



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

05/12/2009

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 005-09

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: Tuesday, May 19, 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: Laurie Prairie-Kunz, City of Rogue River
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

FOR 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

DATE STAMP

DEPT OF

APR 30 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Rogue River**

Local file number: **OA2008-08T&R**

Date of Adoption: **April 23, 2009**

Date Mailed: **April 28, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: November 1, 2008

☐ 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".

New commercial district to support the traveling public and encourage recreation activities along the Rogue River

Does the Adoption differ from proposal? **Yes**

Name changed to Travel & Recreation District, T&R

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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 X NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

X 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. 005-09 (17545) [15507]

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

None

Local Contact: **Laurel Prairie-Kuntz**

Phone: **(541) 582-4401** Extension: **106**

Address: **PO Box 1137**

Fax Number: **541-582-0937**

City: **Rogue River**

Zip: **97537**

E-mail Address: **lprairie-kuntz@ci.rogue-river.or.us**

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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

ORDINANCE NO. 09-363-O

AN ORDINANCE ADDING SECTION 3.044, TRAVEL AND RECREATION BUSINESS DISTRICT, TO THE CITY OF ROGUE RIVER ZONING ORDINANCE NO. 373, WHICH REGULATES THE USE OF LAND AND STRUCTURES AND ESTABLISHES ZONES FOR THAT PURPOSE IN THE CITY OF ROGUE RIVER, OREGON.

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

SECTION 3.044. T&R OR TRAVEL AND RECREATION BUSINESS DISTRICT is added to the City of Rogue River Zoning Ordinance as follows:

SECTION 3.044. T&R OR TRAVEL AND RECREATION BUSINESS DISTRICT:

(1) **Purpose.** This district is designed to provide for the location and grouping of businesses which serve the traveling and recreating public. By concentrating such uses the City intends to increase public convenience when utilizing such services and to allow such activities to render the maximum service.

(2) **Permitted Uses.** All uses are subject to Article 10, Site Plan Review.

a. Eating, drinking, entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness centers.

b. Hotels and motels.

c. Automobile service stations.

d. Professional, financial, business, administrative, research and medical offices, and any enterprise rendering professional or personal services.

e. Parks, playgrounds, boat ramps and other similar public or private recreational facilities.

f. Churches, synagogues, mosques, governmental offices, libraries, parks, museums, art galleries, police and fire stations and similar public or private institutions.

g. Public utility installations relating directly to local distribution of services, excluding switching and transmission stations and accessory warehouse and service yards.

h. Laundries, laundromats and dry cleaning services.

i. Maintenance, repair, improvement, expansion and renovation of existing residences.

j. New garage and storage building for existing residence.

k. Mobile businesses, when:

1. Comprised of two-hundred (200) square feet or less of enclosed space;

2. Are one-hundred (100%) percent self contained; and,

3. Are removed from the premises each night.

(3) **Accessory Uses.** The following uses are permitted as accessory to an

existing use in the Travel & Recreation District:

- a. Business offices and storage facilities incidental to any of the permitted uses when located on the same site, and within the principal building.
- b. Family day care facility, group day care facility or small day care facility incidental to a permitted use, when located on the same site as the permitted use and within the principal building.

(4) **Conditional Uses.** The following uses and accessory uses are permitted when authorized in accordance with Articles 6, Conditional Use Permits, and 10, Site Plan Review:

- a. Recreational vehicle parks and campgrounds.
- b. New and used car, boat, truck and recreational vehicle sales and service.
- c. Public oriented commercial services such as nursing homes, convalescent and rest homes for the aged, retirement homes, and hospitals.
- d. Other similar uses, when found to be consistent with the intent of this District by the Planning Commission.

(5) **Area, Width, Height, and Yard Requirements.**

- a. The maximum building height is forty (40') feet.
- b. Each new parcel must front on and have access to a publically owned and maintained road for a minimum of forty (40') feet, except when the parcel is served by a flagpole approved under Section 4.120 of the City of Rogue River Subdivision Ordinance, or a private road created and approved through a partition, subdivision or planned unit development.
- c. There are no requirements for lot area or width, or for yard setbacks except as necessary to meet the off-street parking and loading requirements of Article 5, or as a condition of approval.

(6) **General Requirements.**

- a. No use shall be permitted and no process, equipment or materials shall be used which are found by the Planning Commission to be harmful to persons living or working in the vicinity or by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosions.
- b. All business, services and processes shall be conducted entirely within a completely enclosed structure, or in an area immediately adjacent thereto provided the area of such outside use is paved and does not exceed ten percent (10%) of the area of the enclosed commercial use and is entirely on privately owned property. Off-street parking and loading areas, gasoline stations, outdoor dining entertainment or recreation areas, automobile, boat, recreational vehicle and truck sales or rentals need not be within an enclosed structure.
- c. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within a paved area surrounded or screened by an approved solid wall or an approved site screening fence six (6') feet in height, provided that no materials or equipment, except vehicles, shall be stored to a height greater than that of the wall or fence.
- d. Where a site adjoins or is located across an alley from a residential district, a solid wall or fence, six (6') feet in height, shall be located on the property line common to such districts, except in a required front yard, where it must be

inside the property line.

e. All new development shall be required to provide half street improvements along all frontage roads, including curbs, gutters, sidewalks and storm drain facilities, and pavement to the center line of the road(s).

f. Any developer working in any public right-of-way within the city limits shall provide the City with a certificate of insurance in the amount of one-million (\$1,000,000) dollars naming the City as an additional insured. Public utilities are exempt from this section.

g. Any developer developing in the City limits may be required to pay for a State of Oregon licensed Hydrologist, Soil Engineer, Engineer, and/or Geologist who is hired by the City to review the development plans to insure that all requirements and specifications of the City are met.

(7) **Signs and Lighting Premises.**

a. No sign or outdoor advertising structure which faces and is located directly across the street from property situated in an R-E, R-1, or R-2 district shall be directly illuminated or flashing.

b. No red, green, or amber lights or illuminated signs may be placed in such a position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.

c. Out-of-door lighting standards and fixtures for illumination of premises shall be so designed and installed that direct rays are not toward or parallel with a public street or highway or directed toward residential uses located in the R-E, R-1, and R-2 districts.

(8) **Off-Street Parking.** All uses shall provide off-street parking facilities as required in Article 5 except when located within a special district organized to provide common public parking areas.

ORDINANCE NO. 09-363-O

First Reading: March 26, 2009

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

England; aye, Mead; aye, Ehrhardt; aye, Collins; aye, Schaeffer; aye.

Second Reading: April 23, 2009

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

England; aye, Mead; aye, Ehrhardt; aye, Collins; aye, Schaeffer; aye.

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

PASSED this **23rd** day of **April, 2009** by the Common Council of the City of Rogue River, Oregon.

SIGNED this **24th** day of **April, 2009**, by the Mayor of the City of Rogue River, Oregon.



John Bond
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder

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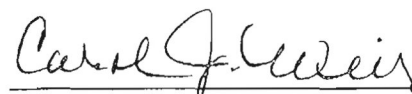
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John Bond
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder



CITY OF ROGUE RIVER
BOX 1137
ROGUE RIVER OR 95737

ATTENTION: PLAN AMENDMENT SPECIALIST

DLCD

635 CAPITOL STREET NE SUITE 150

SALEM OR 97301-2540