

## **Agenda**

### **Shady Cove City Council Study Session**

Shady Cove City Council Chambers  
22451 Highway 62  
Shady Cove, Oregon  
Thursday, February 4, 2010  
1:30 P.M.

#### **I. Call to Order**

- A. Roll Call
- B. Announcements by Presiding Officer

#### **II. Public Comment**

Public may comment on agenda and non-agenda items at this time. Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. If you represent a group, please identify the group and any members of that group who are present.

#### **III. Subject of Study Session**

- A. Continued discussion on Floodplain Program/staff update/appeal process/substantial compliance.

#### **IV. City Council Comments**

#### **V. Public Comment on Agenda Items**

Limited to 3 minutes per individual.

#### **VI. Adjournment**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

# **Agenda**

## **Shady Cove Regular City Council Meeting**

**City Hall Council Chambers**  
22451 Highway 62, Shady Cove, Oregon  
Thursday, February 4, 2010  
6:30 p.m.

### **I. Call to Order**

- A. Roll call.
- B. Pledge of Allegiance.
- C. Announcements by Presiding Officer.
  - 1. This meeting is being digitally recorded.
  - 2. The next Meet the Mayor will be held on February 18, 2010 at 10:00 a.m. at the Shady Cove Library Community Meeting Room.
  - 3. The next regularly scheduled City Council Study Session will be held at 1:30 p.m. in the City Council Chambers on February 18, 2010.
  - 4. The next regularly scheduled City Council Regular Meeting will be held on February 18, 2010 at 6:30 p.m. in the City Council Chambers.
  - 5. The next regularly scheduled Planning Commission meeting will be held on February 11, 2010 in the City Council Chambers.

### **II. Public Comment**

The public may comment on agenda and non-agenda items at this time. Comment will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. If you represent a group, please identify the group and any members of that group who are present.

### **III. Community Feedback**

### **IV. Presentation**

- A. Council Presentation of plaques in appreciation for service to Shady Cove Police Personnel: Julie Denney, Scott Waldon, Candace Waldon, Andy Bratton and Anthony Russell.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II)

**V. Consent Calendar**

- A. Accounts Paid.
- B. Minutes of January 21, 2010 City Council meetings

**VI. Written Communications**

None.

**VII. Council Reports**

Business and Tourism/Chamber	Councilors Bradburn and Hayes
SORC (911)	Councilor Hayes
RVACT	Councilor Bradburn
RVCOG	Mayor Holthusen, Councilor Kyle
School District 9	Councilor Bradburn
Fire Dist. #4	Councilor Hughes
Homelessness Initiative	Councilor Bradburn
Planning Commission Liaisons	Councilor Hayes and Hughes

**VIII. Department Reports**

- A. City Administrator.
- B. Public Works

**XI. Unfinished Business**

None.

**X. New Business**

- A. Public Hearing to amend the Street and Subdivision Ordinances. (Converse) (pgs 11-18).
- B. Introduction and first reading by title only of Ordinance No. 246, "An Ordinance of the City of Shady Cove, Oregon, amending Ordinance No. 223 (Street Ordinance)".
- C. Introduction and first reading by title only of Ordinance No. 247, "An Ordinance of the City of Shady Cove, Oregon, amending Ordinance 224 (Subdivision Ordinance)".

**XI. Public Comment on Agenda Items**

Limited to 3 minutes per individual.

**XII. Council Comments**

**XIII. Adjournment**

## City Council Study Session Minutes

Thursday, January 21, 2010  
1:30 P.M.

### I. Call to Order

The Mayor called the Study Session to order at 1:30 p.m.

#### A. Roll call.

Present:

Mayor Holthusen  
Councilor Bradburn  
Council President Kyle  
Councilor Hayes  
Councilor Hughes.

Staff:

Interim City Administrator, Dale Shaddox  
Deputy City Recorder, Margaret Borgen  
Office Assistant, Debby Jermain

#### D. Announcements.

The Mayor read the announcements.

### II. Public Comment

The Mayor invited public comment. None.

### III. Subject of Study Session

- A. Council interviews of Budget Committee applicants. Cassandra Smith, applicant for a position on the Budget Committee was interviewed by the Council. Olin Shanrock and Jim Ulrich were unavailable for interviews.
- B. Council discussed items on the evening agenda. Councilor Hughes requested and received information on finances.

**IV. City Council Comments.**

None.

**V. Public Comment on Agenda Items.**

Bud Rees commented on the Police Services Contract

**VI. Adjournment.**

The Mayor adjourned the Study Session at 2:38 p.m.

Approved:

Attest:

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Ronald Holthusen  
Mayor

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Margaret Borgen  
Deputy City Recorder

**Council Vote:**  
Councilor Bradburn  
Mayor Holthusen  
Councilor Hayes  
Councilor Hughes  
Councilor Kyle

## City Council Regular Meeting Minutes

Thursday, January 21, 2010  
6:30 P.M.

### I. Call to Order

The Mayor called the Regular City Council Meeting to order at 6:30 p.m. in the City Council Chambers.

#### A. Roll call.

Present:

Mayor Holthusen  
Councilor Bradburn  
Council President Kyle  
Councilor Hayes  
Councilor Hughes

Staff:

Interim City Administrator, Dale Shaddox  
Deputy City Recorder, Margaret Borgen  
Office Assistant, Debby Jermain

#### B. Pledge of Allegiance.

The Mayor led the Council and the audience in the Pledge of Allegiance.

#### C. Announcements by Presiding Officer.

The Mayor read the announcements. The Mayor noted an additional Special City Council Workshop scheduled for January 26, 2010 at 6:30 to discuss FEMA.

### II. Public Comment.

None.

### III. Community Feedback.

None.

### IV. Presentation

- A. Students of the Month. The Mayor presented Student of the Month certificates to Niqui Prara and Socha Smith.

- B. Citizen of the Year. The City Council acknowledged 13 citizens nominated by various city organizations for Citizen of the Year. Christie Eggleston and Mary Gunderlock (Shady Cove Business Association) and Pat Brooks (Friends of the Library and the Wildflower Association) were awarded the Citizens of the Year 2009.

## V. Consent Calendar

- A. Accounts Payable: \$28,954.68
- B. Minutes of the January 7, 2010 Council Study Session and Regular meeting.

Motion to approve Consent Calendar.

Motion by Councilor Kyle. Second by Councilor Hayes.

Roll Call: All Ayes. The motion passed 5-0.

## VI. Written Communications

None.

## VII. Council Reports.

Business and Tourism: Councilors Hayes and Bradburn commented on the 10<sup>th</sup> anniversary of the SPAM Fest which will be on July 10, 2010 at 10:10 a.m.

SORC: Councilor Hayes noted that the most recent meeting was at the new facility and that SORC anticipates an increase in their fees. With our new contract for police services, JCSO will absorb those fees.

RVACT: None

RVCOG: None.

School District 9: Councilor Bradburn noted that the Department of Forestry will be cleaning up the 40 acres behind the school and commented on a possible crosswalk across Ponderosa at the sidewalk handicap ramp. The Cool Club is now at 88% funding and in need of \$26,000 in pledges over the next 2 years.

JCFD#4: Councilor Hughes noted that Wednesday January 27, 2010 is Firefighter Appreciation Day.

Homelessness Initiative: Councilor Bradburn commented on a survey taking place to determine the actual number of homeless people in Jackson County.

Planning Committee Liaison: Councilor Hayes noted that he or Councilor Hughes will be regularly attending each Planning Commission meeting.

## **VIII. Department Reports**

- A. City Administrator. The City Administrator commented on the new City website, the landscaping and painting City Hall project and the recruitment of a new City Administrator.

## **IX. Unfinished Business**

- A. Second reading and adoption of Ordinance Numbers 254. "An Ordinance of the City Council of the City of Shady Cove amending the City Comprehensive Plan" and 253 "An Ordinance of the City Council of the City of Shady Cove, Oregon Creating a R1-00 Zone" (Holding Zone).

Motion to conduct second reading and adoption of Ordinances 254:

Motion by Councilor Hayes. Second by Councilor Bradburn.

Roll Call: 4 ayes, 1 nay. Motion passes 4-1. (Councilor Hughes, nay)

Motion to conduct second reading and adoption of Ordinances 253:

Motion by Councilor Hayes. Second by Councilor Bradburn.

Roll Call: 4 ayes, 1 nay. Motion passes 4-1. (Councilor Hughes, nay).

## **X. New Business**

- A. Approval of contract for police services with Jackson County Sheriff.

Motion to approve the contract for police services:

Motion by Councilor Hughes. Second by Councilor Kyle.

Roll call. All ayes. Motion passes 5-0

B. Council appointment of Budget Committee members (2 positions).

Motion to appoint Cassondra Smith to the Budget Committee:

Motion by Councilor Bradburn. Second by Councilor Hayes.

Roll call. All ayes. Motion passes 5-0.

Motion to appoint Jim Ulrich to the Budget Committee:

Motion by Councilor Hayes. Second by Councilor Kyle.

Roll call. 4 Ayes, 1 Nay. Motion passes 4-1 (Councilor Hughes nay)

**XI. Council Comment.**

Discussion of Jack Stout's resignation from the Planning Commission. The Council directed the City Administrator to not use current applications and begin recruiting for the Planning Commission vacancy.

**XII. Public Comment on Agenda Items**

Lynn Horn, representing the Cool Club fund drive commented on the upcoming Spaghetti Feed on Saturday January 30, 2010 at 6:00 p.m. at the Upper Rogue Community Center.

**IX. Adjournment**

There being no other business before the Council, the Mayor adjourned the meeting at 7:35 p.m.

Approved:

Attest:

\_\_\_\_\_  
Ronald Holthusen

Mayor

**Council Vote:**

Councilor Bradburn

Councilor Kyle

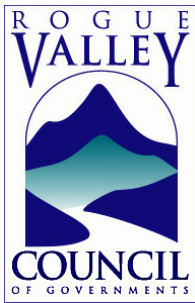
Mayor Holthusen

\_\_\_\_\_  
Margaret Borgen

Deputy City Recorder

Councilor Hayes

Councilor Hughes



**ROGUE VALLEY**  
**Council of Governments**

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(541) 664-6674  
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**MEMORANDUM**

**Date:** January 29, 2010  
**To:** Shady Cove City Council  
**From:** Dick Converse, Principal Planner  
**Subject:** Street Ordinance Amendments

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I have compared the proposed street ordinance amendment to the existing ordinance. This is a topic-by-topic breakdown of the extent to which the text either is already in the ordinance or should be added. Existing ordinance text is in italics; comments are in bold.

**General Street Development Design Standards and Criteria**

- All streets, alleys, and access ways shall connect to other streets within the development and to existing and planned streets outside the development when not precluded by environmental or topographic constraints. *Section 1.B.5 (Streets – General) Connect minor collector and local residential access streets with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.*

*Section 4.B.10 (Street Connectivity and Formation of Blocks)*

*In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets . . .*

- The developer shall design and improve all streets, storm drains, sanitary sewers, waterlines, access ways, and other public easements which are part of the development, and those off-site public improvements necessary to serve the development consistent with the Comprehensive

Plan or any specific plan thereof, and such other public improvements as required by the City of Shady Cove.

*Section 1.B (Streets – General) The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions as they relate to drainage and the operation of the water, sewer systems, to public convenience and safety and their appropriate relation to the proposed use of the land to be served by such streets.*

*Section 1.C.3 (Streets – General) All street improvements shall be constructed to City Standards for permanent street and alley construction. Catch basins shall be installed and connected to drainage ways as approved by the city Engineer. Upon completion of the street improvement, monuments shall be reestablished.*

*Section 6. (Public Facilities) Public facilities located within the public right-of-way will comply with all applicable governmental standards, the most recent ODOT/APWA Standards and Specific Shady Cove Standards.*

*The Subdivision Ordinance further includes the following provisions, some of which at least hint at off-site requirements.*

#### **WATER FACILITIES**

*Water lines and, if required, fire hydrants, serving the subdivision or partition, and connecting the development to water mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with the standards of all districts having jurisdiction.*

#### **SANITARY SEWERS**

*Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. If required sewer facilities will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.*

#### **SURFACE DRAIN AND STORM DRAIN SYSTEM**

*Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm drains. Capacity, grade and materials shall be by a design approved by the City. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.*

*Storm drainage is required to meet 10-year and 25-year event standards.*

*The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to public storm drain, or to a natural acceptable drainage way if adjacent to the lot.*

#### **UNDERGROUND UTILITIES**

*All subdivisions or major partitions shall be required to have underground utilities (including, but not limited to, electrical, cable TV and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.*

#### **SIDEWALKS**

*If appropriate, sidewalks shall be installed on arterials and collectors. The Planning Commission may require sidewalks on local streets.*

#### **BICYCLE ROUTES**

*If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.*

- Off-Site streets improvement shall be required of the developer(s) when deemed necessary by the city to ensure access streets to and from new planned development are uniform and current to city codes and standards. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the city's traffic and drainage needs including, but not limited to, grading and surfacing of streets and access ways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, and other improvements as hereafter set forth.

**Some of this language already exists as noted previously. The primary departure from the present ordinance is as it relates to grading and surfacing of streets. Water lines, sewage disposal and storm drains by their nature have to meet city standards whether onsite or offsite. Including this requirement would ensure that streets are adequate not only for a new development, but also for the neighborhood that would be absorbing additional traffic. It could be added to the General Standards of Section 1.B**

- All off-site improvements conditions of approval shall be based on information and formulas derived from, "Justifying Exaction: Recent cases and mechanisms for implementing viable conditions of approval", December 1, 2006, to compare the amount of exaction to the level of impact.

**This is new language that would also fit in Section 1.B and Section 4 of the Street Ordinance, although it probably would work best in Section 16 of the Subdivision Ordinance. Placing new language any ordinance other than the Street Ordinance would require 45-day DLCD notice and a hearing before the planning commission. If the Council wants to adopt the next provision, however, the notice will be required anyway.**

- All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein. Developer(s) shall warrant the materials and workmanship of said improvements for a period of two years from the date of completion.

**Changing from one two years will require amendment to Subdivision Ordinance Section 21 (Improvement Procedures), which states:**

*All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City.*

Given the Planning Commission's comfort level with the proposal, I'm not convinced they need to conduct a public hearing for non-controversial changes to a couple of sections. The Council needs to conduct a hearing regardless, and because the Subdivision Ordinance would be amended, we will have to provide 45-day notice to DLCD. The current schedule calls for the first public hearing to be conducted at the January 21, 2010, Council meeting, with the final hearing on February 4. As with all DLCD notices, the first hearing date has to be specific, but if the Council decides it needs more time, it is not bound by the February 4 meeting date. In essence, the final meeting date establishes the earliest date that a matter may finally be decided. Unless the ordinance is adopted by emergency, it will become effective 30 days after the mayor signs it.

City of Shady Cove

Ordinance No. 246

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING  
ORDINANCE NO. 223 (STREET ORDINANCE).

**Whereas**, The City of Shady Cove adopted the Street Ordinance (Ordinance No. 223) on November 18, 2004; and

**Whereas**, The City Council has requested that the Planning Commission evaluate and consider changes to the Street Ordinance; and

**Whereas**, The City of Shady Cove Planning Commission held a duly noticed public meeting on November 12, 2009 on this application and achieved consensus that the changes were appropriate; and

**Whereas**, the City of Shady Cove City Council held a duly noticed Public Hearing, on February 4, 2010, received public testimony, closed the public hearing, deliberated upon the application and voted to amend the Street Ordinance

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS  
FOLLOWS**

Section 1B is amended by adding the following:

6. Off-Site street improvements shall be required of the developer(s) when deemed necessary by the City to ensure access streets to and from new planned development are uniform and current to City codes and standards. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the City's traffic and drainage needs including, but not limited to, grading and surfacing of streets and access ways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, and other improvements as hereafter set forth.

Section 4A is amended by adding the following at the end of the first paragraph:

All off-site improvements conditions of approval shall be based on information and formulas derived from "Justifying Exaction: Recent cases and mechanisms for implementing viable conditions of

approval", December 1, 2006, to compare the amount of exaction to the level of impact.

**PASSED AND APPROVED** by the Common Council of the City of Shady Cove this February 18, 2010.

Approved:

Attest:

\_\_\_\_\_  
Ron Holthusen  
Mayor

\_\_\_\_\_  
Margaret Borgen  
Deputy City Recorder

**Council Vote:**

Councilor Bradburn  
Councilor Hayes  
Councilor Hughes  
Councilor Kyle  
Mayor Holthusen

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING  
ORDINANCE NO. 224 (SUBDIVISION ORDINANCE).

**Whereas**, The City of Shady Cove adopted the Subdivision Ordinance (Ordinance No. 224) on December 2, 2004 ; and

**Whereas**, the City Council has requested that the Planning Commission evaluate and consider changes to the Subdivision Ordinance; and

**Whereas**, The City of Shady Cove Planning Commission held a duly noticed public meeting on November 12, 2009 on this application, and achieved consensus that the changes were appropriate; and

**Whereas**, the City of Shady Cove City Council held a duly noticed Public Hearing, on February 4, 2010, received public testimony, closed the public hearing, deliberated upon the application, and voted to amend the Subdivision Ordinance

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS  
FOLLOWS**

Section 16 of the Subdivision Ordinance is hereby amended to add the following:

**Off-site Improvements**

All off-site improvements conditions of approval shall be based on information and formulas derived from “Justifying Exaction: Recent cases and mechanisms for implementing viable conditions of approval”, December 1 2006, to compare the amount of exaction to the level of impact.

Section 21 – Improvement Procedures is hereby amended as follows (Strikethroughs show the deleted text and italics show the revised text):

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the design standards and improvement standards and specifications adopted by the City.

*All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.*

~~All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City. Developers(s) shall warrant the materials and workmanship of said improvements for a period of two years from the date of completion. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the city.~~

**PASSED AND APPROVED** by the Common Council of the City of Shady Cove this February 18, 2010.

Approved:

Attest:

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Ron Holthusen  
Mayor

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Margaret Borgen  
Deputy City Recorder

**Council Vote:**

Councilor Bradburn  
Councilor Hayes  
Councilor Hughes  
Councilor Kyle  
Mayor Holthusen

