

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, June 16, 2016
6:00 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 meeting of the Planning Commission will be June 23 at 6:30 p.m. in the Council Chamber.
- 3. The next regular meeting of the City Council will be July 7 at 6:00 p.m. in the Council Chamber.

II. Public Hearing

None

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

None

V. Consent Calendar

- A. Regular Meeting Minutes of June 2, 2016 (pg. 3-5)

VI. Written Communications

None

VII. Staff Reports

- A. Bills Paid Report, June 3, 2016 – June 13, 2016, \$0.00 (pg. 6)
- B. Monthly Budget Worksheet

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).

VIII. Unfinished Business

- A. Second Reading – Riparian Ordinance (pg. 7-30)

IX. New Business

- A. Resolution 16-15 – Fee Schedule (pg. 31-35)
- B. Resolution 16-16 – Certifying Municipal Services (pg. 36-37)
- C. Resolution 16-17 – Electing to Receive State Revenues (pg. 38)
- D. Resolution 16-18 – Adopting the 2016-2017 Fiscal Year Budget (pg. 39-40)
- E. Discussion – Sewer, Street Fee and RVSS Budget
- F. Approval of an RVSS Management Contract (pg. 42-63)
- G. Resolution 16-19 – Approving a Heritage District and Including the City Within the Boundaries of the District (pg. 64-68)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments on Non-Agenda Items

XII. Adjournment

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, June 2, 2016

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Sanderson, Councilor Burgess and Councilor Mitchell

Staff Present: Aaron Prunty, City Administrator; Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The Mayor led the audience in the Pledge of Allegiance and made the announcements on the agenda.

The Mayor recessed the council meeting at 6:02 p.m.

PUBLIC HEARING

A. Public Hearing to Consider Proposed Supplemental Budget – Fiscal Year 2015-2016

The Mayor opened the public hearing at 6:02 p.m.

There was no public comment.

Mayor Anderson closed the public hearing at 6:03 p.m.

B. Public Hearing to Consider Proposed Annual Budget - Fiscal Year 2016-2017

The Mayor opened the public hearing at 6:03 p.m.

There was no public comment.

Mayor Anderson closed the public hearing at 6:06 p.m.

PRESENTATION

Medford Area Drug Gang Enforcement (MADGE) Detective Shopp was present to answer questions.

Jackson County Sheriff – Deputy Campbell gave a presentation on recreational marijuana.

CONSENT CALENDAR

Regular Meeting Minutes of May 5, 2016

Motion to Approve the Consent Calendar

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 5-0

WRITTEN COMMUNICATION

The City Administrator read a letter from Don Sherwood regarding his concerns about the growing of marijuana in the City of Shady Cove.

STAFF REPORTS

The City Administrator gave a brief overview of the bills paid report.

NEW BUSINESS

A. First Reading – Riparian Ordinance

The City Administrator read pages 8 & 9 of the riparian ordinance.

Councilor Ulrich questioned if we received a response from the state regarding land patents.

Councilor Mitchell questioned who will enforce the riparian ordinance.

B. Second Reading – Ordinance Declaring a Ban on Certain Types of Marijuana Activities and Referring to Electors in November

The City Administrator read the ordinance by title only.

Council unanimously agreed that the decision to vote on recreational marijuana is a right of the citizens of Shady Cove.

A number of citizens commented, both showing their support and opposition to a ban on recreational marijuana being placed on the November ballot.

Motion to Adopt an Ordinance Declaring a Ban on Recreational Marijuana Producers, Recreational Marijuana Processors, Recreational Marijuana Wholesalers and Recreational Marijuana Retailers

Motion: Councilor Ulrich Second: Councilor Mitchell
All ayes. Motion carried 5-0

C. Second Reading – Ordinance Imposing a Three Percent Tax on the Sale of Marijuana and Referring to Electors in November

The Council expressed its support and concerns regarding placing the three percent tax on the sale of marijuana in the City of Shady Cove.

Motion to Adopt an Ordinance Imposing a Three Percent (3%) Tax on the Sale of Marijuana

Motion: Councilor Mitchell Second: Councilor Sanderson
All ayes. Motion carried 5-0

D. Discussion – Marijuana Grows Within City limits

The Council extensively discussed the growing of marijuana in the City of Shady Cove. Many citizens expressed their concerns regarding the Council limiting the growing of marijuana in city limits.

There were also citizens that expressed their support for the Council placing limits on the growing of the marijuana.

Motion to Continue the Meeting after 8:30 pm

Motion: Mayor Anderson Second: Councilor Ulrich

All ayes. Motion carried 5-0

The Mayor recessed the council meeting at 8:30 p.m., after calling for a motion to extend the meeting until 9:00 p.m.

The Mayor reconvened the meeting at 8:37 p.m.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilor Ulrich advised that June is Alzheimer awareness month. He also advised that he is still in need of an alternate for Rogue Valley Area Commission on Transportation (RVACT).

ADJOURNMENT

There being no further business before the council, the Mayor adjourned the regular meeting at 8:58 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

Date	Check	Payee	Description	Amount
Grand Totals:				<u>.00</u>



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: June 16, 2016

Prepared By: Aaron Prunty, City Administrator

Issue/Agenda Title: Second Reading – Riparian Ordinance

Attachments: City of Shady Cove Riparian Ordinance

Issue Before the Council: This is the second reading, and an opportunity for Council adoption of the Riparian Ordinance.

Other Alternatives Considered: Council could propose additional changes, or propose adoption of the Riparian Ordinance.

Staff Recommendation: Staff recommends the Council accept the revised language in the ordinance and move forward with the adoption of the Riparian Ordinance.

Proposed Motion: **“I MOVE TO APPROVE THIS ORDINANCE, AMENDING THE COMPREHENSIVE PLAN AND THE SHADY COVE CODE OF ORDINANCES TO ADOPT A RIPARIAN PROTECTION ORDINANCE.”**

City of Shady Cove

Ordinance _____

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON, AMENDING THE COMPREHENSIVE PLAN AND THE SHADY COVE CODE OF ORDINANCES TO ADOPT A RIPARIAN PROTECTION ORDINANCE

Whereas, Chapter 154, of the Shady Cove Code of Ordinances governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the city of Shady Cove make the final decision regarding the application; and,

Whereas, the Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on December 10, 2015 and January 14, 2016, to consider amendments to the Shady Cove Comprehensive Plan and Shady Cove Code of Ordinances to add riparian area protection standards; and,

Whereas, on January 14, 2016, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve Planning File No. CPA 15-01 to establish a Riparian Ordinance; and,

Whereas, on February 4, 2016, and February 18, 2016, the City Council conducted properly noticed public hearings to consider the Planning Commission recommendation, and on April 7, 2016, and May 5, 2016, deliberated in public sessions.

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

The Shady Cove Comprehensive Plan Natural Hazards is amended to include additional information about riparian corridor protection, attached as Exhibit A.

The Shady Cove Code of Ordinances is amended as follows:

Section 1: Title: This Ordinance shall be known as the Riparian Ordinance of the City of Shady Cove, Oregon.

Section 2: Description Riparian Protection regulations, attached as Exhibit B, approved by the City Council

Section 3: Amendment The Shady Cove Code of Ordinances is amended to add Riparian Protection regulations.

Section 4: The City Council adopts as its own, and adopts by reference, the Planning Commission recommendation attached as Exhibit C, to the extent that it is consistent with the City Council decision

PASSED AND APPROVED by the City Council of the City of Shady Cove the 16th day of June 2016.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Burgess _____
Councilor Mitchell _____
Councilor Sanderson _____
Councilor Ulrich _____

FISH AND WILDLIFE HABITAT

The main stem of the Rogue River is important to the maintenance of anadromous fish (steelhead, Chinook salmon, Coho salmon, and sea-run cutthroat trout) in the Rogue River Basin. Indian Creek and Long Branch Creek are important tributaries of the Rogue River for their influence on downstream fish habitat.

Healthy fish habitat includes clean, cold and flowing water. And temperature is one of the most important environmental influences on salmon and steelhead. Stream temperature controls the metabolism of the fish and influences the abundance or lack of food for the fish.

Riparian protection along all waterways was begun in earnest in 1994 throughout Oregon. Over the past 20 years riparian protection has been voluntary on private lands with varying degrees of success. With increased development in the Shady Cove area the native trees and shrubs that had helped shade the pools where fish rested disappeared. Without the shade along the stream banks stream temperatures can rise to impede fish migration and can rise to lethal levels. What seems cold to us as we wade in the Rogue River can be just marginal, or not even adequate, for the fish and their aquatic food supplies.

The State of Oregon (ODEQ) is responsible for creating direction and guidelines to help all areas of Oregon to meet the 1972 Federal Clean Water Act. All cities, Shady Cove included, must meet TMDL (Total Maximum Daily Load) standards for maintaining Oregon water quality. A TMDL is the calculated pollutant (heat, or temperature) amount that a waterbody can receive and still meet Oregon water quality standards. Riparian protection is one of the most effective ways to comply with the standards.

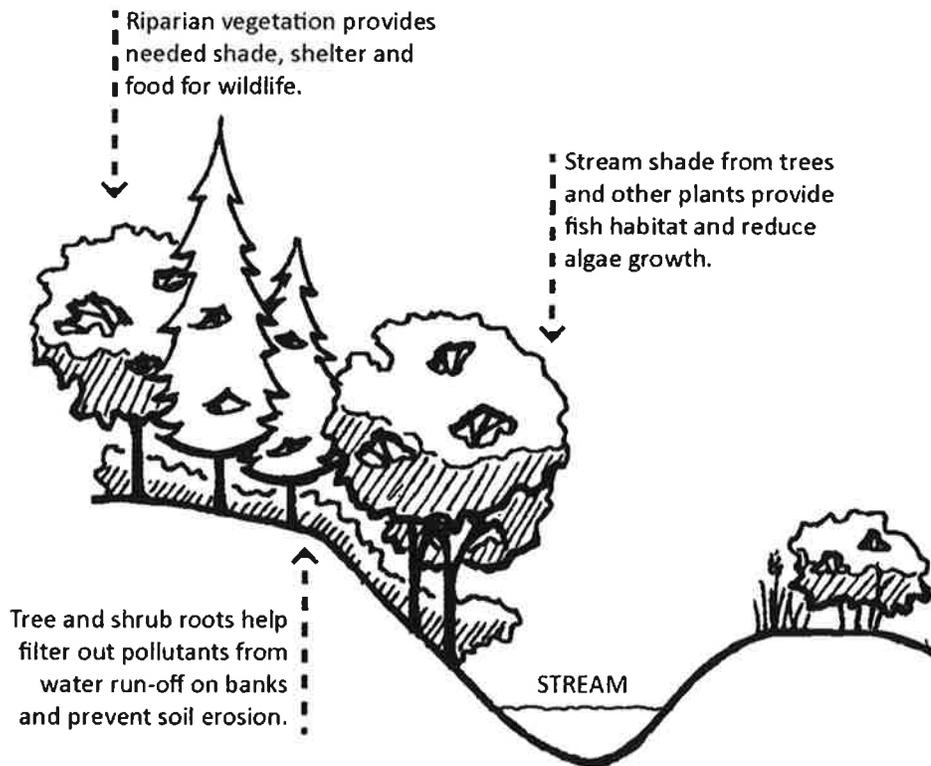
Wherever possible, stands of native vegetation should be maintained for wildlife habitat. In 1987 there were 142 species of native wildflowers inventoried in the Shady Cove area. An annual Wildflower Show is held in Shady Cove displaying these native plants in bloom.

The area outside the Shady Cove UGB is designated in the Jackson County Comprehensive Plan by Oregon Department of Fish and Wildlife as "especially sensitive" deer and elk habitat. This designation establishes a minimum parcel size to be 160 acres.

EXHIBIT B

City of Shady Cove Riparian Ordinance Ordinance XXX

[These regulations will be located in Chapter 155 of the Shady Cove Code of Ordinances. This will affect property inside city limits, along the Rogue River and its tributaries, including Red Lick and Indian Creeks.]



Section I. Riparian Conservation Corridor

(A) Purpose:

- 1) To implement the goals and policies of the Natural Resources Element of the Comprehensive Plan.
- 2) To protect and restore the City of Shady Cove water bodies and associated riparian areas.

- 3) To protect and restore the water quality through control of erosion and sedimentation, through flood management and thermal regulation (shading).
- 4) To protect and restore the natural aesthetic qualities of the resource recognizing these areas as community assets.
- 5) To protect and restore fish and wildlife habitat in and around the waterways and water bodies of the City.
- 6) To meet State requirements for Safe Harbor [OAR 660-023-0090] in lieu of the standard inventory ESEE process [OAR 660-023-0040 & 0050]
- 7) To comply with the requirements of the Endangered Species Act, the Clean Water Act, the Federal Emergency Management Agency's National Flood Insurance Program, Oregon Statewide Planning Goals 5, 6 and 7, and to comply with the Rogue Basin Total Maximum Daily Load (TMDL) implementation for Shady Cove.
- 8) To work in conjunction with the Flood Damage Prevention Ordinance; where the Riparian Ordinance and the Flood Damage Prevention Ordinance conflict, the most restrictive shall prevail.

(B) Where these Regulations Apply

These regulations apply to all areas within the city of Shady Cove located along the Rogue River and its tributaries, including Red Lick and Indian Creeks.

(C) When these Regulations Apply

- 1) Residential and Commercial site development
- 2) All Land Divisions
- 3) Removing, cutting, mowing, clearing, burning, or poisoning native vegetation. Non-native vegetation is exempt from the regulations, except that if it is removed, it must be replaced with native vegetation [refer to Attachment A]. Removal of other vegetation is prohibited, but limited management of that vegetation may be approved.
- 4) Changing topography or grading, in the corridor area.
- 5) Resource Enhancement projects
- 6) Dedications and Expansion of Right of Ways
- 7) All filling, grading, and excavating within the riparian corridor

Section II. Definitions & Riparian Corridors

(A) Definitions: The following definitions shall apply to Chapter 155 of the Shady Cove Code of Ordinances:

- 1) "Dangerous tree" means a dead, diseased, or other tree that poses an obvious health, safety, or welfare threat to persons or property.
- 2) "Development" is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavation and drilling operations. Development does

not include signs, markers, direction aids, etc. placed by a public agency to serve the public.

- 3) "Fish-Bearing Stream" is a stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.
- 4) "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
- 5) "Grading" is any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades
- 6) "Impervious Surface" is any material which reduces and prevents absorption of storm water into previously undeveloped land.
- 7) "Lawns" consist of grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs (vegetation other than grasses). For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- 8) "Low Impact Development" involves minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.
- 9) "Mitigation" is a means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or where it has been degraded due to past practices.
- 10) "Natural Vegetation Line" is the point at which native vegetation grows on the river.
- 11) "Restoration of Riparian Areas" is to limit development, re-establish native vegetation and ensure the limitation of negative impacts to fish and wildlife and their habitat in and around waterways and water bodies within the city limits of Shady Cove.
- 12) "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
- 13) "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
- 14) "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary shall be measured upland from the top of each bank.
- 15) "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- 16) "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.
- 17) "Top of bank" shall mean the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. Where this cannot be determined, "top of bank" shall have the same meaning as "bankfull stage"

defined in OAR 141-085-0510(5), which is the two-year recurrence interval flood elevation.

- 18) "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
- 19) "Water-dependent use" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
- 20) "Water-related" means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

(B) Riparian Corridors

The following riparian corridors are established:

- 1) Because the Rogue River has an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary will be 75 feet upland from the top of each bank.
- 2) Where the riparian corridor includes all or portions of a significant wetland as identified in the Comprehensive Plan, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. Shady Cove does not have a local wetlands inventory, but relies on the National Wetlands Inventory.
- 3) Along all fish-bearing streams, including Red Lick and Indian Creeks, with an average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet upland from natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary will be 50 feet upland from the top of each bank.

Section III. Activities Within the Riparian Area

This section of the ordinance attempts to meet the riparian corridor goals by excluding new structures from the riparian buffer areas around fish-bearing streams and associated wetlands. Protection of the resource is also achieved by prohibiting vegetation removal or physical alteration except through enhancement of the buffer area. For cases of hardship, this section provides a procedure to reduce the riparian buffer. Alteration of the riparian area in such cases is offset by appropriate restoration or mitigation, as described in this section.

(A) Preexisting Activities in the Riparian Corridor

1. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed

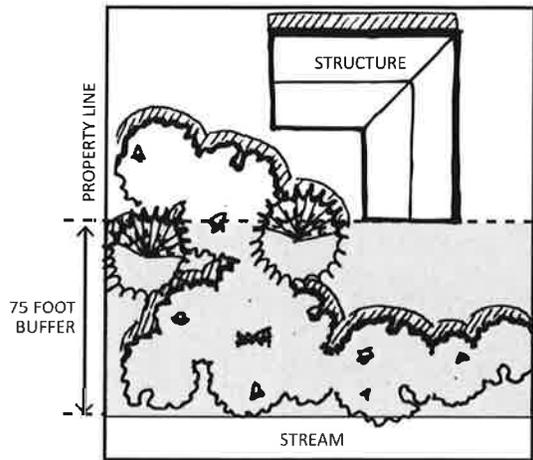
on the date of adoption of the provisions herein. **Preexisting uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor.**

2. The maintenance, alteration, and replacement of pre-existing landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. Any herbicide, pesticide, or fertilizer applications must strictly comply with the manufacturer's label and avoid saturation, drift, or runoff to water bodies. Maintenance trimming of existing trees is permitted, but under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.
3. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

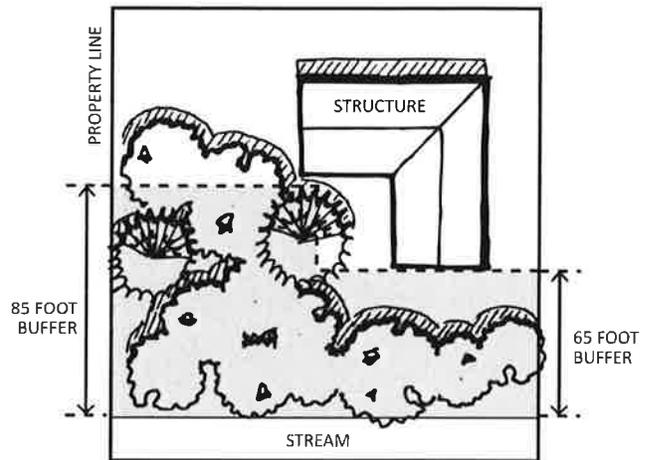
(B) Allowed Activities in the Riparian Corridor:

The City may approve the following activities, and maintenance thereof, within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- 1) Streets, roads, and private paths.
- 2) Drainage facilities, utilities, and irrigation pumps.
- 3) Water-related and water-dependent uses.
- 4) Replacement of existing structures with structures in the same location.
- 5) Expansion of existing structures in the riparian corridor that do not disturb additional riparian surface areas, including second story additions, cantilevered additions supported from the existing structure, and basement additions (subject to compliance with Chapter 151 – Floods).
- 6) Removal of non-native vegetation and replacement with native plant species **[refer to Attachment A for a list of non-invasive plants native to Oregon]**.
- 7) Removal of vegetation necessary for the development of water-related or water-dependent uses.
- 8) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under subsection (II)(B) upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures including, stormwater controls that infiltrate stormwater and are characteristic of Low Impact Development or green infrastructure such as bioswales, rain gardens, and vegetated filter strips **[refer to Attachment B]**. In no case shall alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. This adjustment affects only the Rogue River riparian area; it is not permitted along tributaries.



STANDARD BUFFER WIDTH



VARIABLE BUFFER WIDTH

- 9) Perimeter mowing and other cutting necessary for fire hazard prevention.
- 10) Except in emergency circumstances, the City shall review requests for removal of dangerous trees. All trees removed are required to be replaced (one for one) by like native species or alternate approved native species [refer to Attachment A for a list of non-invasive species native to Oregon]. The City shall conduct inspections or use other means to verify the trees are surviving. Those that do not survive must be replaced.
- 11) Stream bank stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City Administrator and appropriate state and federal natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- 12) Stream restoration and enhancement activities that are approved by the Oregon Department of State Lands.
- 13) Maintenance and protection of the function of City utilities and transportation facilities located within riparian corridors.

(C) Prohibited Activities in the Riparian Corridor:

The following practices are prohibited within stream setback area, unless otherwise approved by the City and all applicable state and federal regulatory agencies:

- 1) Expansion of pre-existing non-native landscaping such as lawns;
- 2) Permanent alteration by placement of structures or impervious surfaces, except as allowed in Section (B);
- 3) Storage or dumping of herbicides, pesticides, fertilizers, solvents, fuels, or other hazardous or toxic materials or wastes;
- 4) Dumping, piling, or disposal of refuse (trash or garbage);
- 5) Channelizing, culverting, straightening, or otherwise modifying natural

drainageways;

- 6) Dumping, piling, disposing, or composting of yard debris, fill, or other potentially harmful material, except for single-family residential composting which must be kept a minimum of ten feet from the top of bank;
- 7) All filling, grading, or excavating;
- 8) Application of herbicides, pesticides, or fertilizers, except as permitted under Section III (A), or as otherwise approved by the city and all applicable state and federal agencies for the protection of public safety and the enhancement or maintenance of the stormwater conveyance or flood control capacity;
- 9) Removing vegetation for the creation of fuelbreaks;
- 10) Dumping or disposal of yard debris, refuse or chemicals in the rivers or streams or in storm drains.

Section IV. Development Review Procedures

Application Requirements -

A Riparian Development Permit shall be obtained prior to initiating development activities in any areas designated as a riparian area. An application for a Riparian Development Permit along with the required fee (as set by resolution) shall be submitted to the City Administrator on forms furnished by the City. If structures (including hardscape) are involved, items A & B below are required prior to starting any development activity. Item C is required within 90 days of structure completion. If no structures are involved, then items A, B & C are required before starting any development activity.

(A) Site Plan

- 1) Top of Bank and natural vegetation line
- 2) Boundaries of the Riparian Corridor in the site
- 3) Existing improvements such as structures, buildings, utility lines, fences, etc.
- 4) Areas where riparian area has been previously disturbed
- 5) Areas where new disturbance in the riparian area is proposed
- 6) Outline of trees, shrubs and ground covers

(B) Construction Management Plan

Identify measures that will be taken during construction or mitigation work to protect the remaining resources at and near the construction site and a description of how the undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, stormwater managed, and construction equipment located and controlled and the timing of construction in relation to season.

(C) Landscape Plan

In addition to the construction management plan, a landscape plan will be required for newly disturbed areas in the riparian corridor prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures,

proposed alterations of topography or drainage patterns, and existing uses on the property. The plan will be referred to the Oregon Department of Fish and Wildlife for recommendation.

(D) Completion

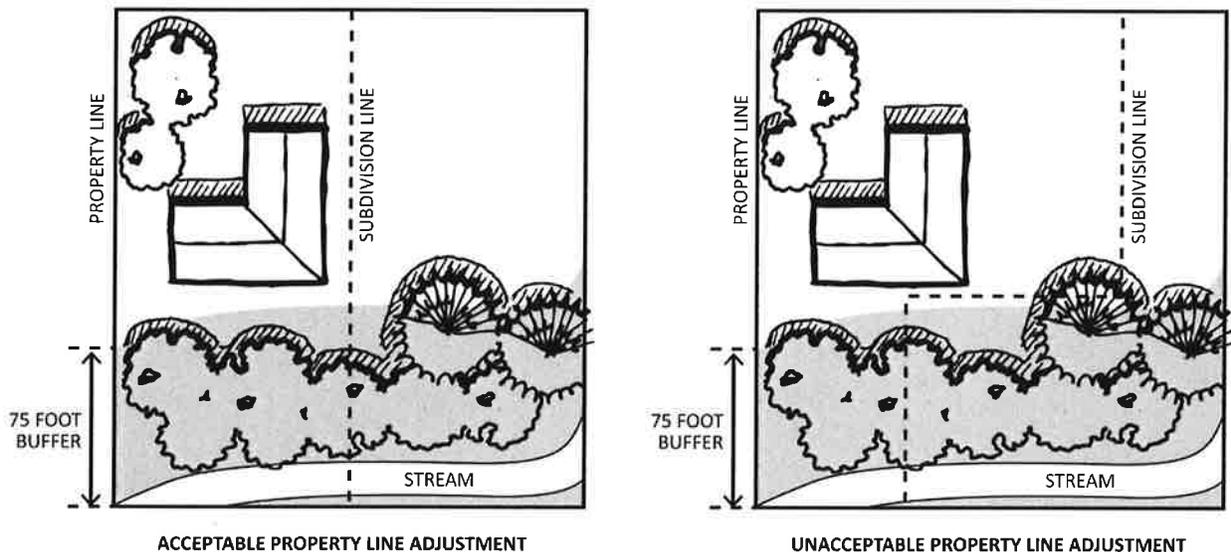
The property owner will advise the City administrator when the permitted work has been accomplished. The City Administrator and his/her designee will conduct a Type I review to determine if the work is consistent with the approved plans.

E) Expiration of Riparian Permit

A Riparian Permit shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing to the City Administrator or his/her designee and may be subject to review.

Section V. Property Line Adjustments and Subdivisions

Subdivisions, partitions, and property line adjustments must be designed so that the resulting lots or parcels can be developed in conformance with the provisions of this ordinance.



Section VI. Hardship Variances and Restoration Provisions

For any existing lot or parcel demonstrated to have been rendered not buildable by application of this ordinance, the property owner may apply for a Class C Variance (Section 154.419) under the following provisions:

Granting of a Variance requires findings that:

- A) The proposed development requires deviation from the riparian standards as set forth in this section; and
- B) Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

Section VII. Site Maintenance

The limitations imposed by this Section do not preclude the routine maintenance of structures and landscaped areas.

- 1) Maintenance and replacement of existing lawns, non-native riparian planted vegetation, or landscaping is allowed but shall not expand lawn areas or remove or damage any native nondangerous tree.
- 2) The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Shady Cove Code of Ordinances.
- 3) Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued Agricultural Uses.
- 4) Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations [**refer to Attachment C**]. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.
- 5) Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species [**refer to Attachment A**].
- 6) Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from Riparian Vegetation, and mulch for allowed riparian plantings, is prohibited within riparian corridors.

Section VIII. Compliance With State And Federal Laws

Activities wholly or partially within the riparian corridor are subject to all applicable federal and state regulations. The following regulations commonly apply within the resource areas (Note: other regulations not listed may also apply; it is the property owner's responsibility to adhere to all applicable State and Federal regulations):

- 1) Oregon Department of State Lands permit requirements under the Removal- Fill Law.
- 2) U.S. Army Corps of Engineers permit for fill activities as required under Section 404 of the Clean Water Act.

- 3) Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations.
- 4) Oregon Department of Fish and Wildlife regulations may apply to development activities that could impact one of the sensitive, threatened, critical, or endangered species indigenous to the region.
- 5) Section 9 of the federal Endangered Species Act (ESA) prohibits any action that causes a “taking” of any species of endangered fish or wildlife listed as endangered without authorization from the listing agency.
- 6) National Flood Insurance Program regulations as they are enforced through the Flood Insurance Reform Act (FIRA). Refer to Chapter 151 of this Code for additional floodplain regulations.

Section IX. Enforcement

This chapter shall be enforced in accordance with Chapter V. Powers and Duties of Officers, Section 24. Municipal Court and Judge.

Section X. Appeals

The appeals process shall be the same as stated in Section 151.068 of the Shady Cove Code of Ordinances.

Section XI. Penalties

The penalties for violation of this chapter shall be the same as stated in Section 151.999 of the Shady Cove Code of Ordinances.



Attachment B

**STORMWATER
SOLUTIONS**

LID Low Impact Development:
Protecting Oregon's waters as we grow



LID

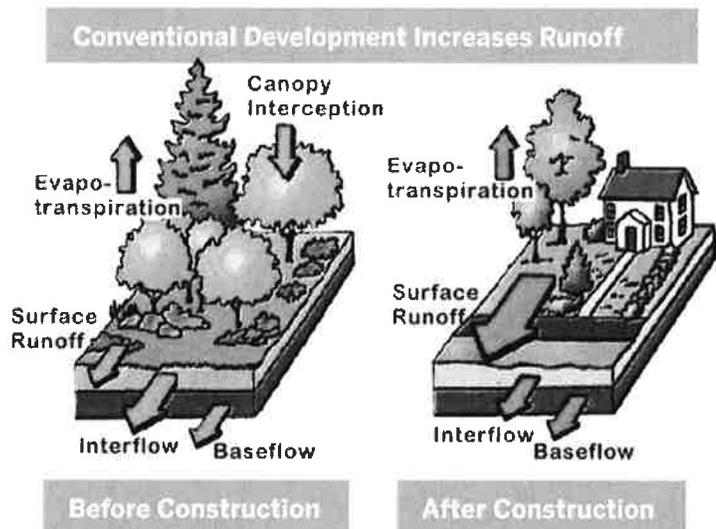
Low Impact Development (LID) is an approach to land development that preserves natural resources and mimics natural systems for managing stormwater runoff while meeting development goals.

In undeveloped areas, very little rainwater or snowmelt runs off the land like it does in cities. Trees, plants and soil capture much of the precipitation, and some of it evaporates back into the air. Most of the precipitation that doesn't evaporate or get captured by vegetation soaks into the ground where soil and microbes remove pollutants naturally. The water slowly recharges streams, wetlands and groundwater. Very little runs off, except in very large storms.

This natural hydrologic cycle is radically changed when land is developed in the way it has been for decades. Typical development clears the land of vegetation and covers it with hard surfaces such as roads, parking lots and rooftops. Construction compacts soils, so that even landscaped areas can generate unnaturally high runoff volumes. Storm drains are installed to get water out of the way by sending it into local streams or injecting it underground without treatment. Development dramatically increases runoff volumes which, even when controlled by detention basins, causes flooding, damages fish and wildlife habitat, and delivers urban pollutants such as oils and pesticides to local waterways.

The decreased infiltration results in less cool, clean groundwater to recharge streams in the dry summer months.

LID mimics the natural hydrology of the site by using improved site design and careful construction practices, preserving trees and natural areas, careful construction practices, and managing water close to where it falls. LID can be used for public projects, residential and commercial development and redevelopment, and has proven to be a cost-effective way to manage runoff and protect the environment. It also increases livability by making communities greener and more attractive.



THE BENEFITS

If implemented properly, LID practices can produce great outcomes all around.

For the environment

- Protects water quality
- Maintains natural stream flows in rivers, creeks and wetlands
- Provides and protects fish and wildlife habitat
- Improves air quality
- Maintains soil quality

For developers

- More attractive, sustainable neighborhoods that sell faster and for a premium
- Reduces stormwater utility fees
- Reduces the cost of clearing, excavation, compaction, erosion control, and infrastructure construction
- Can provide more buildable lots by distributing stormwater management around the site in small facilities instead of building a single large detention pond

For communities

- Helps prevent flooding and reduces the cost of associated damage
- Helps maintain clean drinking water supplies
- Can lower cost of streets, curbs, gutters and other infrastructure
- Increases the aesthetics of neighborhoods
- Reduces long-term maintenance costs

For agencies

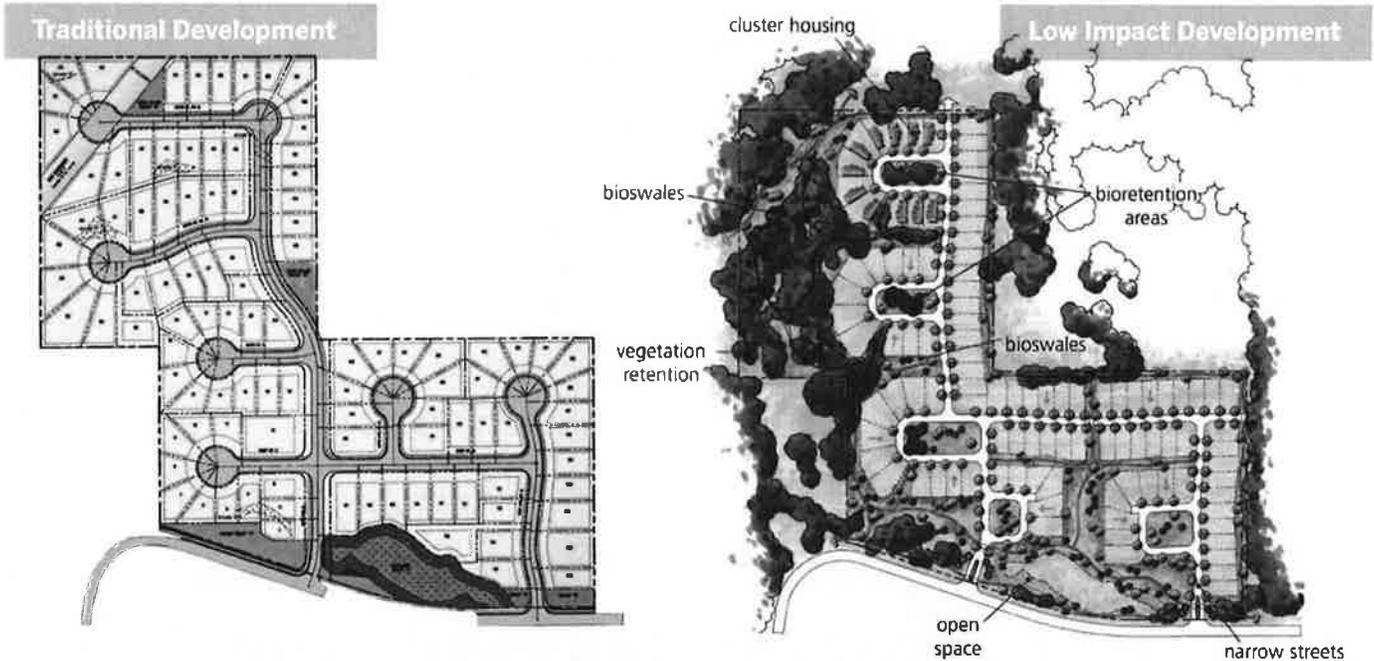
- Helps meet regulatory requirements, including the Federal Clean Water Act (MS4 permits and TMDL plans), Endangered Species Act, Safe Drinking Water Act, and state land use planning goals 5 and 6

LID BEST PRACTICES

1

Improved site design

- Cluster development on a smaller part of the site to preserve areas with native vegetation.
- Minimize impervious surfaces by using narrower streets, shared driveways, and fewer parking spaces.
- Trees are an important part of site design. They provide great aesthetic value to communities, and are vital in capturing stormwater. Plan to give root systems room to grow, so they can be effective,



LID minimizes impacts throughout the development process.



2

Careful construction practices

- Avoid compacting soils so they retain the ability to absorb stormwater.
- Prevent / control erosion by mulching exposed soils and using compost berms, compost socks or wattles (in photo, at left) instead of sediment fences, which are ineffective.
- Protect trees by fencing them off around the dripline. Trees are often killed by soil compaction and root disturbance.
- Use compost to restore the health of soils disturbed by construction.

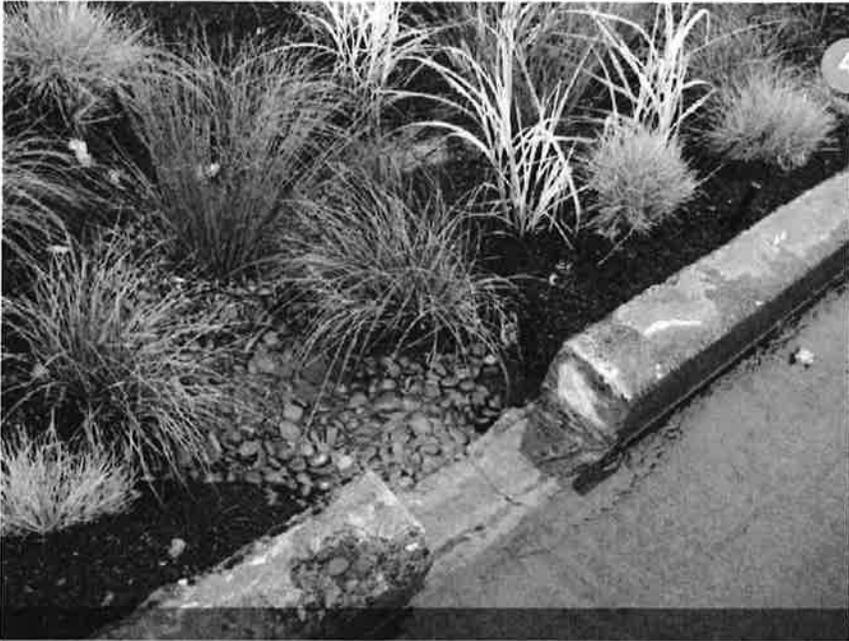


3

Maintenance and education

- Develop reliable and long-term maintenance programs with clear and enforceable guidelines.
- Educate property owners and landscape crews on the purpose of LID facilities and how to maintain them properly.

4



4 Bioretention facilities

Shallow, landscaped basins use soil and plants to soak up runoff and filter out pollutants. Examples include: tree wells, rain gardens, swales, filter strips, and stormwater planters.



LID manages water close to where it falls.

On areas of the site that are developed, LID uses small-scale stormwater facilities that are integrated into the landscape and reduce reliance on traditional storm sewers, pipes, and detention ponds. These practices can also be used to retrofit already developed sites.

5 Porous pavement

A variety of alternative surfaces for walking, driving or parking can remove pollutants as water passes through before soaking into the ground. Examples include permeable pavers, pervious concrete, porous asphalt, and porous flexible paving systems filled with grass or gravel.



6 Rainwater harvesting

Runoff can be collected and treated for use in irrigation, toilet flushing or drinking. This reduces runoff and demand for treated municipal water.

Photo: Tammie Stark

7 Vegetated roofs

These green roofs have a waterproof layer, lightweight growing media, and plants. They reduce runoff through evaporation, provide insulation as well as wildlife habitat, improve air quality, and outlast conventional roofs.



LID ECONOMICS

Even though LID is in its infancy, there are over 200 best practices that provide **practical, viable and economical solutions** to development projects of any type or scale.



Reduced hard infrastructure

LID can reduce traditional costs for hard infrastructure, like paving for roads and driveways and installing curbs and gutters. This can reduce the size of, or completely eliminate the need for detention ponds, resulting in more buildable lots. LID can also offset costs associated with regulatory requirements for stormwater control, like permits for drywells or Underground Injection Controls (UICs).

Reduced costs

A City of Portland study found that in retrofit projects for sewer overflows and flooding, bioretention facilities were much less expensive than pipe-only solutions, and also benefitted community aesthetics.¹

An EPA analysis of 17 developments with conventional stormwater management requirements around the U.S., found that, in most cases, LID project costs were lower than the compared conventional solution. Total capital cost savings ranged from 15-80% when LID methods were used.²

Techniques like minimizing impervious surfaces, building over previously disturbed areas, reducing excavation, limiting compaction and aligning utilities in one trench all reduce construction and landscape restoration costs, even in jurisdictions without stormwater management requirements.

Installation and design costs of LID will continue to decline over time as its users, suppliers and general practices becomes more widespread.

Environmental + community benefits

LID provides ecosystem services and economic benefits to the community that conventional stormwater controls do not.





Common concerns have practical solutions

Clay soils There are many LID options for areas with low soil infiltration rates. **Bioretention facilities** can be designed to treat water quality with small amounts of infiltration. Green roofs manage runoff solely through evaporation. Porous pavements are ideal if the clays aren't expansive. They manage only the precipitation that falls directly on them, and are built on top of a base layer of crushed stone with high voids that provide space for water storage. There are many non-structural practices for clay soil sites, like roughening surfaces to delay overland runoff, compost amendment, rainwater harvesting, limiting compaction, and planting trees.

Local codes and standards Municipalities with outdated stormwater regulations typically require that builders file variances if they want to use LID practices. This can increase a builder's design and regulatory costs, delay construction and increase financing costs. Updating local development codes and standards to encourage LID can help reduce the regulatory risk and expense that builders sometimes face.

Maintenance Maintenance costs for well-designed vegetated LID facilities are 5-7%. Maintenance of vegetated stormwater systems is similar to that of traditional landscapes with some added maintenance for conventional components like catch basins. Porous pavements require annual vacuum sweeping. Maintenance costs for well-designed vegetated LID facilities are 5-7% of the construction costs compared to 3-5% for conventional stormwater facilities.²

State plumbing code The state plumbing code does not preclude the use of LID.

Detention ponds are not LID

To protect streams from high flows, regulations sometimes require developers to install large ponds. Yet ponds don't reduce the overall volume of runoff, they don't recharge aquifers, and they don't remove pollutants as effectively as bioretention. Ponds also take up valuable land, are difficult to maintain, create mosquito breeding areas, and can be unattractive and unsafe for small children. In addition, stormwater released from ponds can be too warm for salmon. LID presents an improved set of tools for developing land and managing runoff.



STORMWATER SOLUTIONS

CHOOSE LID.

Improve Oregon's waters and communities.

Low Impact Development benefits all – developers, communities, agencies and the environment. Learn more about the many LID options that can be implemented on your projects, and how to implement them with success.

References

¹City of Portland. (2009). Tabor to the River: Brooklyn Creek Basin Program. Retrieved December 10, 2009 from <http://www.portlandonline.com/bes/index.cfm?c=50500&a=230066>.

²United States Environmental Protection Agency. (2009). Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices. Retrieved December 10, 2009 from <http://www.epa.gov/owow/nps/lid/costs07/>.

Project Funding

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement CP-0045105 to the Oregon Department of Environmental Quality. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

Project Partners

Produced in collaboration by Oregon Environmental Council, OSU Extension Service, Oregon Sea Grant and Green Girl Land Development Solutions, as part of the Stormwater Solutions education effort.

LID Around Oregon

The photos in this fact sheet highlight examples of public and private LID projects from around the state. Photo descriptions and credits:

Cover: Salmon (photo: Michael Brunk), Bottom row, left to right: Raingarden in North Portland (photo: OEC), Green street in SE Portland (photo: City of Portland), Preserved trees at Twin Creeks Community in Central Point (photo: OEC), RCC-SOU Medford Campus stormwater planter (photo: OEC), Villebois Residential Community, Wilsonville (photo: Costa Pacific Communities)

Page 2: Illustration: Maryland Department of the Environment

Page 4:

1. Graphic by AHBL for the LID Technical Guidance Manual for Puget Sound, 2005. Reprinted with permission from the Puget Sound Partnership
2. Erosion prevention example (photo: Green Girl Land Development Solutions)
3. City of Salem 12th Street bioswale (photo: OEC)

Page 5:

4. Left: Gresham green street bioswale (photo: City of Gresham) Boardman City Center bioswale (photo: City of Boardman)
 5. Top: Port of Portland pervious asphalt (photo: Century West Engineering)
- Porous pavers at Clean Water Services Field Operations Center in Beaverton (photo: OEC)
6. Cistern at a private home in Eugene (photo: Tammie Stark)
 7. SeQuential Biofuels fueling station green roof in Eugene (photo: SeQuential Biofuels)

Page 6/7:

Porous pavers on a public street in Gresham (photo: City of Gresham), Rain garden at Lane Transit District Springfield station (photo: OEC), Twin Creeks Community, Central Point (photo: OEC)

To learn more about LID in Oregon, please visit our website: oeonline.org/stormwater <http://extension.oregonstate.edu/watershed/>



**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF A)
COMPREHENSIVE PLAN AMENDMENT AND LAND) RECOMMENDATION
USE REGULATION AMENDMENT TO ADOPT A) TO CITY COUNCIL
RIPARIAN ORDINANCE)

APPLICANT: City of Shady Cove Planning File No. CPA 15-01

RECITALS:

- 1) Chapter 154, of the Shady Cove Code of Ordinances governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on December 10, 2015 and January 14, 2016, to consider amendments to the Shady Cove Comprehensive Plan and Shady Cove Code of Ordinances to add riparian area protection standards. The draft revision to the Comprehensive Plan Natural Resources and Hazards element is attached as Exhibit A; the draft addition to the Code of Ordinances is attached as Exhibit B. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On January 14, 2016, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve Planning File No. CPA 15-01 to establish a Riparian Ordinance.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all written and oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens and agencies favoring and opposing the amendments, and the City Planner's staff report which are a part of the record; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,

- 3) The Planning Commission finds that the City provided public notice through the Upper Rogue Independent, and mailed notices to owners of all waterfront properties within the city limits via United States Postal Service.
- 4) The criteria used to evaluate the requested Riparian Ordinance are contained in Section 154.438. The Planning Commission finds that the request meets the criteria and is necessary to demonstrate compliance with the Oregon Department of Environmental Quality (DEQ) Total Maximum Daily Load (TMDL) program.

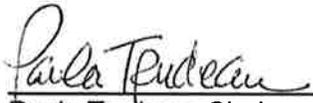
SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed Riparian Ordinance complies with procedural requirements of the Shady Cove Code of Ordinances and appropriately implements DEQ's TMDL program.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of Planning File CPA 15-01 to amend the Comprehensive Plan and establish a Riparian Ordinance, subject to further evaluation of the mitigation process and further evaluation of property rights law.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 28th day of January 2016, in Shady Cove, Oregon.



Paula Trudeau, Chair

City of Shady Cove

Resolution No. 16-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
ESTABLISHING FEES AND CHARGES**

Whereas, it is the policy of the City of Shady Cove to require the recovery of certain City costs from fees and charges levied therefore in providing City services, products and regulations; and

Whereas, the City Council of the City of Shady Cove wishes to remove the fee for tree permits from the fee charged for Floodplain - Minor File Review.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: Fees Established

Fees and charges for certain City services, products and regulations are established and set as enumerated in the attached Exhibit "A" incorporated by reference as though fully set forth herein.

SECTION 2: Rates Not Enumerated

Rates for any category, not enumerated in this Resolution, may, from time to time, be set by the City Council.

SECTION 3: Resolutions Repealed

All previous Fee Resolutions are hereby repealed.

SECTION 4: Effective Date

This Resolution shall be effective June 16, 2016.

Adopted by the Shady Cove City Council this 16th day of June, 2016.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

Exhibit "A"
Attachment to City of Shady Cove Fee Resolution No. 15-19
Effective Date: May 21, 2015

Administration		
Administrative Fee	45.00	Per hour, per person, after first 15 minutes.
Copies	.30	Per page
Audio Recording (CD)	5.00	Actual cost of CD and staff time to reproduce CD.
Retuned Check Fee	30.00	
Business Licenses		
Business License	85.00	All business Licenses. Businesses located in the city, out of City or Home Occupation, etc.
Duplicate Business License	10.00	
1 to 30 Day License	10.00	
License Late Fee	20%	If paid after August 1 a 20% (\$17.00) late fee will be assessed.
License Reinstatement Fee	25.00	
Prorated Business License	7.00/mo. + Next Fiscal Yr.	For a new business beginning after Dec 31 through the end of the fiscal year + full rate of next fiscal year.
Medical Marijuana License	25,000/yr	Supplemental license, per location, in addition to the business license fee. License is prorated after Dec 31 through the end of the fiscal year + full rate of next fiscal year.
Liquor Licenses		
Change of Ownership	35.00	
Renewal	35.00	
Temporary/Special Event	15.00	
Taxes and Fees		
Raft Rental Tax	3.00	Per raft rental (Ord. 199 & 232)
Transient Occupancy Tax	6%	(Ord. 140, 140-01, & 171)

Planning		
Access Permit	75.00	Road access
Ancillary – up to 100 sq. ft.	75.00	Applies to small outdoor improvements ancillary to existing structures such as decks and stairs.
Appeal	300.00	
Conditional Use Permit	600.00	
Consulting, Legal and Professional Charges	Actual Costs	
Extensions	25.00	
Fence Permits (Non-Floodplain) (Floodplain)	25.00 100.00	
Final Plat	Half Original Fee	
Floodplain – Additional Inspections	100.00	
Floodplain Application: Minor	175.00	Minor includes one inspection.
Floodplain Application : Major	700.00	Includes up to three inspections.
Floodplain Minor File Review	75.00	No on-site inspection. includes tree removal
Lot Line Adjustment	300.00	
Land Partition Minor	600.00	No road creation
Land Partition Major	1200.00	Extension or creation of a road
Other Inspection Services	Actual Costs	
Planned Unit Development	2000.00	Plus \$50.00 per lot
Pre-application Conference	400.00	\$100 Credit on land use approval application

Revision to Prior Approval	Half Original Fee	
Sign Permits	25.00	Per property
Land Use Approval	175.00	
Site Development Review	175.00	Resident, Non Floodplain
Site Design Review	450.00	Resident, Floodplain & Commercial
Subdivision or Mobile Home Park	2000.00	Plus \$50.00 per lot
Variance	500.00	
Zone Change Application	1500.00	
Zone Change & Annexation	3000.00	
System Development Charges		
Ordinance No. 271 & Resolution No. 15-18 – Single Family Residential/EDU		
Parks:	Single Family	1108.00 Methodology established by Ord. No. 271
Storm Water:	Single Family	698.00 Methodology established by Ord. No. 271
Transportation:	Single Family	3335.00 Methodology established by Ord. No. 271
Wastewater:	Single Family	2011.00 Methodology established by Ord. No. 271
Police		
Driver License Reinstatement	20.00	
Public Safety Surcharge	15.00	Per month per unit. Residential & Non Residential. Excludes unimproved properties
Sewer Monthly Rates		
Residential		
Equivalent Dwelling Unit (EDU)		
Single Family	46.00	
Multiple Family	46.00	Per Unit