



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT CITY COUNCIL
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

OCTOBER 10, 2017

REGULAR MEETING MINUTES

1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Jonathan Bilden, Bill Fierke, Ruth Jenks, James Mannenbach, and Michael Stanek.

Council Members Absent: Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Robert Miller, Public Works Director; Melissa Owens, Finance Director; Vern Thompson, Police Chief; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Suzi Collins, Planning Commissioner; David Lacombe, Community Development Commissioner; Jerry Zieman, Budget Committee Member; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Mayor Russell led the Pledge of Allegiance; and Jerry Zieman offered the invocation.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA

There were no audience questions or comments.

4. PRESENTATIONS

There were no presentations.

5. PUBLIC HEARINGS

There were no Public Hearings.

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6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of September 26, 2017.

Mayor Russell announced the Consent Calendar. There were no questions or comments. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Fierke seconded the motion. There was no discussion. Roll call: Michael Stanek, yes; Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Bob Russell, yes; and Kathy Sell, absent. The motion passed unanimously by those present.

7. PRESENTATION OF BILLS TO BE PAID

Mayor Russell asked if there were questions about the bills to be paid. Councilor Fierke inquired about the payment to DCBS-Fiscal Services which Ms. Owens explained is Eagle Point's payment to the State for surcharge fees related to building permits. Councilor Fierke further inquired about the payment to J&N Investments which Robert Miller, Public Works Director, explained the amount is slightly less than 50% of the share for J&N Investments, the developer, to tie in Riley Road at the tank site. There being no further questions, Councilor Bilden moved to approve the Regular Bill List in the amount of \$163,424.75 and the Additional Bill List (Submission No. 1) in the amount of \$26,087.18. Council President Jenks seconded the motion. There was no discussion. Roll call: Jonathan Bilden, yes; Bill Fierke, yes; Ruth Jenks, yes; James Mannenbach, yes; Michael Stanek, yes; Bob Russell, yes; and Kathy Sell, absent. The motion passed unanimously by those present.

8. OLD BUSINESS

There were no old business items.

9. NEW BUSINESS

10.1 Discussion regarding Eagle Point's committed residential density associated with future Urban Growth Boundary expansion under the City's Regional Plan Element.

Mike Upston, Planning Director, reviewed the information in the agenda statement and provided key discussion points as well as a review of the City of Eagle Point Aerial Map (Submission No. 2) and Zoning Map (Submission No. 3).

Mr. Upston explained the 12-year Regional Problem Solving (RPS) process went back to the year 2000, with the end result of adopting a Regional Plan Element by stakeholder groups representing the participating jurisdictions, Jackson County, and the State of Oregon. Eagle Point's Urban Reserve Areas, shown in yellow on the Aerial Map, are reserved for growth when available lands have been exhausted. Mr. Upston went on to explain that the Council passed Resolution No. 2011-48 specifying 6.5 units per acre for years 2010 to 2035, and thereafter for years 2036 to 2060 with 7.5 units per acre. If development did not occur until 2036, Mr. Upston noted the City would be required to have 7.5 units per acre on average or at least

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have it in place. Following the adoption of the Regional Plan in 2012, the Council adopted Resolution No. 2012-55, to reaffirms its' concerns about density thresholds.

Mr. Upston then provided a historical accounting from the 1970's when Oregon began passing legislation to prevent development sprawl which had occurred in other areas of the West. The State's direction was to direct population growth to urbanized areas. Mr. Upston noted that other states also do this but Oregon is a model. Within the statewide framework, individual cities have limited options on development.

Mr. Upston then showed the City's Zoning map which reflects mostly residential and fairly low to medium density. Mr. Upston reported Eagle Point is a bedroom/suburban community, noted it always had been and probably always will be. However, there is zoning accommodation for medium to high density residential development. Ways to permit future population would be to allow growth within the existing boundaries at the maximum density levels already prescribed. At city wide build out, there would be approximately four to five units per acre based on current zoning. The majority of homes are now being built on 8,000 to 10,000 square foot lots but some on smaller lot sizes. Another option would be to select from existing zoning to upzone and modified areas with a higher density level to reach the level of 6.5 units per acre.

Higher density levels in most cities are encouraged in the core of the City (Pink on the Zoning Map) to protect outlying neighborhoods to protect values of more sparse development. A review of the zoning map showed a number of areas zoned as Residential Farm (Green on the Zoning Map), annexed in from the County, and could possibly be rezoned if the property owners are interested. Some lands outside of the City limits but inside of current growth boundaries (White on the Zoning Map) could be annexed and are not subject to the Regional Plan agreement.

Mr. Upston then discussed the 2012 Agreement allowing development to extend into the Urban Reserve Area if the minimum density levels have been achieved or if developable land within the current Urban Growth Boundary is zoned high enough for densities to reasonably assure the City would get to that point within the near term. Mr. Upston went on to discuss ways to determine when the City will require additional lands with one way being an Urban Growth Analysis which is currently being prepared by a consultant. Next, he explained the importance of knowing when additional lands will be needed because the planning process takes at least a couple of years and is expensive. However, the analysis is indicating that land is available to accommodate growth for the next 10 years or so if current trends do not fluctuate. Next, Mr. Upston discussed variables such as the land owners in the Residential Farm areas that may or may not be open to rezoning as a lot of people live here because they want more open space.

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Mr. Upston concluded with three points:

- Current development pattern will not result in a high enough density to receive State approval for expanding into Urban Reserve Areas.
- Upzoning select areas and establishing minimum densities instead of maximum densities within current zoning.
- Or, it is possible that additional lands will not be needed if growth does not continue or decreases.

Council discussion followed with Councilor Fierke expressing appreciation to Mr. Upston for providing a recap on this item and for all of the information provided in the agenda packet. Councilor Fierke stated the issues are not facing us today and probably not in his lifetime. Councilor Fierke went on to explain about what Eagle Point has been and what residents in the past have wanted, citing a 2005 Resolution that formalized the desire to preserve Eagle Point's historic and small town character, and to have lower densities. Councilor Fierke reported this had not essentially changed until being coerced into it by the regional planning process. Councilor Fierke further reported that none of the current Council was involved in the process up until they had a proposal indicating density levels at 6.4/acre with the Safe Harbor (State) at 6.5/acre which had been agreed to by the Council's predecessors. Councilor Fierke further reported being told by the County Planning person that a special interest group had come in behind the scenes and convinced someone at the County to change the numbers. Councilor Fierke requested the Mayor's confirmation of that and Mayor Russell confirmed he had heard that. In addition, Councilor Fierke reported the Council (four remaining) was lobbied hard by different cities and the County, and were told they would kill the County if they didn't do this. Councilor Fierke also reported it bothered him quite badly and that it was a bad scene in his view.

Councilor Fierke continued, noting the 2011 Resolution specifically rejected changing density levels from 6.4 to 7.5/acre. He also noted the only reason it passed in Eagle Point was the Council was thinking it was one year later they could come back and change the density. Councilor Fierke expressed disappointment that it had taken this long to bring this up, and believes people are drawn to Eagle Point because of the lack of density. He further asked if people will come to downtown Eagle Point because it is dense when there are essentially few facilities downtown that draw people to experience a dense situation. Councilor Fierke expressed concern about the future constraints on the young people of Eagle Point. He further questioned Oregon's farmland preservation and why the County Commissioners agreed to put solar West of Medford, and asked about what is happening in the pear orchards off of Foothills that looks like solar is going in, taking out farmland. Councilor Fierke stated it was quite frankly hypocritical for the State and County to say they want to preserve farmland. Councilor Fierke added that Eagle Point is not urban, Eagle Point is rural.

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Discussion continued wherein Mayor Russell reported that it is not unusual for decisions to be made in the backroom by special interest groups; however, Councilor Fierke stated it would not happen with him. Council President Jenks joined in the discussion and while she missed the backroom stuff, reported that approval of the 2012 Resolution was in reaction to the outright pressure, later described as immense pressure, they were getting to approve the RPS documents. She also reported on the Council's approval with the concern about density targets still on the table, and the option to come back later within a year but the process was unknown as to how you would do this. However, Council President Jenks declared the discussion she was interested in was that she did not like the density targets and did not want to work 10 years toward achieving them.

Councilor Bilden reported it had been accurately stated about what had happened at the time and asked Mr. Upston about the process although Mr. Upston reported it is still unknown. Discussion continued about the benefit to Eagle Point which Mr. Upston reported was that the City was granted Urban Reserve Areas but the density requirement is a stop sign for us.

A lengthy discussion ensued about:

- The process and a way to openly discuss changing the density requirement.
- 1000 Friends of Oregon.
- Jacksonville and Ashland determining to only grow within its current boundaries.
- Assumption may be incorrect but more rooftops bring more services/retail.
- Take away is this community does not have interest in being more full.
- State requires 20 year supply of land but has to have density.
- Evaluating other avenues.
- Opting out of RPS.
- Creating 5 acre parcels.
- Whether or not the rest of the participants in RPS care what we do in Eagle Point.
- Possibility of substantial manufacturing base in White City that could lead to increased density in Eagle Point.
- Creating fertile ground to give downtown more of an identity.

Attorney Kellerman reported he had been against RPS from the beginning and provided a historical perspective. He further reported on past difficulties with the Land Conservation and Development Commission (LCDC) and the Portland Density Model was discussed. Ultimately, Mr. Kellerman expressed that the Council should think about repudiating RPS but clarified he was not instructing them but said the City should ask for an amendment but determine when it would be a good opportunity with LCDC. However, Mr. Kellerman stated concern about meeting density requirements with apartment complexes or manufactured homes that could turn into slums and felt that was not Eagle Point and would not be supported.

Councilor Fierke stated he would be pleased with a Resolution to drop out of RPS or decrease density levels from 6.5 to 5, whatever makes more sense. Attorney

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Kellerman suggested the real key is a political solution and that timing should be considered. He also discussed staking a claim and making a historical marker such as sending a letter. Discussion continued wherein Henry Lawrence, City Administrator, reported agreeing with a lot of what was said but wanted to look at the agreement. However, discussion led back to the process as well as the past length of time for the discussion to be brought forward to the Council. Mr. Upston discussed revisiting the agreement and bringing back staff's thoughts about the agreement but if that doesn't provide guidance, the Council could direct staff to draft a Resolution describing what the City Council desires which could be a conversation starter with the State. Councilor Fierke suggested staff do both with a draft Resolution at 4.5/acre. Mr. Lawrence suggested letting the market determine what the number will be and Mr. Upston agreed with Attorney Kellerman that the market would not support the higher density. Mr. Lawrence reported staff would come back in a couple of weeks.

- 10.2 Discussion regarding adopting a Historic Preservation Ordinance, creating a Historic Preservation Commission, and working with the Oregon State Historic Preservation Office (SHPO) to qualify for historic preservation grants as a Certified Local Government.

Henry Lawrence, City Administrator, explained that the Oregon Parks and Recreation Department operates the State Historic Preservation Office (SHPO) that administers Federal Law for historic preservation. In addition, they have a program for Local Governments to become a Certified Local Government which requires adopting an Ordinance to encourage historic preservation, and agreeing to participate in updating and expanding the state's historic building inventory program. Mr. Lawrence reported there are also a number of requirements under SHPO to qualify as a Certified Local Government (CLG).

Additionally, Mr. Lawrence reported this item was brought forward by the Butte Creek Mill Foundation to qualify for historic preservation grants from SHPO historically ranging between \$5,000-\$20,000 with a 50% match that could be used for things like rebuilding the Mill. Mr. Lawrence further reported that the Eagle Point Community Development Commission had recently voted to recommend the item to City Council and requested that they serve as the Historic Landmark Advisory Commission to meet one of the requirements to become a CLG. Mr. Lawrence noted that the Community Development Commission is already responsible for heritage programs and sites.

A sample Ordinance from the State was provided in the Agenda Packet which would deem the Historic Landmark Advisory Commission as an advisory commission and they would be given an advisory opinion in land use processes that warrant historical designation or that are already designated. There was also another sample available online that would create a Commission with decision making authority such as the Planning Commission.

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Mayor Russell established support with a head nod from the City Council and there was no opposition stated; however, Councilor Fierke inquired about the required 50% match and whether or not it had to come from the City or if it could come from the Foundation. Mr. Lawrence thought it could come from any place but was not sure and Councilor Bilden added that the Foundation would have to come up with the match. Mr. Lawrence reported that the City would have to apply for the grant or at least take the lead. Councilor Fierke also asked about the requirement of professionals on the Commission and Mr. Lawrence responded that adjustments could be made if needed. Last, Councilor Fierke inquired about staff time for the Commission and it was reported that it would be minimal by using an existing commission that meets at least quarterly which is a requirement. A brief discussion about the process and workload ensued. Mayor Russell added that it would be good to have an inventory, possible walking tour, and plaques on houses.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke announced the School District 9 Board Meeting would be held on the following day. There were lots of issues but Councilor Fierke reported on the Facilities Report including an issue for the City and School District to look at a theatre/community center/other use facility as it includes the City.

Councilor Bilden reported on the first Community Development Commission meeting with a full agenda and all Commissioners present.

Council President Jenks reported attending the League of Oregon Cities Conference with a tour of Lake Oswego's Downtown Development experiencing great success with retail/commercial properties and residential units above, and the impression that Urban Renewal was part of their partnership with developers. In addition, Council President Jenks attended a property tax seminar, and a heritage presentation. Last, Council President Jenks reported the City, one in five within our category, had received the League of Oregon Cities and CIS Gold Safety Award for zero injuries in Fiscal Year 2016-2017. Council President Jenks further reported lobbying for a new award for cities that were able to receive the Gold Safety Award on a continuous basis. Congratulations were expressed to the City staff.

Councilor Stanek reported looking forward to seeing the Teddy Roosevelt event later in the week.

Mayor Russell reported positively on the Friday Letter and acknowledged that Melissa Owen's list doesn't stop. Mayor Russell also reported representing Eagle Point at Talent's Harvest Festival as he rode in a convertible during the parade.

12. STAFF REPORTS

Mike Upston, Planning Director, delayed his report on Planning until the next meeting.

Melissa Owens, Finance Director, reported that most projects are included in the Friday Letter; however, she provided an update on property tax. The County's annual announcement that informs the City what they will receive in property taxes is within about \$20,000 of the City's estimate of \$1.6M. 90% to 94% is predicted to be received but the

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balance of approximately \$30,000 will be received eventually. Henry Lawrence, City Administrator, added that the City will receive approximately \$25,000 in marijuana tax revenues. Further, Ms. Owens reported assessed values increased by about \$39M which was partially based on the limited increase of 3% and the rest on 80 new homes and commercial development. The total assessed value is about \$662M although quite a bit is not taxed such as schools and public land.

Robert Miller, Public Works Director, reported meeting the new Director of the Medford Water Commission and is enthusiastic about the new relationship. Mr. Miller further reported on the Paving Project, Capital Assets coming in at the end of October, and the School District partnership and YMCA Feasibility Study. Councilor Fierke inquired about the bridge going out to bid. Mr. Miller reported working on this next but had been sidetracked with SDCs and other matters.

Vern Thompson, Chief of Police, announced the National and Oregon Shakeout and the City participating next week. Additionally, three officers recently attended a deescalating class to assist with mental health crisis situations.

Henry Lawrence, City Administrator, reported that the League of Oregon Cities magazine included an article about how Police Officers have become mental health social workers. Mr. Lawrence was also looking forward to attending the Teddy Roosevelt event.

12. INFORMATION

There were no information items for discussion.

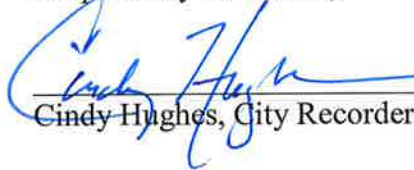
At 8:29 p.m., Mayor Russell recessed the meeting for a short break and announced that representatives of the news media and designated staff would be allowed to attend the Executive Session. All other members of the audience would be asked to leave the room and welcomed back afterwards although there would be no additional business after the Executive Session.

13. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. At 8:35 p.m., Mayor Russell opened the Executive Session pursuant to ORS 192.660(2)(i) and closed the Executive Session at 9:12 p.m.

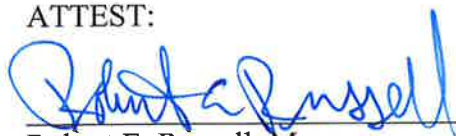
15. ADJOURN

There being no further business, Mayor Russell closed the meeting at 9:13 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Robert E. Russell, Mayor