



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/04/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rogue River Plan Amendment
DLCD File Number 004-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 16, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Laurel Prairie-Kuntz, City of Rogue River
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative

<paa> YA

2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

AUG 28 2009

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: *City of Rogue River* Local file number: *CPA 2007-01*
 Date of Adoption: *8-23-07* Date Mailed: *8-26-09*
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *5-8-07*
☐ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment ☒ Zoning Map Amendment
☐ New Land Use Regulation ☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*Comprehensive + Zone Map Amendment from Public (P)
 to Commercial (C-1) for 0.67 acres (36S, R4W, 15CC,
 Tax Lot 9000) located at the corner of Pine + First Streets*

Does the Adoption differ from proposal? Please select one *NO*

Plan Map Changed from: *Public* to: *Commercial*
 Zone Map Changed from: *Public* to: *Commercial*
 Location: *36S, R4W, 15CC, Tax Lot 9000* Acres Involved: *0.67*
 Specify Density: Previous: New:

Applicable statewide planning goals:

☒ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? ☒ Yes ☐ No
 If no, do the statewide planning goals apply? ☐ Yes ☐ No
 If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

DLCD file No. 004-07 (16090) [15699]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: <i>Lois De Beneditti</i>	Phone: <i>(541) 582-4401</i> Extension: <i>106</i>
Address: <i>Box 1137</i>	Fax Number: <i>541-582-0937</i>
City: <i>Rogue River OR</i> Zip: <i>97537</i>	E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Council Bill
No. 07-2109

ORDINANCE NO. 07-340-O

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND REZONING THE PROPERTY DESCRIBED AS T.36S., R.4W., SECTION 15CC, TAX LOT 9000, LOCATED AT THE NORTHEAST CORNER OF PINE AND FIRST STREETS IN ROGUE RIVER, OREGON.

WHEREAS, the City of Rogue River received an application requesting a comprehensive plan amendment and zone change from Public (P) to Commercial (C-1) for property described as T.36S., R.4W., Section 15CC, Tax Lot 9000, located at the northeast corner of Pine and First Streets, Rogue River, Oregon; and,

WHEREAS, the Planning Commission and the City Council held public hearings concerning this application and determined that the proposed comprehensive plan amendment and zone change:

A. Are consistent with Article 19 of the Rogue River Zoning Ordinance (RRZO) because:

1. The application includes an existing and future zoning map amendment as well as a comprehensive map amendment, as required by RRZO Section 19.010; and,

2. The applicant has adequately shown that this amendment meets the public need for additional commercial land; and,

B. Are consistent with the Oregon Transportation Planning Rule because the applicant's traffic engineer has shown through a Traffic Impact Study that future commercial development on this property will not significantly affect any existing or planned transportation facility; and,

C. Are consistent with the Statewide Planning Goals through compliance with the City of Rogue River's acknowledged Comprehensive Plan; and,

WHEREAS, the City Council of the City of Rogue River does approve the findings of fact and conclusions of law adopted by the Planning Commission.

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

SECTION 1. The real property, described as T.36S., R.4W., Section 15CC, Tax Lot 9000, is hereby designated as Commercial land on the City of Rogue River's Comprehensive Plan.

SECTION 2. The real property, described as T.36S., R.4W., Section 15CC, Tax Lot 9000, is hereby designated as Commercial (C-1) on the City of Rogue River's Future Zoning Map.

SECTION 3. The real property, described as T.36S., R.4W., Section 15CC, Tax Lot 9000, is hereby designated as Commercial (C-1) on the City of Rogue River's Existing Zoning Map.

ORDINANCE NO. 07-340-O

First Reading: July 26, 2007

The enactment of the above Ordinance was moved by **Collins**, seconded by **Handbury**, roll call being had thereon, resulted as follows:

Bond; aye, Stuart, aye; Mead; aye, Collins; aye, Handbury; aye, Schaeffer; aye.

Second Reading: August 23, 2007

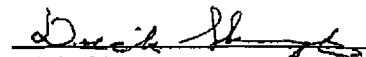
The enactment of the above Ordinance was moved by **Mead**, seconded by **Collins**, roll call being had thereon, resulted as follows:

Bond; aye, Mead; aye, Handbury; aye, Collins; aye, Schaeffer; aye.

Whereupon the Mayor declared the motions to be carried and the Ordinance adopted.

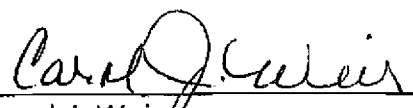
PASSED this 23rd day of **August, 2007**, by the Common Council of the City of Rogue River, Oregon.

SIGNED this 24th day of **August, 2007**, by the Mayor Pro-Tem of the City of Rogue River, Oregon.

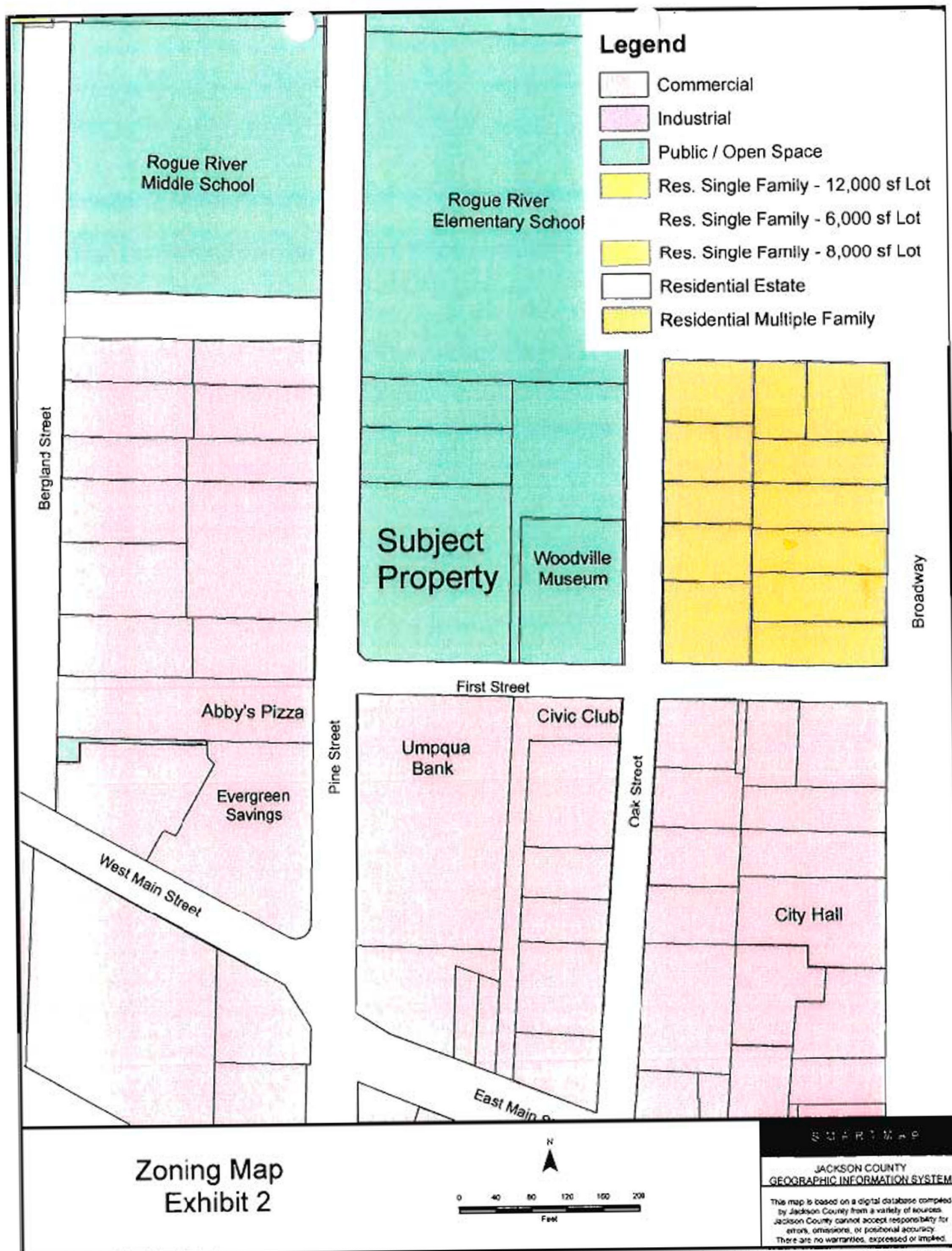


Dick Skevington
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder



**CITY OF ROGUE RIVER
COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE STAFF REPORT**

FILE: CPA2007-001

AGENT/ Blue Star Properties, Inc. APPLICANT: Premier West Bank Tom Hamlin PO Box 40 Medford, OR 97501	Coldwell Banker Commercial c/o John Hamlin 2368 Crater Lake Avenue, Suite 102 Medford, OR 97504
 Craig Stone & Associates, Ltd. 712 Cardley Avenue Medford, OR 97504	 OWNER: Rogue River School District #35 Drawer A Rogue River, OR 97537

PROPERTY DESCRIPTION: T 36 S, RANGE 4 W, SECTION 15CC, TAX LOT 9000

LOCATION: Northeast corner of Pine and First Street in Rogue River, Oregon

APPLICATION: Comprehensive Plan Amendment from Public to Commercial and a Zone Change to General Commercial (C-1).

I. FINDINGS OF FACT

- A. **Parcel Size:** 0.67 acres.
- B. **Access:** Access will be from First Street, on the south side of this property.
- C. **Zoning:** The property is currently zoned Public (P).
- D. **Parcel Creation:** 1952. Rogue River School District purchased the property in 1971.
- E. **Previous Land Use Actions:** None.
- F. **Current Land Use:** The property is used for Little League games, the annual Rogue River Rooster Crow and informal picnics.
- G. **Surrounding Land Uses:** Exhibit 1 is a 2005 Aerial Photographic map of the subject property and surrounding area. This Exhibit shows these adjacent uses and the surrounding development:
 - 1. North: Rogue River Elementary School
 - 2. East: Woodville Museum
 - 3. South: First Street and Umpqua Bank
 - 4. West: Pine Street and commercial uses
- H. **Public Facilities:** The following City owned and maintained public facilities are available to the subject property. The following is a brief description of the available utility, as well as potential improvements which would be required should development be made to this property.

1. Water: A six inch water line exists in Pine Street, as shown in Exhibit 5. Water can be made available to the subject property. Development would be required to connect to the Pine Street main.
2. Sewer: An eight inch sewer line is located in Pine Street, as shown on Exhibit 3, along with a smaller line in First Street. Development would be required to connect to the sewer line in First Street.
3. Storm Drain: Storm drain culverts exist in Pine Street, with a catch basin at the southwest corner of the subject property, as shown on Exhibit 4. Development would be required to extend the storm drain culvert along First Street to the southeast property corner, terminating with a catch basin.
4. Streets: The subject property is located at the northeast corner of First and Pine Streets. Both streets are owned and maintained by the City of Rogue River. The application states that one full main access to the subject property will be from First Street **with no access taken from Pine Street**. The following is a brief description of the existing traffic and capacity of each street, as well as potential improvement requirements should development occur on this property.
 - a. Pine Street: Peak hour traffic on Pine Street is currently 325 to 361 trips, which is adequately accommodated by the existing street. Although the Traffic Impact Study (TIS) shows the traffic volumes increasing on Pine Street in the next year, other than an increase in turning movements into the subject property, the TIS indicates that this Comprehensive Plan Amendment and Zone Change does not result in any increased traffic. Development of the subject property would be required to provide half street improvements (asphalt) to Pine Street.
 - b. First Street: Peak hour traffic on First Street is currently 53 to 59 trips, which are adequately accommodated by the existing street. Development of the subject property would be required to provide curb, gutter, storm drain and half street improvements to First Street.

II. APPLICABLE CRITERIA: Criteria for a Comprehensive Plan Amendment and Zone Change are found in Article 19 of the Rogue River Zoning Ordinance, the Oregon Transportation Planning Rule (OAR 660-12-0060) and compliance with the Statewide Planning Goals, per ORS 197.625(3)(b).

III. FINDINGS OF COMPLIANCE WITH APPROVAL CRITERIA

A. ARTICLE 19. AMENDMENT TO THE EXISTING OR FUTURE ZONING MAPS

1. Section 19.010. Requirements: All changes to the existing zoning map must conform to the future zoning map. All changes to the future zoning map must be accompanied by a comprehensive plan map amendment.

FINDING: The subject application is a proposed change to the existing and future zoning maps and well as the comprehensive plan map, from Public (P) Use to General (C-1) Commercial.

2. Section 19.020. Procedures: This ordinance may be amended by changing the boundaries of district where the public necessity and convenience and the general public welfare require such an amendment by following the procedure of this article.

FINDING: The applicant, in Exhibit 12 of this record, cites both the 1990 Rogue River Comprehensive Plan and the 2005 Commercial and Industrial buildable Lands Study completed for the City by the Rogue Valley Council of Governments and Rebecca Reid, both of which found that the City has a deficit of available commercial land.

To partially satisfy this need, the applicant proposes to amend the Comprehensive Plan, along with the future and existing zoning maps, changing the designation and zoning on this 0.67 acre parcel from Public (P) to Commercial (C-1). The Planning Commission can find that this application complies with Article 16 of the Rogue River Zoning Ordinance.

- B. OREGON TRANSPORTATION PLANNING RULE (OAR 660-12-0060):** Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - b. Change standards implementing a functional classification system; or
 - c. As measured at the end of the planning period identified in the adopted transportation system plan:

FINDING: The Applicant has provided a Traffic Impact Study, prepared by RDK Engineering, which in the opinion of ODOT's David Pyles adequately concludes that the proposed plan amendment and zone change will not significantly affect any existing or planned transportation facility. Based on the information in the record, the Planning Commission can find that this application is in compliance with the Transportation Planning Rule.

- C. STATEWIDE PLANNING GOALS, PER ORS 197.625(3)(b),** which states, in part, that any approval of a land use decision subject to an unacknowledged amendment to a comprehensive plan shall include findings of compliance with those land use goals applicable to the amendment. As noted below, the Planning Commission can find that the City of Rogue River is in compliance with most of these Goals through our already acknowledged Comprehensive Plan.

1. Goal 1: Citizen Involvement calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

FINDING: Notice of this land use application was sent to property owners within 250 feet of the subject property, in excess of State law. Additionally, notice was published in a local newspaper, and was sent to local citizen involvement groups for their participation, in compliance with this Goal. The Planning Commission's

recommendation will be forwarded to the Rogue River City Council, where citizens will have additional opportunities to participate.

2. Goal 2: Land Use Planning outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

FINDING: The City of Rogue River's Comprehensive Plan and Development Ordinances have been acknowledged as complying with the statewide planning goals. This application is being processed in compliance with these goals and procedures included within those acknowledged plans, therefore this application process can be found to comply with Goal 2.

3. Goal 3: Agricultural Land requires counties to inventory agricultural lands," then to to "preserve and maintain" such lands through farm zoning.

FINDING: The City of Rogue River does not have agricultural land within the downtown core, and is not required to inventory or preserve such land.

4. Goal 4: Forest Land requires counties to inventory forest land and adopt policies and ordinances that will "conserve forest lands for forest uses."

FINDING: The City of Rogue River does not have forest land in the downtown core and is not required to inventory nor conserve such land.

5. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces requires the protection of natural resources and conservation of scenic and historic areas and open spaces.

FINDING: The subject property is not within an area that has identified natural resources, scenic and historic resources or open space resources.

6. Goal 6: Air, Water and Land Resources Quality requires the maintenance and improvement of the quality of the air, water and land resources of the state.

FINDING: The development of the subject property, be it as a Public or Commercial use, will be required to meet the various federal, state and local air, water and land regulation standards.

7. Goal 7: Areas Subject to Natural Hazards requires the protection of people and property from natural hazards.

FINDING: The subject property is not identified as an area subject to natural hazards.

8. Goal 8: Recreational Needs encourages satisfaction of the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The City's Comprehensive Plan identifies the recreation needs of Rogue River residents, and suggests methods of meeting those needs through improvement and expansion of the existing park system and cooperative, joint ventures. The subject property is not identified as part of the existing or proposed recreation facilities.

9. Goal 9: Economic Development encourages the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: The proposed comprehensive plan amendment and zone change addresses one of the identified deficiencies in the Rogue River buildable lands inventory, by providing additional buildable commercial land.

10. Goal 10: Housing encourages cities to provide for the housing needs of citizens of the state.

FINDING: The City of Rogue River Comprehensive Plan has adequate property zoned for a variety of residential densities, to meet the housing needs of current and future residents.

11. Goal 11: Public Facilities and Services requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The City of Rogue River has public services and facilities available to serve the subject property. Exhibit 3 shows the sewer lines in First and Pine Streets; Exhibit 4 shows the Storm Drain line in Pine Street; and Exhibit 5 shows the water line in Pine Street. At the time of development review, the specific applicant connection improvements will be identified.

12. Goal 12: Transportation requires cities to provide and encourage a safe, convenient and economic transportation system.

FINDING: The City of Rogue River has an acknowledged Transportation System Plan. The applicant's traffic Engineer, RDK Engineering, prepared a Traffic Impact Study for this application, which is attached as Exhibit 19, and finds that the comprehensive plan and zone change plus future commercial development will not cause any intersection in the study area to drop to a lower level of service.

13. Goal 13: Energy Conservation requires cities to conserve energy.

FINDING: The City's acknowledged Comprehensive Plan provides goals and policies for energy conservation in all new construction. New commercial development on this property will be held to the latest building/energy conservation code requirements.

14. Goal 14: Urbanization requires cities to provide for an orderly and efficient transition from rural to urban land use.

FINDING: The subject property is within the City of Rogue River municipal limits, and therefore is already urban land.

IV. CONCLUSIONS OF LAW

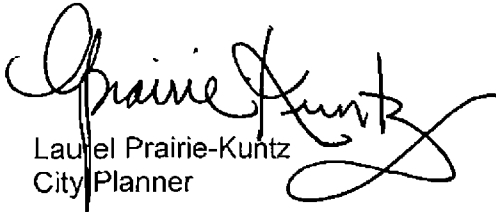
Based on the foregoing findings, the Planning Commission can conclude that this comprehensive plan amendment and zone change from Public to Commercial:

- A. Is consistent with Article 19 of the Rogue River Zoning Ordinance because:
 - 1. The application includes an existing and future zoning map amendment as well as a comprehensive map amendment, as required by Section 19.010; and,
 - 2. The applicant has adequately shown that this amendment meets the public need for additional commercial land; and,
- B. Is consistent with the Oregon Transportation Planning Rule because the applicant's traffic engineer has shown through a Traffic Impact Study that future commercial development on this property will not significantly affect any existing or planned transportation facility; and,
- C. Is consistent with the Statewide Planning Goals through the City of Rogue River's acknowledged Comprehensive Plan.

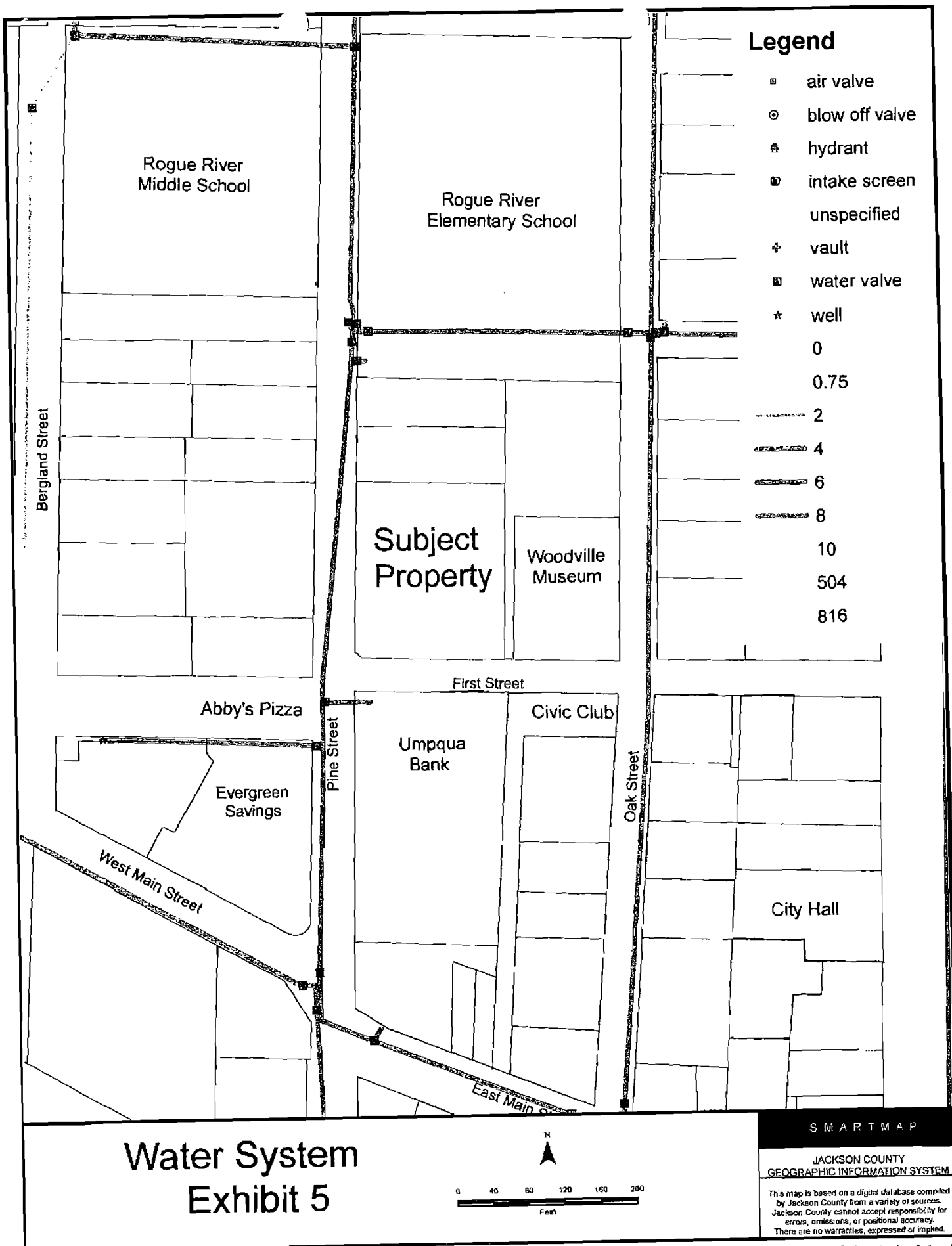
V. RECOMMENDATION

Staff recommends that the Planning Commission find that the proposed comprehensive plan amendment and zone change complies with the City of Rogue River Comprehensive Plan and Zoning Ordinance, the Oregon Transportation Planning Rule, and the Oregon Statewide Planning Goals, and recommend that the Rogue River City Council approve the amendment and change from Public (P) to Commercial (C-1).

Respectfully submitted,


Laurel Prairie-Kuntz
City Planner

F:\Planning\CPA_reports\2007.1\Staff Report.wpd



Please recycle with colored office grade paper



CITY OF ROGUE RIVER
BOX 1137
ROGUE RIVER OR 95737

ATTN: PLAN AMENDMENT SPECIALIST
DEPT LAND CONSERVATION & DEV.
635 CAPITOL ST NE, #150
SALEM OR 97301-2540