



# Oregon

Theodore R. Kubongski, 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

3/11/2010

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 006-09

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, March 23, 2010

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lois De Benedetti, City of Rogue River  
Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Angela Lazarean, DLCD Urban Planner

<paa> YA

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



Jurisdiction: City of Rogue River

Local file number: OA2008-01 ADU

Date of Adoption: 2/26/2010

Date Mailed: 3/2/2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 11/13/09

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".

Ordinance adding provisions for Accessory Dwelling Units

Does the Adoption differ from proposal? Yes - Changes include adding language stating structure to be single story only; cannot be added as an additional story; minimum floor area of 400 square feet.; maximum building height is twenty- five (25') feet; ADU must be a permanent structure.

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

- Goals 1-19 with checkboxes, goal 1 and 2 are checked.

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. 006-09 (17947) [16023]

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

N/A

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Local Contact: **Lois De Benedetti**

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

Address: **P O Box 1137**

Fax Number: **541-582-937**

City: **Rogue River, OR**  
**river.or.us**

Zip: **97537**

E-mail Address: **ldebenedetti@ci.rogue-**

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## **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**.

**ORDINANCE NO. 10-368-O**

**AN ORDINANCE AMENDING ORDINANCE NO. 373 REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF ROGUE RIVER AND ESTABLISHING ZONES.**

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

**SECTION 1, amends SECTION 1.030. DEFINITIONS to read as follows:**

“sign” means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or,
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate, canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface what so ever; and,
3. Communicates, or is designed to communicate on any subject whatsoever.

**SECTION 2. amends SECTION 3.040. C OR COMMERCIAL DISTRICT to read as follows:**

**(6) Signs and Lighting of Premises.**

- a. All signs located within the C-1 or Commercial - General District, shall comply with the Sign Ordinance of the City of Rogue River specifically section 9. Commercial and Industrial regulations.
- b. 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 any residential uses.

**SECTION 3. amends SECTION 3.042. ORT OR OFFICE, RESEARCH AND TECHNOLOGY COMMERCIAL DISTRICT to read as follows:**

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

- a. All signs located within the ORT or Office, Research and Technology Commercial District shall comply with the Sign Ordinance of the City of Rogue River.
- b. 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.

**SECTION 4. amends SECTION 3.044. T&R OR TRAVEL AND RECREATION BUSINESS DISTRICT to read as follows:**

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

- a. All signs located within the T & R or Travel and Recreation Business District shall comply with the Sign Ordinance of the City of Rogue River
- b. 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 any residential uses. located in the R-E, R-1, and R-2 districts.

**SECTION 5. amends SECTION 3.048. LI OR LIGHT INDUSTRIAL DISTRICT to read as follows:**

**(6) Signs and Lighting of Premises.**

- a. All signs located within the LI or Light Industrial District shall comply with the Sign Ordinance of the City of Rogue River.
- b. 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 any residential uses.

**SECTION 6. amends SECTION 3.050. M-1 OR INDUSTRIAL - GENERAL DISTRICT to read as follows:**

**(5) Signs and Lighting of Premises.**

- a. All signs located within the M-1 OR Industrial - General District shall comply with the Sign Ordinance of the City of Rogue River.
- b. 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 any residential uses.

**SECTION 7. adds SECTION 18.020. ACCESSORY DWELLING to read as follows:**

An accessory dwelling is a small, secondary housing unit on a residentially zoned lot, usually the size of a studio apartment. The housing density standard of the Residential District does not apply to an accessory dwelling, due to the small size and low occupancy level of the use. An Accessory Dwelling Unit application shall be processed as a Type II application.

(1) Criteria for Accessory Dwelling: The following standards are intended to control the size and number of accessory dwellings on individual lots, and to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

- a. A maximum of one single story, "cottage like" dwelling unit is allowed per lot.
- b. An accessory dwelling unit will not be allowed to be added as an additional story to an existing single family dwelling unit or to a single family dwelling garage.
- c. The maximum floor area of the accessory dwelling shall not exceed fifty (50%) percent of the primary unit, with an eight-hundred (800') square foot maximum.

- d. The minimum floor area of the accessory dwelling shall not be fewer than four-hundred (400') square feet.
- e. Maximum building coverage on the lot is fifty (50%) percent.
- f. Maximum building height is twenty-five (25') feet.
- g. The accessory dwelling shall be a permanent structure specifically excluding manufactured dwelling; park models; modulars; and pre-fabricated structures.
- h. The Residential District setbacks apply to accessory dwellings:
 

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-2 & R-1	20'	5' per story	10'
RE	20'	10'	20'
- i. One off-street, paved or permeable parking space shall be required in addition to off-street parking required by the primary residence(s).
- j. A maximum six (6') foot tall hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents. Said fence or buffering shall be in compliance with the Rogue River Zoning Ordinance Article 4, Section 4.040 Fences and Walls; and Section 4.045 Corner Clearance Clear Vision Area.
- k. The accessory dwelling unit shall be designed to be architecturally compatible with the main residence.
- l. Miscellaneous permits shall generally benefit the community, but may cause an impact on surrounding property the use described herein shall not be detrimental to established uses.
- m. Any new development's Conditions, Covenants, and Restriction (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this Ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the Rogue River Zoning Ordinance.

**ORDINANCE NO. 10-368-O**

**First Reading: January 28, 2010**

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

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

**Second Reading: February 25, 2010**

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

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

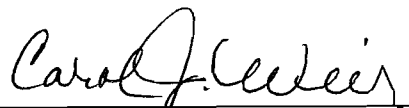
Whereupon the Mayor declared the motions to be carried and the Ordinance adopted.

**PASSED** this 25<sup>th</sup> day of **February 2010** by the Common Council of the City of Rogue River, Oregon.

**SIGNED** this 26<sup>th</sup> day of **February 2010**, by the Mayor of the City of Rogue River, Oregon.

  
\_\_\_\_\_  
John Bond  
Mayor

**ATTEST:**

  
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Carol J. Weir  
Deputy Recorder



CITY OF ROGUE RIVER  
PO BOX 1137  
ROGUE RIVER OR 97537

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



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