 or fraction thereof, and including \$25000
Valuation, \$25001 - \$100000	\$495.00 for the first \$25000 plus \$10.00 for each additional \$1000 or fraction thereof, to and including \$100000
Valuation, \$100001 and above	\$1245.00 for the first \$100000 plus \$7.00 for each additional \$1000 or fraction thereof

6) Fire Suppression System Fees

Residential Fire Suppression — Standalone System, fee includes plan review, based on square footage to be covered by system [See Plumbing Fee section for Continuous Loop/Multipurpose System]

Fee Name	Current Rogue River Fee
0-2000 sq ft	\$200.00
2001 - 3600 sq ft	\$275.00
3601 - 7200 sq ft	\$350.00
7201 sq ft and greater	\$425.00
Commercial Fire Suppression — Alarms/Sprinklers (Separate Electrical Permit application may also be required)	Based on Structural Permit Fee table by valuation, and plan review fee

Commercial Fire Suppression — See *structural permit fee table*

7) Solar Structural Installation Permit Fees

Solar Structural Installation Permits — *separate Electrical Permit application may also be required*

Fee Name	Current Rogue River Fee
Solar Permit (when required) — Prescriptive Path System, fee includes plan review. (Includes 2 inspections; additional inspections, if required, are per hourly rate above).	\$250.00
Solar Permit — Non-Prescriptive Path System	Fee as per Structural Permit Fee table by valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.

8) Mobile Home/RV Park Fees

Fee Name	Current Rogue River Fee
Manufactured Dwelling Placement Fee *	\$400.00
State (Cabana) Fee	\$30.00
Area Development Permit (ADP)	Calculated based on the valuations shown in Table 2 of OAR 918- 600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp -and applying the valuation amount to Table 1 as referenced for each.

* Includes the concrete slab, runners or foundations that are prescriptive, plumbing connections and all cross-over connections, and up to 30 lineal feet of site utilities. This permit does not include electrical service or feeder. Separate electrical permits are required from Jackson County. Decks, other accessory structures, and foundations that are not prescriptive, utility connections beyond 30 lineal feet, new electrical services or additional branch circuits, and new plumbing will require separate permits. All decks 30" above ground, carports, garages, porches, and patio permit fees are based on valuation.

9) Investigation Fees

Fee Name	Current Rogue River Fee
Investigation Fee – A* <i>Low effort to determine compliance</i>	\$95.00
Investigation Fee – B* <i>Medium effort to gain compliance. Stop Work Order posted.</i> <i>Applicant obtains requirement permits within 10 business days.</i>	\$150.00
Investigation Fee – C* <i>High effort to gain compliance. Applicant failed to meet deadline or has had more than one documented violation in the past 12 months for starting work without permits or other violations</i>	\$250.00 or hourly inspection rate noted above, whichever is greater
<i>* Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</i>	

10) Other Fees

Fee Name	Current Rogue River Fee
Permit Reinstatement fee – to renew already expired permit, as eligible and approved by the Building Official; subject to State Surcharge	\$100.00
Permit Extension fee – to extend expiration on active permit; not subject to State Surcharge	\$75.00
Expedited Plan Review fee – Structural is in addition to standard plan review fees – plan review services outside of normal timeframes established, must be pre-approved, subject to availability/resources	\$95.00/hour, minimum three hours
Plan Review of Master Plans (Also applies to re-submitted reviewed plans within the same code cycle, with approval of building official).	Standard plan review fees apply to the initial Master Plan review - 50% of second calculated plan review fee for any subsequent submittals
Temporary Certificate of Occupancy (30 days) (Issuance of a temporary C of O, and extensions, requires approval of the building official.)	Residential: \$200/month Commercial: \$300/month
Foundation-only permit	\$250.00 plus 10% of total building valuation; \$1500 maximum. The fee is in addition to, and cannot be used to reduce, the building permit fee
Shell-only permit	Deduct 20% from the valuation per ICC Building Valuation Data Table (Future tenant improvement requires permits based on valuation of work are required prior to occupancy)
Change of contractor on permit, if allowed (no surcharge collected)	\$100.00
Change of Occupancy – without additional work done requiring a permit (no surcharge collected)	\$150.00

Section IV. Public Works Fees (3% Tech Fee Applies)

Fee Name	Current Rogue River Fee	With Tech Fee added
Fence Permit (<i>Rules in Muni-Code 17.65</i>)	\$25.00	\$25.75
Plan Check Fees		
Plan Check Fee for off-site improvements	Actual cost plus 20%	
Special Inspection: For Grease Trap inspection, Non-Building Code, and Demolition.	\$150.00 per inspection	\$154.50 per inspection
Erosion Control (Grading) Permit Fees — <i>The Level of an Erosion Control Permit is determined by the amount of ground disturbance.</i>		
Level I (500 – 1,999 sq ft)	\$50.00	\$51.50
Level II (2,000 – 4,999 sq ft)	\$250.00	\$257.50
Level III (5,000 + sq ft)	\$750.00	\$772.50
Construction Permits		
Construction Inspection Fees for off-site improvements	Actual cost plus 20%	
Construction Inspection Fee Deposit	Deposit shall be made with the City Recorder in the form of cash or bond, and shall not exceed three (3%) percent of the total cost of construction *	
Encroachment Fee (required for any work done in City Right of Way)	\$75.00	\$77.25
Additional Fees		
When costs exceed the initial fee collected, the City shall invoice the applicant for all additional cost associated with project approval and/or completion. These costs shall begin accruing at the time of applicants submittal and include, but not limited to, publishing of legal notices, postage, recordings and attorney, engineering and planning fees. Documentation shall be provided by the City for all invoiced charges.		

* The Development shall be billed for all inspection fees which are due and payable within ten (10) days of notification.

Liability insurance of \$1,000,000 is required. Exceptions are made for certain low risk contracts which are less than \$15,000 per year. (MC 12.15.150)

All work within public rights-of-way shall be performed by an Oregon licensed and bonded contractor. Contractors shall carry liability insurance in the amount of not less than \$1,000,000. The insurance company shall be registered with the state of Oregon. (MC 13.10.090 A.3.)

Section V. System Development Charges

Collected at the time of issuance of building permit or connection to water, sewer or storm facilities

1) Accessory Dwelling Unit System Development Charges

Fee Name	Current Rogue River Fee
Water	\$1,394.40*
Storm	\$339.30
Transportation	\$483.60
Sewer	\$405.90*

*Based on the use of existing water meter and no separate sewer tap

2) Park System Development Charges

Fee Name	Current Rogue River Fee
Single Family Residence and Accessory Dwelling Unit	\$500 per living unit
Multiple Family Residence	\$500 per living unit
Non-Residential	\$500 for each \$100,000 of construction value or portion thereof as listed on the building permit

3) Transportation System Development Charges

Fee Name	Current Rogue River Fee
Single Family Detached	\$1,612 per living unit
Multi Family	\$1,612 per living unit
Non-Residential	\$1,612 minimum, \$183.19 per trip cost by the trip rate respective of that land use (per ITE manual)

4) Water System Development Charges

Fee Name	Current Rogue River Fee
Single Family Residential	\$4,648 per living unit
Multi-Family Residential	\$4,648 per living unit
Non-Residential, 5/8" water meter	\$4,648
Non-Residential, 3/4" water meter	\$6,972
Non-Residential, 1" water meter	\$11,620
Non-Residential, 1 1/2" water meter	\$23,240
Non-Residential, 2" water meter	\$37,184
Non-Residential, 3" water meter	\$74,368
Non-Residential, 4" water meter	\$116,200
Non-Residential, 6" water meter	\$232,400
Non-Residential, 8" water meter	\$371,840

5) Sewer System Development Charges

Fee Name	Current Rogue River Fee
Single Family Residential	\$1,353 per living unit
Multi-Family Residential	\$1,353 per living unit
Non-Residential, 5/8" water meter	\$1,353
Non-Residential, 3/4" water meter	\$2,030
Non-Residential, 1" water meter	\$3,383
Non-Residential, 1 1/2" water meter	\$6,765
Non-Residential, 2" water meter	\$10,824
Non-Residential, 3" water meter	\$21,648
Non-Residential, 4" water meter	\$33,825
Non-Residential, 6" water meter	\$67,650
Non-Residential, 8" water meter	\$108,240

6) Storm Drain System Development Charges

Fee Name	Current Rogue River Fee
Single Family Residence and Accessory Dwelling Unit	\$1,131 per living unit
Multiple Family Residence	\$1,131 per living unit
Non-Residential	\$1,131 for the first 3,000 square feet and \$0.38 per square foot after that of impervious surface

Section VI. Utilities

1) General

Fee Name	Current Rogue River Fee
Non-Sufficient Fund (NSF) Fee	\$35.00
Public Work Staff Request	\$25.00 / visit (during business hours)

2) Water

a. Water Utility Fees

Fee Name	Current Rogue River Fee
Deposit to Establish Water Service	Three months' minimum charge, rounded: \$71.70 (City SFR); if that amount exceeds \$1,000, the average charge (in last 12 months for that property) will be accepted.
Meter Reconnection Fee - Business Hours	\$50

b. Monthly Water Service Charges

1. Single Family Dwellings

Fee Name	Current Rogue River Fee

Usage Charge, 500 cubic feet or less per month	\$23.35
Usage Charge, greater than 500 cubic feet per month	\$23.35 per month plus an additional \$3.50 or each one-hundred (100) cubic feet or portion thereof used in excess of five-hundred (500) cubic feet

2. Multiple Family Dwellings

Fee Name	Current Rogue River Fee
Minimum charge for 3/4" water meter	\$23.35
Minimum charge for 1" water meter	\$37.25
Minimum charge for 1 1/2" water meter	\$52.25
Minimum charge for 2" water meter	\$67.25
Minimum charge for 3" water meter	\$99.90
Minimum charge for 4" water meter	\$127.50
Minimum charge for 6" water meter	\$186.90
Minimum charge for 8" water meter	\$251.45

For all water meter sizes: an additional charge of \$23.35 for each unit in excess of the first unit and an additional charge of \$3.50 for each one-hundred (100) cubic feet or portion thereof used each month in excess of the number of units multiplied by the five-hundred (500) cubic foot minimum.

3. Commercial & Industrial

Fee Name	Current Rogue River Fee
Minimum charge for 3/4" water meter	\$29.70
Minimum charge for 1" water meter	\$37.25
Minimum charge for 1 1/2" water meter	\$52.25
Minimum charge for 2" water meter	\$67.25
Minimum charge for 3" water meter	\$99.90
Minimum charge for 4" water meter	\$127.50
Minimum charge for 6" water meter	\$186.90
Minimum charge for 8" water meter	\$251.45

For all water meter sizes: an additional charge of \$29.70 for each unit in excess of the first unit and an additional charge of \$3.50 for each one-hundred (100) cubic feet or portion thereof used each month in excess of the number of units multiplied by the five-hundred (500) cubic foot minimum.

4. Hotel & Motel Units, Recreational Vehicle Spaces

Fee Name	Current Rogue River Fee
Minimum charge for 3/4" water meter	\$29.70
Minimum charge for 1" water meter	\$37.25
Minimum charge for 1 1/2" water meter	\$52.25
Minimum charge for 2" water meter	\$67.25
Minimum charge for 3" water meter	\$99.90

Minimum charge for 4" water meter	\$127.50
Minimum charge for 6" water meter	\$186.90
Minimum charge for 8" water meter	\$251.45

For all water meter sizes: an additional charge of 75% of the residential fee equaling \$17.51 for each unit in excess of the first unit and an additional charge of \$3.50 each one-hundred (100) cubic feet or portion thereof used each month in excess of the number of units multiplied by the five-hundred (500) cubic foot minimum. For any space rented for more than thirty (30) consecutive days, an additional charge of \$23.35 for each unit in excess of the first unit and an additional charge of \$3.50 for each one-hundred (100) cubic feet will be charged

Vacancies do not affect the minimum monthly charge. All properties with a meter are billed a minimum monthly charge.

5. Users Outside the City Limits

Fee Name	Current Rogue River Fee Amount
All water usage charges	Double In-City Fee

3) Sewer

a. Sewer Utility Fees

1. Service Deposit

Fee Name	Current Rogue River Fee
Deposit to establish sewer service	Three months' minimum charge \$108.30 (City SFR); if that amount exceeds \$1,000, the average charge (from last 12 months for that property) will be accepted

b. Monthly Sewer Service Charges

1. Residential

Fee Name	Current Rogue River Fee
Basic minimum charge per EDU	\$36.10
Additional usage charge	\$2.35
<i>For new users who have not established a water usage history for the months of November through April, the monthly sewer charge will be a flat monthly fee as follows until a winter usage history has been established:</i>	
Basic minimum charge per EDU	\$42.05

Residential Service: For residences, multiple dwellings (per unit), trailers and mobile homes (per space) and used as residences, the basic minimum monthly charge shall include up to three-hundred (300) cubic feet of water used, and an additional usage charge shall apply for every one-hundred (100) cubic feet of water used over three-hundred (300) cubic feet. During the months of May through October, the charge for monthly sewer service will not exceed the average monthly charge for that user during the preceding months of November through April, except that the incremental rate increases will apply.

2. Commercial & Industrial

Fee Name	Current Rogue River Fee
Basic minimum charge per EDU	\$36.10
Additional usage charge	\$2.35
<i>For new users who have not established a water usage history for the months of November through April, the monthly sewer charge will be a flat monthly fee per EDU as follows based upon DEQ guidelines for on-site facilities, until a winter water usage history has been established</i>	
Basic minimum charge per EDU	\$42.05

Commercial Service: For commercial, business and professional establishments, including churches and fraternal community organizations, schools, laundromats, hotels and motels, and all other commercial establishments, the basic minimum monthly charge shall apply for each EDU and shall include up to three hundred (300) cubic feet of water used per EDU, and an additional usage charge shall apply for every one-hundred (100) cubic feet of water used over three-hundred (300) cubic feet allowed per EDU. During the months of May through October, the charge for monthly sewer service for a user will not exceed the average monthly charge to that user during the preceding months of November through April, except that the incremental rate increases will apply. For existing commercial customers, the EDU equivalents have been established based upon their water usage from November 1995 through April 1996, as shown on the Rogue River User Fee Analysis

3. Hotel & Motel Units, Recreational Vehicle Spaces

Fee Name	Current Rogue River Fee
Basic minimum charge per space	\$27.05
Additional usage charge	\$2.35
For new users who have not established a water usage history for the months of November through April, the monthly sewer charge will be a flat monthly fee as follows	
Until a winter usage history has been established	75% of the basic minimum residential fee
Basic minimum charge per space	\$31.55

Defined as a space for rent for a period of less than thirty (30) consecutive days by a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes at a rate of 75% of the basic minimum residential fee.

4. Users Outside the City Limits

Fee Name	Current Rogue River Fee
All sewer usage charges	Double In-City Fee

Section VII. OTHER

1) Construction Excise Tax (Collected for Rogue River School District)

Fee Name	Current Rogue River Fee
Residential Construction Heated Space only	\$1.20 per square foot
Non-Residential Construction (max \$25,000/structure)	\$0.60 per square foot

2) Street Impact Fee

Fee Name	Current Rogue River Fee
Street Impact Fee	Two (2%) percent of the total valuation for the first \$1 million dollars. One and one-half (1.5%) percent of the remaining valuation after \$1 million dollars

Section VIII. Parks

4) Parks Facility Special Permit Fees

Fee Name	Current Rogue River Fee
Contract Use	TBD Upon Contract
Pavilion Reservations – Palmerton Park	\$100 damage/cleaning deposit
Pavilion Reservations – Rooster Park Pavilion	\$100 damage/cleaning deposit
Pavilion Reservations – Coyote Evans Park	\$500 / day
Pavilion Reservations – Rooster Park	\$500 / day
Pavilion Reservations – Palmerton Park	\$500 / day
Pavilion Reservations – Ponderosa Park	\$500 / day

Section IX. Police

1) Police Fees

Fee Name	Current Rogue River Fee
Release of an impounded vehicle	\$150.00
Police Report	\$15.00 / report for first 20 pages, \$.25 / page over 20 pages
CAD Printout	\$5.00 / incident
DMV Crash Report	\$10.00 / report
Copy of Traffic Citation	\$10.00 / citation
Axon Video*	\$50.00
USB Drive	\$10.00
Records Request Research greater than one hour	\$32.00 / additional hour
Public Safety Fee	\$10.00 / month
Parade	No Fee
Alarm Permit	No Fee
Alarm Permit Late Fee	\$15.00
Failure to obtain Alarm Permit	\$50.00
False Alarms	5 to 9 false alarms (\$100 each)
False Alarms	10 + false alarms (\$1,000.00 each)

**Body camera footage of law enforcement officers is exempt from disclosure unless the public interest requires disclosure in the particular instance (ORS 192.345(40)).*



MEMORANDUM

DATE: June 20, 2025

TO: Ryan Nolan, City Manager

FROM: Loree Pryce, Engineering Support Services, LLC

SUBJECT: BID RESULTS AND RECOMMENDATION – 7th Street Fire Hydrant and Water Main Improvements

The City Council recently approved an amended State Revolving Fund Loan which updated a budget to design and construction a new 1 million gallon water reservoir and fire hydrant and fire flow conveyance improvements. The design of the new reservoir is underway as well as a hydraulic modeling effort to evaluate the water distribution conveyance for fire flow. 7th Street between Steihl Road and Broadway Street has an undersized water main currently 4-inches and in need of a fire hydrant mid-block to meet fire code spacing of 500' between fire hydrants. The project includes upsizing the water main to 8-inches, replacing an existing hydrant and installing a new fire hydrant mid-block. The new water main (approximately 700') will be ductile iron and the 7 residential meters will be re-established to the new water main.

The project was competitively bid and advertised per the State of Oregon procurement laws.

On June 17th, the City received 10 bids for the project. These bids are listed in the table below:

Contractor	Base Bid	Bid Alt	Total
CBC Cat & Backhoe	\$158,163.96	\$9,837.50	\$168,001.46
3DC	\$164,915.00	\$4,000.00	\$168,915.00
Robco Inc.	\$185,244.00	\$5,000.00	\$190,244.00
CPI	\$204,671.00	\$4,900.00	\$209,571.00
Timber Mnt.	\$213,723.00	\$9,500.00	\$223,223.00
Wind Rose Exc.	\$221,028.00	\$4,350.00	\$225,378.00
JB Steel	\$222,905.56	\$3,876.50	\$226,782.06
Bisar Constr.	\$228,793.00	\$2,250.00	\$231,043.00
Premier Property Dev.	\$235,000.00	\$2,500.00	\$237,500.00

J Copeland	\$281,460.00	\$3,600.00	\$285,060.00
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All documents required in the bid specifications were included in the bid from CBC Cat & Backhoe, Inc. and no errors were found in the bid schedule. There are no claims reported to the State Contractors Board for this licensed contractor. Please note that there is a 10-day appeal period following the bid opening of June 17, 2025. If an appeal is received by June 27, 2025, the City Council would be presented with an appeal at a subsequent meeting prior to execution of the construction contract.

COSTS AND FUNDING

Following is a summary of budget and expenses;

Costs summary

Total amended budget via SRFL	+\$6,904,045
Prior disbursements (AMI, CW engineering)	(\$1,144,848)
Design and construction management of reservoir	(\$570,800)
Construction of reservoir (predesign report est.)	(\$3,606,000)
Construction of 7 th Street	(\$168,001.46)
Construction contingency 10%	(\$17,000)
Design and Construction Management fire imp. which includes hydraulic modeling	(\$164,500)
Total remaining budget	\$1,232,896

There are adequate funds to construct this project as well as future fire and water main improvements and inflation.

RECOMMENDATION

It is recommended that the City; (1) proceed with award for a construction contract to the lowest responsible bidder CBC Cat & Backhoe, Inc, for 7th Street Fire and Water Improvements in the amount of \$168,001.46 , and (2) Authorize the City Manager for any additional change orders up to \$17,000.

If the Council agrees, please motion an approval of the two items above.

Attachment(s): Construction contract

ATTACHMENT 1- CONSTRUCTION CONTRACT

This Contract is made and entered into this _____ day of _____, 2025, by and between **CBC Cat and Backhoe Inc.**, hereinafter called the "Contractor", and the City of Rogue River, a municipal corporation of the State of Oregon, hereinafter called the "City".

WITNESSETH

That the Contractor and City, for the consideration hereinafter described agree as follows:

- 1. WORK TO BE PERFORMED.** The Contractor agrees to do all the work and furnish all necessary labor, materials, tools and equipment for the completion of the **7th Street Fire and Water Main Improvements** in accordance with the bid made by the Contractor on the day of June 17, 2025, all in full compliance with the Contract Documents referred to herein, and guarantees all materials and workmanship for one year after acceptance of the project.
- 2. CONTRACT DOCUMENTS.** The Contract Documents include the City's Invitation to Bid, Information to Bidders, the Bid Form signed by the Contractor, this Construction Contract with Exhibit A, First-Tier Subcontractor Disclosure Form, Drug Testing Program Certification Form, Bidder's Responsibility Form, Performance Bond, Payment Bond, Public Works Bond Filing Certification form (when required), General Conditions, Technical Provisions, Special Conditions, Standard Drawings, Specifications and Plans, Supplemental Specifications and other Supplemental Agreements all as required for the full execution and satisfactory completion of the work. All of the Contract Documents are incorporated herein by this reference and made a part of this Contract.
- 3. PAYMENT.** In consideration of the faithful performance of the work herein embraced, the City agrees to pay the Contractor **\$168,001.46** as payment in full per the provisions of the Contract Documents.
- 4. TIME OF PERFORMANCE - LIQUIDATED DAMAGES.** The Contractor shall commence and work under this Contract upon receiving notification to proceed from the City. The Contractor agrees that the work under this Contract shall be completed within 30 calendar days. If the Contractor fails to complete the Project within the time hereinbefore mentioned, or in the extended time agreed upon, liquidated damages shall be paid to or withheld by the City at the rate of Five Hundred Dollars (\$500.00) per day until the Project is completed. It has been agreed that the damages arising from a delay in completion would be difficult to ascertain with any degree of accuracy, even after the Project is completed. It has also been agreed that the amount of liquidated damages specified herein is a reasonable forecast of just compensation for the harm that will be caused by a delay in completion of the Project. Any such sum which the Contractor may be obligated to pay under the terms of this Paragraph is paid as liquidated damages, and not as a penalty.

5. COMPLIANCE WITH LAW. The Contractor shall comply with all local, state and federal laws, ordinances and regulations applicable to contracts covering municipal contracts, and shall make prompt payment of all amounts that may be due from said Contractor in the way of taxes, other governmental charges or lawful deductions, and shall make prompt payment of all labor and materials and shall save the City harmless from any damages or claims whatsoever in the performance of the Contract. Contractor and all subcontractors agree to comply with the City's Standard Contract Provisions and Rogue River Municipal Code Regulations relating to business registration.

6. NOTICE. Any notice required or permitted by this Contract must be delivered and served personally, or alternatively, deposited in the United States mail, postage prepaid, registered or certified, return receipt requested, addressed to the parties as shown below:

CITY:

City of Rogue River
ATTN: City Manager
P.O. Box 1137
Rogue River, OR 97537

CONTRACTOR:

CBC Cat and Backhoe Inc.
Att: Shawn Herberholz
725 W. Evans Creek Rd.
Rogue River, OR 97537

Such notice, if mailed within the State of Oregon, shall be deemed delivered upon the second day following the date postmarked. If mailed outside the State of Oregon, notice shall be deemed delivered upon the fifth day following the date postmarked.

7. GOVERNING LAW; VENUE LOCATION. Oregon law shall be applied to all actions relating to the Contract, and the venue in any such action shall lie in the Circuit Court of Douglas County, Oregon.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first above written.

CITY

(Authorized Signature)

Title: _____

Date: _____

CONTRACTOR

Name

Title: _____

Date: _____

Tax Identification Number

Email: _____



Memo

To: City Council
From: Ryan
Date: June 26, 2025
Re: FEMA BiOp Issue

Councilors, as we continue to consider the requirements of the FEMA BiOp issue I wanted to share the following:

The Oregonians for Floodplain Protection group have requested that the pending court case (*Oregonians for Floodplain Protection v. Dep't of Commerce et al*, 1:25-CV-00039-JMC) be paused. Joining their request are FEMA Executives and other Federal Agency Heads. It is their sense that the President and Cabinet level officials will administratively resolve the issues created by the pending FEMA Directives to implement Code Changes.

Jackson County Commissioner Roberts has discussed the issue with Federal Authorities directly which may be leading to other amendments, clarifications, or reversal on this issue. I also heard from Commissioner Roberts that Congressman Bentz has been working and meeting with FEMA, urging them to withdraw the biological opinion affecting the ESA, and look for a remedy and fix to this. His office said "Principles" from FEMA are receptive and engaging on this, appearing to be aware of the huge problem this created, and want to stick to emergency relief efforts only. Congressman Bentz staff also recently indicated that top FEMA officials have stated they will be ordering Federal Departments to withdraw the whole program. It is unclear how this may play out and I recommend continuing the item three months until September 25th to see what else we might discover.

Ryan Nolan, City Administrator

ORDINANCE NO. 24-433-O

AN ORDINANCE REPEALING ORDINANCE NO. 21-409-O OF THE CITY OF ROGUE RIVER MUNICIPAL CODE, CHAPTER 15.15, FLOOD DAMAGE PREVENTION, TO COMPLY WITH CURRENT FEMA AND STATE STANDARDS FOR THE CITY OF ROGUE RIVER, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rogue River is a participating community in the National Flood Insurance Program; and

WHEREAS, an updated model flood hazard ordinance has been prepared by the Federal Emergency Management Agency. And this model ordinance is based on the 2020 model created by the State of Oregon Department of Land Conservation and Development and has been reviewed and approved by FEMA Region X; and,

WHEREAS, on July 15, 2024, the Federal Emergency Management Agency announced changes to the implementation of the National Flood Insurance Program in Oregon to comply with the Endangered Species Act; and,

WHEREAS, the Federal Emergency Management Agency has notified affected Oregon jurisdictions (to include the City of Rogue River) that jurisdictions must begin implementing the new standards by December 1st, 2024 or risk being considered non-compliant and ineligible for participation in the National Flood Insurance Program; and,

WHEREAS, if the City were ineligible for participation in the National Flood Insurance Program property owners within City limits would no longer be eligible for federally backed flood insurance. And these property owners would also be ineligible for federally backed mortgages unless they could secure private insurance meeting Federal Flood Insurance Program requirements within 30 days.

WHEREAS, adoption of the new ordinance language will ensure compliance with the minimum standards for participation in the National Flood Insurance Program; and,

WHEREAS, the City Council on November 21, 2024, and February 27, 2025 conducted a public hearing, and voted to amend Chapter 15.15 of the City of Rogue River Municipal Code and repeal Ordinance No. 21-409-O.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER ORDAINS AS FOLLOWS:

SECTION 1. Section 15.15 of the Rogue River Municipal Code shall be replaced in its entirety as follows and Ordinance No. 21-409-O is hereby repealed.

Chapter 15.55

FLOOD DAMAGE PREVENTION

Sections:

- 15.55.010 Statutory authority, findings of fact, purpose, and methods.
- 15.55.020 Definitions.
- 15.55.030 General provisions.
- 15.55.040 Administration.
- 15.55.050 Provisions for flood hazard reduction.
- 15.55.060 Specific standards for riverine (including all noncoastal) flood zones.

15.55.010 Statutory authority, findings of fact, purpose, and methods.

A. Statutory Authorization. The state of Oregon has in ORS 197.175 (Cities) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Rogue River does ordain as follows:

B. Findings of Fact.

1. The flood hazard areas of the city of Rogue River preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

C. Statement of Purpose. It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Preserve natural and beneficial floodplain functions;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;

6. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
7. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
8. Notify potential buyers that the property is in a special flood hazard area;
9. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
10. Participate in and maintain eligibility for flood insurance and disaster relief.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.010].
6. Employing a standard of "no net loss" of natural and beneficial floodplain functions.

15.55.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage:

"Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, or AR.

“Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawl space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawl space to the top of the crawl space foundation, does not exceed four feet at any point.

“Building.” See “Structure.”

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Fill”. Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

“Fish Accessible Space” the volumetric space available to fish to access.

“Fish Egress-able Space” the volumetric space available to fish to exit or leave from.

“Flood” or “Flooding”.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

“Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

“Flood Insurance Study (FIS)”. See “Flood elevation study.”

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Green Infrastructure”. Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

“Habitat Restoration Activities”. Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

“Hazard Trees”. Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

“Hazardous Material.” The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

1. Hazardous waste as defined in ORS 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and ORS 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in 40 CFR, Part 302, Table 302.4 (list of hazardous substances and reportable quantities) and amendments;
6. Material regulated as a chemical agent under ORS 465.550;
7. Material used as a weapon of mass destruction, or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Hydraulically Equivalent Elevation”. A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

“Hydrologically Connected”. The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

“Impervious Surface”. A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

“Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps and flood insurance studies. The following are categories of LOMCs:

1. Conditional Letter of Map Amendment (CLOMA). A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (one percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. Conditional Letter of Map Revision (CLOMR). A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. Conditional Letter of Map Revision Based on Fill (CLOMR-F). A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.

4. Letter of Map Amendment (LOMA). An official amendment, by letter, to the flood insurance rate maps (FIRMs) based on technical data showing an existing structure, parcel of land or portion of a parcel of land that is naturally high ground (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
5. Letter of Map Revision (LOMR). A LOMR is FEMA's modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
6. Letter of Map Revision Based on Fill (LOMR-F). A LOMR-F is FEMA's modification of the special flood hazard area shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.
7. PMR. A PMR is FEMA's physical revision and republication of an effective flood insurance rate map (FIRM) or flood insurance study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

“Low Impact Development”. An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. Low Impact Development is a subset of green infrastructure.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

“Manufactured dwelling” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle” and is synonymous with “manufactured home.”

“Manufactured dwelling park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

“Mean Higher-High Water”. The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“New Construction”. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the city of Rogue River and includes any subsequent improvements to such structures.

“No Net Loss”. A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

“Offsite”. Mitigation occurring outside of the project area.

“Onsite”. Mitigation occurring within the project area.

“Ordinary High Water Mark”. The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

“Qualified Professional”. Appropriate subject matter expert that is defined by the community.

“Reach”. A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Riparian”. Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

“Riparian Buffer Zone (RBZ)”. The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

“Riparian Buffer Zone Fringe”. The area outside of the RBZ and floodway but still within the SFHA.

“Silviculture”. The art and science of controlling the establishment, growth composition, health, and quality of forests and woodlands.

“Special Flood Hazard Area”. See “area of special flood hazard” for this definition.

“Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure,” for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured dwelling.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Undeveloped Space”. The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

“Variance” means a grant of relief by the city of Rogue River from the terms of a floodplain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.020].

15.55.030 General provisions.

A. Lands to Which This Chapter Applies. This chapter shall apply to all special flood hazard areas within the jurisdiction of the city of Rogue River.

B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Jackson County and Incorporated Areas,” dated May 3, 2011, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this chapter. The FIS and the FIRM panels 41029C1708F and 41029C176F are on file at Rogue River City Hall, 133 Broadway, Rogue River, Oregon.

C. Coordination With State of Oregon Specialty Codes. Pursuant to the requirement established in ORS Chapter 455 that the city of Rogue River administers and enforces the State of Oregon Specialty Codes, the city of Rogue River does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and

construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. Compliance and Penalties for Noncompliance.

1. **Compliance.** All development within special flood hazard areas is subject to the terms of this chapter and required to comply with its provisions and all other applicable regulations.
2. **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 for each violation. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued, and in addition shall pay all costs and expenses involved in the case. Nothing contained herein shall prevent the city of Rogue River from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Severability.

1. **Abrogation.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
2. **Severability.** This chapter and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability.

1. **Warning.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. Disclaimer of Liability. This chapter shall not create liability on the part of the city of Rogue River, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 24-428-O § 1; Ord. 23-418-O §§ 74, 75; Ord. 21-409-O § 1. Formerly 15.15.030].

15.55.040 Administration.

A. Designation of the Floodplain Administrator. The city administrator, or their designee, is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

B. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

1. Permit Review. Review all development permits to determine that:
 - a. The permit requirements of this chapter have been satisfied;
 - b. All other required local, state, and federal permits have been obtained and approved;
 - c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions in RRMC 15.55.060(D) are met; and
 - d. Review all development permits to determine if the proposed development is located in an area where base flood elevation (BFE) data is available either through the flood insurance study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of RRMC 15.55.050(A)(7); and
 - e. Provide to building officials the base flood elevation (BFE) plus the required one foot of freeboard applicable to any building requiring a development permit.
 - f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in RRMC 15.55.020.
 - g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in RRMC 15.55.050(A)(1).

- h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.
- i. Determine whether the proposed development activity complies with the no net loss standards in Section 15.55.070.

2. Information to Be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where base flood elevation (BFE) data are provided through the flood insurance study (FIS), flood insurance rate map (FIRM), or obtained in accordance with RRMC 15.55.050(A)(7).
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of subsection (B)(1)(b) of this section and RRMC 15.55.060(D) are adhered to.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement), prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all elevation certificates (EC) submitted to the city of Rogue River.
- f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this chapter and where base flood elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with RRMC 15.55.050(A)(7).
- g. Maintain all floodproofing certificates required under this chapter.
- h. Record and maintain all variance actions, including justification for their issuance.
- i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under RRMC 15.55.060(D).

- j. Record and maintain all substantial improvement and substantial damage calculations and determinations as required under subsection (B)(3)(d) of this section.
- k. Documentation of how no net loss standards have been met (see Section 15.55.070).
- l. Maintain for public inspection all records pertaining to the provisions of this chapter.

3. Requirement to Notify Other Entities and Submit New Technical Data.

- a. Community Boundary Alterations. The floodplain administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all flood hazard boundary maps (FHB) and flood insurance rate maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- b. Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a letter of map revision (LOMR) along with either:
 - i. A proposed maintenance plan to ensure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a conditional letter of map revision (CLOMR) when required under subsection (B)(3)(c) of this section. Ensure compliance with all applicable requirements in subsection (B)(3)(c) of this section and RRMC 15.15.050(A)(1).

- c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with 44 CFR Part 65.3. The community may require the applicant

to submit such data and review fees required for compliance with this section through the applicable FEMA letter of map change (LOMC) process.

The floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six months of project completion when an applicant has obtained a conditional letter of map revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a letter of map revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The floodplain administrator shall be under no obligation to sign the community acknowledgement form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

d. Substantial Improvement and Substantial Damage Assessments and Determinations. Conduct substantial improvement (SI) (as defined in RRMC 15.15.020) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with subsection (B)(2) of this section. Conduct substantial damage (SD) (as defined in RRMC 15.15.020) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in RRMC 15.15.030(B)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

C. Establishment of Development Permit.

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in RRMC 15.15.030(B). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in RRMC 15.15.020, including fill and other development activities.

2. Application for Development Permit. Application for a development permit may be made on forms furnished by the floodplain administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of subsection (B)(2) of this section.
- b. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the state of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in RRMC 15.55.060(C)(3).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base flood elevation data for subdivision proposals or other development when required per subsection (B)(1) of this section and RRMC 15.15.050(A)(6).
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

D. Variance Procedure. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. Conditions for Variances.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of subsections (D)(1)(c), (D)(1)(e), and (D)(2) of this section. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the criteria of subsections (D)(1)(b) through (D)(1)(d) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- f. Variance shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 15.55.070 and associated options in Table 1).
- g. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance, shall be maintained in accordance with subsection (B)(2) of this section. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.040].

15.55.050 Provisions for flood hazard reduction.

A. General Standards. In all special flood hazard areas, the no net loss standards (see Section 15.55.070) and the following standards shall be adhered to:

- 1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with RRMC 15.15.040(B)(3)(b) and (B)(3)(c).

2. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured dwellings shall be anchored per RRMC 15.15.060(C)(4).

3. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment.

- a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at least one foot above the base flood level. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall:
 - i. If replaced as part of a substantial improvement, shall meet all the requirements of this section.

5. Tanks.

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals and Other Proposed Developments.

a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data.

b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

i. Be consistent with the need to minimize flood damage.

ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

iii. Have adequate drainage provided to reduce exposure to flood hazards.

iv. Comply with no net loss standards in Section 15.55.070.

7. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with RRMC 15.15.030(B) the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this section. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (A)(6) of this section.

Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is less, in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., where available. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered zone is a minimum of two feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones. In coordination with the state of Oregon Specialty Codes:

a. When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.

b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

9. Critical Facilities. Critical facilities such as schools, hospitals, and fire stations often act as shelters and are required to provide aid during flood events, and should not be constructed in special flood hazard areas.

a. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.050].

15.55.060 Specific standards for riverine (including all noncoastal) flood zones.

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in RRMC 15.15.050(A), and the no net loss standards (see Section 15.55.070).

A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the base flood elevation, including crawl spaces, shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - a. A minimum of two openings,
 - b. The total net area of nonengineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - c. The bottom of all openings shall be no higher than one foot above grade,
 - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area,
 - e. All additional higher standards for flood openings in the state of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

B. Garages.

1. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:
 - a. If located within a floodway the proposed garage must comply with the requirements of subsection (D) of this section;
 - b. The floors are at or above grade on not less than one side;
 - c. The garage is used solely for parking, building access, and/or storage;
 - d. The garage is constructed with flood openings in compliance with subsection (A) of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f. The garage is constructed in compliance with the standards in RRMC 15.15.050(A); and
 - g. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection (C)(6) of this section or nonresidential structures in subsection (C)(3) of this section depending on the square footage of the garage.

C. For Riverine (Noncoastal) Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in RRMC 15.15.050(A) the following specific standards shall apply in riverine (noncoastal) special flood hazard areas with base flood elevations (BFE): zones A1-30, AH, and AE.

1. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in Section 15.55.070(A)(3).
2. Residential Construction.

- a. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at one foot above the base flood elevation (BFE).
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection (A) of this section.

3. Nonresidential Construction.

- a. New construction, conversion to, and substantial improvement of any commercial, industrial, or other nonresidential structure shall:
 - i. Have the lowest floor, including basement, elevated at or above the base flood elevation (BFE); or together with attendant utility and sanitary facilities;
 - ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator as set forth in RRMC 15.15.040(B)(2).
- b. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (A) of this section.
- c. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
- d. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
- e. Applicants shall supply an emergency action plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

4. Manufactured Dwellings.

- a. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with subsection (A) of this section;
- b. The bottom of the longitudinal chassis frame beam shall be at least one foot above base flood elevation;
- c. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and
- d. Electrical crossover connections shall be a minimum of 12 inches above base flood elevation (BFE).

5. Recreational Vehicles. Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of subsection (C)(4) of this section, including the anchoring and elevation requirements for manufactured dwellings.

6. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in subsection (D) of this section;
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- c. Appurtenant structures are limited to one-story structures less than 600 square feet;
- d. The portions of the appurtenant structure located below the base flood elevation must be built using flood-resistant materials;

- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (A) of this section;
- g. Appurtenant structures shall be located and constructed to have low damage potential;
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with RRMC 15.15.050(A)(5);
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

7. Below-Grade Crawl Spaces.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in subsection (A) of this section. Because of hydrodynamic loads, crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the

system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

- e. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade.
- f. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- h. The velocity of floodwaters at the site shall not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

D. Floodways. Located within the special flood hazard areas established in RRMC 15.15.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - b. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR Section 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in Section 15.55.070.
2. If the requirements of subsection (D)(1) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all

other applicable flood hazard reduction provisions of RRMC 15.55.050 and this section.

E. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with base flood elevations. For AO zones the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

F. Standards for AH Zones. Development within AH zones must comply with the standards in RRMC 15.15.050(A) and this section, including subsection (E).

G. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in RRMC 15.55.050(A) and subsection (E) of this section:

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the flood insurance rate maps (FIRMs). The city of Rogue River requires one foot of freeboard. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the flood insurance rate maps (FIRMs). The city of Rogue River requires one foot of freeboard; or
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM, or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in subsection (C)(3)(a)(iv) of this section.
3. Recreational vehicles placed on sites within AO zones on the community's flood insurance rate maps (FIRMs) shall either:
 - a. Be on the site for fewer than 180 consecutive days; and

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the elevation requirements of subsection (E)(2)(a) of this section, and the anchoring and other requirements for manufactured dwellings of subsection (C)(4) of this section.

4. In AO zones, new and substantially improved appurtenant structures must comply with the standards in subsection (C)(6) of this section.
5. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in subsection (A) of this section. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.060].

15.55.070 Standards for Protection of SFHA Floodplain Functions.

The standards described below apply to all special flood hazard areas as defined in Section 15.55.020.

A. No Net Loss Standards

1. No net loss of the three proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:
 - a. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
 - b. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
 - c. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.
2. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

B. Undeveloped Space

1. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.
2. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
3. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ration in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).
 - a. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
 - i. Ordinary High Water Mark to 10-year,
 - ii. 10-year to 25-year,
 - iii. 25-year to 50-year,
 - iv. And 50-year to 100-year
 - b. Hydrologically connected to the waterbody that is the flooding source;
 - c. Designed so that there is no increase in velocity; and
 - d. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

C. Impervious Surfaces

Impervious surface mitigation shall be mitigated through any of the following options:

1. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or
2. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
3. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow

and to maximize infiltration, and treatment is required to minimize pollutant loading. See Section 15.55.070(C)(3) for stormwater retention specifications.

D. Trees

1. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.
 - a. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.
 - b. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

E. Stormwater Management

Any development proposal that cannot mitigate as specified in 15.55.070(C)(1-2) must include the following:

1. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and
2. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.
3. Retention facilities must:
 - a. Limit discharge to match the pre-development peak discharge rate (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).
 - b. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.
 - c. Be designed to not entrap fish and drain to the source of flooding.
 - d. Be certified by a qualified professional.
4. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

- a. Access to stormwater treatment facilities at the site by the City of Rogue River for the purpose of inspection and repair.
- b. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.
- c. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
- d. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Rogue River for five years.

F. Activities Exempt from No Net Loss Standards

The following activities are not subject to the no net loss standards in Section 15.55.070(A); however, they may not be exempt from floodplain development permit requirements.

1. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
2. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use or alter culverts. Activities exempt do not include expansion of paved areas.
3. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
5. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use or alter culverts;
6. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;

7. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
8. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.
9. Habitat restoration activities.

G. Riparian Buffer Zone (RBZ)

1. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake, pond, ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.
2. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
3. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
4. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
5. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

Table 1 No Net Loss Standards

<u>Basic Mitigate Ratios</u>	Undeveloped Space (ft ³)	Impervious Surface (ft ²)	Trees (6" < dbh ≤ 20")	Trees (20" < dbh ≤ 39")	Trees (39" < dbh)
RBZ and Floodway	2:1*	1:1	3:1*	5:1	6:1
RBZ-Fringe	1.5:1*	1:1	2:1*	4:1	5:1

<u>Mitigation multipliers</u>					
Mitigation onsite to offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to offsite, different reach, same watershed (5 th field)	200% *	200%*	200%*	200%	200%

Notes:

1. Ratios with asterisks are indicated in the BiOP
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
 - a. For example, if only 500 square feet of the total 1000 square feet of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 square feet of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See 15.55.070(G) Riparian Buffer Zone)

SECTION 2. Severability Clause

If any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

SECTION 3. Emergency Clause

Whereas, the City of Rogue River, Oregon finds time being of the essence, and emergency is hereby declared to exist in the interest of the public peace, health, and safety of the City of Rogue River and the inhabitants thereof, and this ordinance may be introduced and placed upon all of its readings and final passage at any one meeting of the City Council and shall be in full force and effect immediately should the Common Council approve the Ordinance by a majority vote.

ADOPTED by the Common Council of the City of Rogue River on this 24th day of April 2025.

SUBMITTED TO AND APPROVED by the Mayor of the City of Rogue River on this 24th day of April 2025.

Pam VanArdsdale
Mayor

ATTEST:

Diane Oliver
City Recorder

ORDINANCE NO. 25-438-O

AN ORDINANCE AMENDING CHAPTER 8.15.404 OF THE ROGUE RIVER MUNICIPAL CODE IN ORDER TO PLACE SPECIFIC FEES IN THE MASTER FEE RESOLUTION FOR THE CITY OF ROGUE RIVER.

WHEREAS, the City Council finds that specific fees are most properly identified in Resolutions, and the authority for fees is set by Ordinance; and,

WHEREAS, the City Council seeks to approve a Master Fee Resolution.

THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Amends Section 8.15.040(A) False alarms – Fines for excessive false alarms to read as follows:

A. The fine(s) for false alarms shall be set by Council Resolution.

SECTION 2. Effective Date Clause. Whereas, the City of Rogue River, Oregon, finds that the current code should be in effect until a new fee resolution goes into effect on July 1, 2025, this Ordinance shall also have an effective date of July 1, 2025.

SECTION 3. Severability Clause. If any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

ADOPTED by the Common Council of the City of Rogue River on this 26th day of June 2025.

SUBMITTED TO AND APPROVED by the Mayor of the City of Rogue River on this 26th day of June 2025.

Pam VanArsdale
Mayor

ATTEST:

Diane Oliver
City Recorder

ROGUE RIVER TREE CITY USA

MINUTES 6.12.25

TREE ID PROJECT

- The city is creating a new web page. The link will need to be added to the city's web page.
- Loree to provide Helga a new tree ID list with the new trees added as shown on the map.
- The committee gave Loree feedback to edit on the map
 - The search for trees didn't work example Tulip Tree
 - The opening Arboretum info doesn't close and limits the screen view on a smartphone
 - How to save the link on the smartphone so you don't have to use the QR code every time
 - We need a poster with the QR code to put in the kiosk. Loree to check with her GIS person
 - Committee to update excel list with proper names and stories
 - This may delay making the mapping live. Loree to check on the reporting deadlines for the grant.
 - When you click on a tree on the map, you always see the preview images of a star magnolia
 - The basemap needs to be changed to non fuzzy arial
 - More pictures of the existing trees to be added
 - The committee will engage Clia at the school.
 - Show web link to reference more information

Next work day June 25

- In kiosk, with a new poster with QR code, put "under construction"
- Next tree committee July 10 at 11AM