

THURSDAY, OCTOBER 24, 2019

CITY HALL COUNCIL CHAMBERS

CITY OF ROGUE RIVER, JACKSON COUNTY, OREGON

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

INVOCATION Pastor Rodger Coale with the Pleasant Valley Cowboy Church delivered the Invocation

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

QUORUM **COUNCIL MEMBERS PRESENT:**

Mayor Wayne Stuart
City Councilor Bob Pascalar
City Councilor Fred England
City Councilor Pam VanArsdale
City Councilor Barb Hilty
City Councilor Don Daugherty

COUNCIL MEMBERS ABSENT:

City Councilor Mark Poling

ALSO PRESENT:

Mark Reagles, City Administrator/Planner
Carol Weir, City Recorder
Curtis Whipple, Chief of Police
Bonnie Honea, Finance Officer/Planning Assistant

PRESS PRESENT:

Brad Smith, Rogue River Press

A quorum was present and due notice had been published.

APPROVAL OF MINUTES:

MOVED (DAUGHERTY), SECONDED (ENGLAND) AND CARRIED TO APPROVE THE MINUTES OF SEPTEMBER 26, 2019.

COMMITTEE REPORTS:

Community Relations; Community Center: Mayor Wayne Stuart reported that the board had finalized their new bylaws and the final draft would be distributed next month. He also delegated the liaison position to City Councilor Barb Hilty.

Middle Rogue Metropolitan Planning Organization: Mayor Wayne Stuart reported that he had attended his first meeting with Public Works Director Mike

Bollweg where they discussed the traffic congestion on Redwood Highway with possibly installing a third lane. They heard discussion from ODOT, the Rogue Valley Council of Governments and other city representatives.

Police Commission: City Councilor Fred England thanked Chief Whipple for all his accomplishments and transformation of the Police Department. He said that the officers had completed their training with the body cameras and they were operational.

Rogue Valley Council of Governments: Mayor Wayne Stuart reported that they heard an update on the Shake Alert Program. They heard discussion about their drone was being used to monitor the Ashland Forest area and the Greenway Clean-up.

Mayor Wayne Stuart announced that the City's Attorney Steve Rich had passed away at the age of 66.

City Administrator Mark Reagles commented that Steve Rich had been with the City for more than 30-years and it was going to be difficult to carry on without him.

NEW BUSINESS:

AGENDA ITEM 1 **Public Hearing:** A Public Hearing to consider a zone change for a portion of a tax lot from Commercial/Industrial to all Commercial at 5715 Rogue River Highway and the recommendations of the Planning Commission. Planning File No. ZON 2019-01.

Mayor Wayne Stuart declared the public hearing opened at 6:05 p.m. He read the following information into the record which would be a permanent part of the land use file.

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

Mayor Wayne Stuart asked the members of the Planning Commission if they wished to abstain or declare ex-parte contact, have any conflicts of interest, bias, or ex-parte contact. No abstentions were heard.

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

City Planning Assistant Bonnie Honea presented the Staff Report which will remain a permanent part of the land use file for T36S, R4W, Section 21, Tax Lot 300 located at 5715 Rogue River Highway, Rogue River, Oregon.

City Planning Assistant Bonnie Honea commented on the following items:

I. FINDINGS OF FACT

Parcel Size: 3.8 acres.

Access: Access is from Rogue River Highway

Zoning: Commercial (C-1) and Industrial

Previous Land Use Actions: 2004 – Home Occupation and 2012 Rogue Valley Repair

Current Land Use: Residence and Small Engine Repair

Proposed Land Use: Currently split zoned Commercial-Industrial. There is a residence on the lot and they'd like to add another. An additional residence is only allowed in the Commercial zone.

Surrounding Land Uses:

North: Valley Pride Publications, Pacific Power & Murphy, Duncan Real-estate

East: Rogue River Highway

South: Residence (county) 3.21 acres

West: 3 Residence (county)

II. APPLICABLE CRITERIA: CHAPTER 17.125 AMENDMENT PROCESS

The Planning Commission shall forward a recommendation to the City Council. Approval of a Zone Change shall be based on the following findings:

- (A) Whether the request is consistent with the applicable statewide planning goals; and,
- (B) Whether the request is consistent with the comprehensive plan; and,
- (C) If the proposed legislative change is particular to a particular site, the property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

Findings:

A. **Consistency with the Comprehensive Plan:**

1. **Citizen Involvement:** The City of Rogue River has adopted a citizen involvement program into the land use planning process, both in the Comprehensive Plan and the Zoning Ordinance. The public hearing procedures in the Zoning Ordinance were developed consistent with this goal, and the City of Rogue River strives to insure consistency with the Citizen Involvement procedures. Consistency with the Comprehensive Plan and Zoning Ordinance demonstrates consistency with the goal; in this case, the City has provided for a specific procedure, which is followed by the applicant, staff, Planning Commission and Council, to insure compliance with this goal.
2. **Land Use Planning:** These documents demonstrate consistency with this Statewide goal for providing a system for processing land use applications. Since the application is submitted consistent with the provisions of the Zoning Ordinance, the application can be found to be consistent with the Statewide Goal and the Comprehensive Plan Map and narrative elements as well.

3. **Agricultural Lands:** Not applicable; site is within an urban growth boundary and city limits, and this is not resource land. The City does not have a “Goal 3” element in the Comprehensive Plan.
4. **Forest Lands:** Not applicable; site is within an urban growth boundary and city limits, and this is not resource land. The City does not have a “Goal 4” element in the Comprehensive Plan.
5. **Natural Resources, Scenic and Historic Areas, and Open Space:** The proposed future home site is located on the south-western side of the property. While future development shall meet the opens space requirements of the Rogue River, the application should have no impact on any fishery or floodway. Conditions of development will demonstrate the application is consistent with the Statewide Goal and the Plan.
6. **Air, Water and Land Resource Quality:** The City has worked diligently to upgrade the sewer and water system and the bridge/access ways, updating the plan, and has adopted state and federal standards for air and water quality. These improvements demonstrate consistency with the Statewide Goal, and Goal 6 of the Comprehensive Plan as well.
7. **Areas Subject to Natural Hazards:** This site was located within the floodplain. City Administrator/Planner Mark Reagles displayed the property on the television screen outlining the floodplain area.
8. **Recreational Needs:** The property is urban in character, planned for Commercial Uses, and this simple zone change does not affect, nor change, any of the recreational or park uses within the community as identified in the Comprehensive Plan. The City has 11.51 acres of active park land in the City, and 7.19 acres of passive recreational park land for a total of 18.70 acres within the UGB, which reflects a ratio of .087 acres of park land per 100 population. Future development along Wards Creek will be required to meet the open space requirements, which will allow recreational opportunities like walking paths and sitting areas. The policies adopted by the City in the Comprehensive Plan are consistent with the Statewide Goal for providing adequate recreational and park facilities for all residents. This application is consistent with the Statewide Goal and the Comprehensive Plan goals and policies.
9. **Economic Development:** The property is planned for Commercial uses, and the proposed “Commercial” zoning provides a better use of the property than the current condition of split industrial and commercial zoning. The requested zone change is consistent with the policy of “*supporting orderly growth of economic activities in the city.*” (Comprehensive Plan, Page 63). The application can be found to be consistent with both the Statewide Goal and the Comprehensive Plan.
10. **Housing:** A portion of the property is currently zoned industrial, with the remainder of the property zoned Commercial making the single property split zoned. This is the only property in the city limits on the West side of the river that is zoned industrial. The applicant believes that the split zoning is detrimental to the value and efficient use of the property. The proposal to re-zone the industrial portion of the property to commercial will improve the housing needs for the City. Therefore, the application can be found to be consistent of the Statewide and Comprehensive Plan goal.

11. **Public Facilities and Services:** This zone change does not significantly affect any of the existing public facilities and services. The zone change to commercial from industrial is not likely to impact the City's water and sewer system. City water & sewer, power, telephone, cable TV, natural gas, and storm drain utilities are all available within Rogue River Highway fronting the subject property. The applicants understand, and stipulate to, the extension of the public facilities as necessary to allow connection of this specific property. The City has also adopted a fee schedule and SDC fees for new uses that access the publicly-provided systems, insuring that new development pays its "fair share" of the infrastructure costs. The development resulting from this zone change will pay for the impacts on the systems, as required by the City. The application, then, is consistent with the Statewide goal as well as the applicable Comprehensive Plan goals and elements.
12. **Transportation:** This application, then, can be found to be consistent with both, the Statewide Goal as well as the Goals and Policies within the Comprehensive Plan.
13. **Energy Conservation:** The zone change in and of itself will have no impact on energy conservation.
14. **Urbanization:** The Goals and Policies in the Comprehensive Plan that implement Goal 14 are related specifically to annexation and future growth issues, as well as providing for adequate provision of public facilities. The applicant believes that the split zoning is detrimental to the value and efficient use of the property.

B. City of Rogue River Zoning Ordinance Goals & Policies

1. **Consistency with the Comprehensive Plan Goals and Policies:** The applicant has addressed the Comprehensive Plan Goals and Policies under the same discussion as the Statewide Goals above, since the Goals are essentially the same; however, the City Comprehensive Plan goals and policies have been referenced specifically when the discussion dictated compliance with these specific issues. A review of the findings indicates that the application for a change in zoning to Commercial is consistent with the applicable Goals, Policies and Implementation Strategies of the Rogue River Comprehensive Plan.
2. **Consistency with the General Land Use Plan Map:** The subject tract is designated as Industrial and Commercial on the General Land Use Plan (Comprehensive Plan) Map. This designation creates a split zone within the same piece of property which is not necessarily desirable. Because of the location within the developed commercial hub of Rogue River, the property lends itself more to the commercial zone rather than the Industrial zone. Therefore, the property should be changed to all commercial zone to eliminate the split zoning and the issues of accessing an Industrial zone through a narrow strip of commercial zone. A zone change request for "Commercial" is consistent with the General Land Use Plan (Comprehensive Plan) map.

**C. Adequate Public Facilities Exist to Serve the Public:
Water System:**

Supply: The water supply for the City of Rogue River is based upon five wells, as well as utilizing raw water from the Rogue River and treating it. The City has 2.06 cfs water rights from the Rogue River. Treatment is difficult when high winter flows increase turbidity, so the City uses the wells generally during the winter months. Treatment consists of a 1MGD package plant, with coagulation and flocculation, an up-flow clarifier, multi-media filtration, and mixed oxidant for disinfection.

Storage: Currently, the city has two water storage tanks totaling approximately 1.7 million gallons of treated water storage.

Distribution: The distribution system consists of 67,464 lineal feet of piping, ranging from 10 inch mains to 3/4-inch service lines.

Sewer System:

Collection: The sewer collection system consists of over 8 miles of lines, (approximately 52,340 lineal feet) with seven lift stations, feeding to an activated sludge treatment plant located to the west of the downtown area. The City has consistently upgraded the sewer plant, with user fees, revenue sharing funds and SDC (developer funding) fees. A map of the collection system is attached as an exhibit to this application, demonstrating the location of the property vis-a-vis the system.

Treatment: The treatment plant is operated under authority of the NPDES permit process, and is about 22 years old. The plant consists of a pump station, head-works, sequencing batch reactor, surge basin, equalization basin, ultraviolet disinfection, aerobic digestion and a facultative sludge lagoon. The system has a peak design capacity of .85 MGD. Additional improvements to the system are ongoing, as part of the Capital Improvements plan for the City. Discharge from the system is into the Rogue River, with land application of biosolids for ground remediation being contracted to local farmers.

Storm Drainage: Storm drainage in the vicinity of the application is provided by underground storm piping that flows from east to west along Rogue River Hwy, and eventually discharged into the Rogue River.

Summation: Based upon a review of the information available to the applicants, it appears clear that the existing water, drainage and sewer systems have been constructed over time to provide adequate services to the lands within the City Limits. The request before the City, for a change in zoning to "Commercial", will not place any undue burden on the City of Rogue River in terms of these facilities. The AWWA (American Water Works Association) estimates single family residential use at approximately 200 gallons of water per day per residence. This level of use is well within the capability of the City of Rogue River to supply.

Response: Based upon a review of the existing water, sewer and drainage systems, it appears clear that there are adequate Class A public facilities to serve the site. Potential water and sewer use are well within the parameters of the City to provide service, and the applicants are aware that they are required to extend service from the main lines into their property.

Summary & Conclusion:

As we noted herein, Section 17.125 of the RRMC provides the three primary criteria for a zone change; consistency with the Statewide Goals, consistency with the Comprehensive Plan Map and Plan Narrative, and a demonstration that public facilities exist or can be provided upon development for a specific site.

The information contained in this document provides a detailed perspective of compliance with the Goals and Policies contained both in the Statewide Goals and the local Comprehensive Plan Goals and Policies. The property is irrevocably committed to commercial uses due to the surrounding commercial uses and zoning.

A review of the city's infrastructure for water, sewer, drainage and streets indicates that this site, which has been in the City Limits for some years, will not create any significant impacts on the City water or sewer systems upon development.

With this information at hand, the applicant respectfully requests the City of Rogue River approve this request for a Zone Change from Industrial to Commercial for the western portion of the subject site.

III. STAFF COMMENTS

The Zone Change application complies with the Rogue River Municipal Code requirements.

Comments of the Public Works Director shall be included in the public record and reviewed upon any further development of the property.

The Jackson County/City of Rogue River Urbanization Policies state (5) (H) that any land use actions within the unincorporated urbanizable area shall conform to urban standards and public improvement requirements as contained the City's and County's land development ordinances, except that in the case of a conflict between the two, the more restrictive shall apply.

IV. STAFF RECOMMENDATION

The zone change request is consistent with the City of Rogue River Comprehensive Plan; the future zoning map; the Zone Change is deemed necessary to protect the public health, safety, general welfare, and to further implement the City of Rogue River's Comprehensive Plan, Facility Plan and approved zoning maps, therefore a recommendation for approval should be forwarded to the City Council.

Mayor Wayne Stuart asked if there were any questions for staff. No questions or comments were heard.

Mayor Wayne Stuart asked for any questions from the applicant. No comments were heard.

Mayor Wayne Stuart asked for any proponents to come before the City Council. No comments were heard.

Mayor Wayne Stuart then asked for any opponents to come before the City Council. No comments were heard.

MOVED (DAUGHERTY), SECONDED (PASCALAR) TO CLOSE THE PUBLIC HEARING.

Mayor Wayne Stuart declared the public hearing closed at 6:30 p.m. and reminded the Councilor's and applicants that no new information could be brought forth only clarification unless the public hearing is reopened.

MOVED (HILTY), SECONDED (PASCALAR) AND CARRIED THAT THE CITY COUNCIL APPROVE PLANNING FILE NO. ZON 2019-01. A REQUEST TO CHANGE THE ZONING OF A PORTION OF TAX LOT 300 FROM INDUSTRIAL TO COMMERCIAL (C-1) AT 5715 ROGUE RIVER HIGHWAY, ROGUE RIVER, OREGON, LEGALLY DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 4 WEST, SECTION 21, TAX LOT 300. AS THE APPLICATION CAN COMPLY WITH THE APPLICABLE CRITERIA, SAID ZONE CHANGE APPROVAL IS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE CITY OF ROGUE RIVER, OREGON.

AGENDA ITEM 2 **Appointment:** Appoint Pam VanArsdale to City Council Position No. 3.

MOVED (DAUGHERTY), SECONDED (ENGLAND) AND CARRIED TO APPOINT PAM VANARSDALE TO CITY COUNCIL POSITION NO. 3.

AGENDA ITEM 3 **Oath of Office:** City Recorder Carol Weir administered the Oath of Office to City Councilor Pam VanArsdale.

City Councilor Bob Pascalar read the following statement:

"We are very fortunate to have a citizen who wants to share her unique talents to continue to serve her beautiful community. Your love of Rogue River and Jackson County is very apparent. Your dedication to serve Rogue River is a personal inspiration not only to me, but to the entire citizenry of Rogue River. Welcome home Pam!"

AGENDA ITEM 4 **Surplus Property:** Declare two-2012 Chevy patrol units, one-2006 Chevy truck and an Old Dominion Leaf Vacuum as surplus property.

MOVED (DAUGHERTY), SECONDED (PASCALAR) AND CARRIED TO DECLARE TWO-2012 CHEVY PATROL UNITS, ONE-2006 CHEVY TRUCK AND AN OLD DOMINION LEAF VACUUM AS SURPLUS PROPERTY.

City Administrator Mark Reagles informed the Mayor and City Council that the surplus vehicles would be handled by a sealed bid process.

OTHER BUSINESS:

Mayor Wayne Stuart announced that he had received information regarding the Federal Government's Jordan Project extending their final order date from 11/15/19 to 2/13/20. This does not affect Rogue River; he received information from Avista encouraging the 811 "Call Before You Dig" program; he attended the Mayor's United dinner and auction; and, he also attended the "Cheers to 100-Years" honoring the Jackson County Library services in their centennial celebration.

City Councilor Barb Hilty announced that the Rogue Valley Church had recently cleaned up the Rogue River Greenway bike path and that they would be opening the expansion of the Greenway through to Gold Hill.

ADJOURN

There being no further business to come before the City Council and upon motion duly made (PASCALAR), seconded (VANARSDALE) and carried, the meeting adjourned at 6:45 p.m.

ATTEST:

Carol J. Weir, MMC
City Recorder