



Oregon

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NOTICE OF ADOPTED AMENDMENT

November 16, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Rogue River Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 29, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Laurel Prairie-Kuntz, City Of Rogue River

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2 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

DEPT OF

NOV 13 2006

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Rogue River

Local file number: OA2006-001,
OA2006-003 & OA2006-004

Date of Adoption: August 24, 2006

Date Mailed: November 8, 2006

Date original Notice of Proposed Amendment was mailed to DLCD: January 31 & April 18, 2006

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".

Updated RV Park, Hillside Protection and corner clearance regulations

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable Statewide Planning Goals:

DLCD #s 001-06, 003-06 & 004-06
(14990), (15163) (15164)

Was and Exception Adopted? YES NO

DLCD File No.: _____

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?	<u>Yes</u>	No
If no, do the statewide planning goals apply?	Yes	No
If no, did Emergency Circumstances require immediate adoption?	Yes	No

Affected State or Federal Agencies, Local Governments or Special Districts: NA

Local Contact: Laurel Prairie-Kuntz
Address: PO Box 1137
Zip Code + 4: 97537

Phone: (541) 582-4401 Extension: 106
City: Rogue River
Email Address: lprairie-kuntz@ci.rogue-rive

Council Bill
No. 06-2079

ORDINANCE NO. 06-334-O

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

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

WHEREAS, the City Council has determined that with the recommendations of the Planning Commission that the following changes be made to the Rogue River Zoning Ordinance:

SECTION 1, amends to read:

SECTION 1.030. DEFINITIONS:

“constrained slopes” means areas where the slope of the land is between fifteen (15%) percent and thirty five (35%) percent or greater.

“Geologic assessment” means a report prepared by a geological expert which details the surface and subsurface conditions of a site, delineates areas of the property that may be subject to specific geologic hazards, and furnishes professional analysis of information to assess the suitability of the site for development. The geologic assessment may be incorporated into or included as an appendix to the geotechnical report.”

“geotechnical expert” means an Oregon Geotechnical Engineer, Engineering Geologist or Oregon registered professional engineer, who by training, education and experience is qualified in the practice of geologic and soils engineering practices.

“geotechnical report” means a report prepared and stamped by a geotechnical expert, evaluating the site conditions and recommending design and mitigation measures necessary to reduce the risk associated with development, in constrained slope or steep slope areas, and to facilitate a safe and stable development.

“steep slopes” means areas where the slope of the land is thirty five (35%) percent or greater.

“unconstrained slope” means areas where the slope of the land is less than fifteen (15%) percent.

SECTION 2, amends to read:

SECTION 2.090. STEEP SLOPE AREAS: Development on all constrained and steep areas of fifteen (15%) percent and greater, must be designed by a qualified geotechnical expert, in conformance with Section 15.090 of this ordinance. *[Section 2.090 amended by Ordinance No. 99-284-O, passed 1-14-99.]*

SECTION 3, amends to read:

SECTION 4.040. FENCES AND WALLS: Fences and walls may be located as

follows unless otherwise prohibited:

(1) Said fences and walls may be located in any required front yard provided they do not exceed two and a half (2-1/2') feet in height.

(2) Said fences and walls may be located in any rear yard or side yard, provided they do not exceed six (6') feet in height, except when the side or rear yard abut a street.

(3) Where a side or rear yard abut a street, the fence cannot exceed two and one-half (2-1/2') feet within fifteen (15') feet of the property line abutting the street.

(4) On a corner lot no fences and walls over two and one-half (2-1/2') feet in height shall be constructed within the yards required adjacent to the streets.

(5) The height of fences and walls referred to in Subsection (1), (2), and (3) above shall be measured from ground level.

(6) Fences and walls must comply with the floodplain restrictions in Ordinance No. 87-152-O, and cannot obstruct the free flow of flood waters.

(7) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growth of noxious vegetation.

[Section 4.040 amended by Ordinance No. 95-254-O passed 6-8-95.]

SECTION 4, amends to read:

SECTION 4.045. CORNER CLEARANCE CLEAR VISION AREA:

(1) In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear vision formed where two streets, a street and a railroad track, a street and a driveway, or a street and an alley intersect. The size of the triangular area is a function of traffic volume and speed, as shown in the table below:

Road Classification	Distance along specified lines from intersection point
Driveway or alley	15 feet
Residential street (all kinds)	35 feet
Collector, arterial	75 feet

(2) On any portion of a lot that lies within the triangular area described and illustrated below, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of three (3') feet and ten (10') feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.

(3) The triangular area shall be formed by the following three lines. (See Figure above)

The first line shall be the curb on the adjacent street; The second line shall be the

curb on the other street, or the nearest edge of the driveway or alley; The third line shall connect two (2) points, located on the above two (2) lines, that are the specified distance depending on street type or driveway and alley as stated in the table below, from the intersection of the above lines.

- (4) The preceding provisions shall not apply to the following:
- a. A public utility pole;
 - b. A tree trimmed (to the trunk) to a line at least eight (8') feet above the level of the intersection;
 - c. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view;
 - d. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective;
 - e. An official warning sign or signal;
 - f. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
 - g. On one-way streets, the triangle may be reduced or deleted from the downstream side of the intersection with approval of the Public Works Director.
[Section 4.045 amended by Ordinance No. 03-316-O, passed 08-28-03.]

SECTION 5, amends to read:

SECTION 4.070. SPECIAL SETBACK REQUIREMENTS: Bay windows, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than eighteen (18") inches into a required yard or into a required open space as established by coverage standards.

SECTION 6, amends to read:

ARTICLE 12. RECREATIONAL VEHICLE PARKS

SECTION 12.010 PURPOSE. Recreational vehicles parks are conditionally permitted in the C-1: General Commercial District, subject to the requirements of Article 6, Conditional Use Permits, and ordinances of the City of Rogue River, County of Jackson and the State of Oregon. It is the purpose of this article to establish the minimum standards for recreational vehicle parks within the City of Rogue River, providing sites for the placement and occupancy of recreational vehicles for residential purposes on individually owned lots with the necessary accessory uses and amenities and to protect the health and safety of park occupants and to maximize the park's compatibility with surrounding uses. *[Section 12.010 amended by Ordinance No. 00-301-O, passed 9-28-00.]*

SECTION 12.015. PRE-APPLICATION CONFERENCE. An applicant may be required to attend a pre-application conference prior to submitting an application for a Recreational Vehicle Park. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this ordinance, provide for an exchange of information regarding applicable elements of the comprehensive plan and

development requirements and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. [Section 12.015 added by Ordinance No. 99-283-O, passed 1-14-99.]

SECTION 12.020 SITE DEVELOPMENT STANDARDS: The minimum site development standards are as follows:

(1) Recreational vehicle parks may be located on property which is one (1) acre or larger, and shall not exceed a density of fifteen (15) recreational vehicle sites plus six (6) campsites per acre.

(2) A recreational vehicle park must have a certificate of sanitation issued by the State Department of Consumer and Business Services, Building Codes Division and comply with the requirements of ORS 446.310 to 446.350, Oregon Department of Consumer and Business Services, Building Codes Division Administrative Rules 918-525-0000 to 918-525-0170 and 918-650-0000 to 918-650-0080 and Department of Human Services, Public Health Administrative Rules 333-31-0001 to 333-31-0090.

(3) The recreational vehicle park and sites shall be connected to the City's water and sewer system with the approval of the Public Works' Director.

(4) **Access ways.**

(a) One-way access roads and access ways shall be a minimum of twelve (12) feet wide and two-way access roads shall be a minimum of twenty-four (24) feet wide. These roads shall be paved with asphaltic concrete or concrete and shall be well drained into a storm drainage system approved by the Public Works' Director.

(b) Recreational vehicle parks in excess of thirty (30) sites shall be required to have two (2) or more means of access off of a public street. Parks with less than thirty (30) sites shall provide a secondary access for emergency vehicles.

(c) Access roads shall be lighted according to City standards for residential streets.

(5) Each space designed for vehicular use within a recreational vehicle park shall have direct access to a park, street, or road. The access shall be unobstructed by grade or vertical clearance or the entrance to such roads with impaired clearance shall be provided with warning signs. The park street system shall have direct connection to a public way.

(6) Each recreational vehicle/camping space shall be large enough to accommodate the designated class of recreational vehicle or tent and be located a minimum of ten feet from any other camping space, fifteen feet from any building or building appurtenance or any boundary line abutting upon a public street or highway, and ten feet from any property line. The space area shall be designed to minimize the obstruction of any public or private roadway or walkway by vehicles or tents.

(7) No "in park" propane storage shall be allowed other than that included within or attached to a recreational vehicle.

(8) Recreational vehicle pads shall be paved with asphaltic concrete or concrete.

(9) No storage units shall be erected at any of the recreational vehicle sites.

(10) Full hookups will be provided at each recreational vehicle site.

(a) Minimum full hookups shall include, but not be limited to the following:

(1) Sewer.

(2) Water.

- (3) Electricity.
- (4) Above ground water faucet.
- (b) Telephone, internet access, computer hookups and television are optional items.
- (11) Campfire pits are authorized provided the fire pit is protected on all four sides by non-combustible material walls of at least eight (8) inches high, forming a shape of no more than three (3) feet square with a draft provision built into one of the non-combustible walls of the fire pit and an iron grill over the top of the fire pit. The fire pit shall be dug down to mineral earth or concrete for a two (2) foot radius, free from all vegetation. Use of the pit is subject to fire regulations and as specified by the Rogue River Rural Fire Protection District.
- (12) Only directional or identification signs shall be allowed, which conform to the City of Rogue River Sign Ordinance No. 91-207-O requirements.
- (13) **Accessory Buildings.**
 - (a) Accessory buildings may include, but are not limited to the following:
 1. Manager dwelling
 2. Manager's office (can be combined with dwelling)
 3. Convenience store for park occupants only, constructed so as to not attract outside customers. (Can also be combined with manager's dwelling).
 4. Recreational building
 5. Dump station
 6. Rest rooms and showers
 7. Laundry
 8. Solid waste station
 - (b) Accessory buildings may not include storage buildings within each Recreational Vehicle space.
- (14) **Full Time Manager.** A manager will be available on the park premises at all times park is open for business.
- (15) **Reporting Requirements.**
 - (a) On or before the 15th day of each month, the owner of each recreational vehicle park shall submit monthly reports to the City Planning Department listing the prior month's activity in each recreational vehicle space. The information shall include the occupant of each space, the vehicle make and license plate number, and the length of stay, and shall be submitted on a form prescribed by the City.
 - (b) Any action towards removal of wheels of a recreational vehicle, except for temporary purposes of repairs or to attach the recreational vehicle to the ground, other than for stabilizing purposes, is prohibited.
- (16) **Parking.** At least one and one half parking spaces shall be provided in the park per recreational vehicle space and/or campsite. At least one of the parking spaces shall be provided at each recreational vehicle space and/or campsite.
- (17) **Buffer Zones.**
 - (a) **Fences and Landscaping.**
 - (1) Recreational vehicle parks shall be screened with a six (6) foot site obscuring fence and landscaping as approved by the Planning Commission.

(2) Exposed ground surfaces in all parts of the recreational vehicle park shall be paved or covered with stone screening or other solid materials or shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. *[Section 12.020(15)(a)2 amended by Ordinance No. 03-316-O, passed 08-28-03.]*

(b) **Private recreation and open space requirements:** A minimum of six (6) percent of the gross recreational vehicle park area shall be provided for recreational open space purposes, and shall be shown on the recorded plat. Roads, setbacks, and non-recreational buildings and lands shall not be included in calculating the private recreation and open space requirements. Park dedication fees shall be computed using the number of sites within the recreational vehicle park. *[Section 12.020(15)(b)1. amended by Ordinance 96-259-O, passed 1-11-96.]*

(c) **Setbacks.** Recreational vehicle parks shall observe the setback requirements of Section 3.030, Subsection (4) with the following exceptions:

1. Recreational vehicle spaces and campsites shall be set back a minimum of ten (10) feet from the property line abutting a public street.

2. Accessory buildings shall be set back a minimum of ten (10) feet from property lines abutting a public street and five (5) feet from side and rear property lines. *[Section 12.020(15)(c)1. amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(18) Recreational park proposals shall include specific standards for adequate fire protection or meeting the fire code provisions as approved by the Rogue River Rural Fire Protection District.

(19) There shall be only one (1) principal permitted use per recreational vehicle site. No recreational vehicle will be permitted in the park overnight unless on a regular recreational vehicle pad.

(20) All recreational vehicle parks shall have covenants that provide for maintenance of the recreational vehicle park, and shall meet all minimum standards and requirements as set by Chapter 918, Division 650, of the Oregon Administrative Rules. *[Section 12.020(18) amended by Ordinance No. 96-259-O, passed 1-11-96.]*

SECTION 12.030. APPLICATION:

(1) The application for a new recreational vehicle park or to expand an existing park shall be accompanied by copies of the plot plan for the proposed park. The plan shall be drawn at a scale of not less than one inch equals 40 feet and shall show the following information:

(a) Name of the person who prepared the plan.

(b) Scale and north point of plan.

(c) Vicinity map showing relationship of recreational vehicle park to adjacent properties.

(d) Boundaries and dimensions of the recreational park.

(e) Location of existing and proposed buildings.

(f) Location and dimensions of recreational vehicle and sites. *[Section 12.030(1)f. amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(g) Location and width of access roads.

(h) Location and width of sidewalks, pedestrian and bikeways. *[Section 12.030(1)h. amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(i) Location of recreation areas and buildings.

- (j) Locations and type of fencing.
 - (k) Enlarged plot plan of a typical recreational vehicle site space showing location of the stand, parking, and utility connections.
 - (l) Landscaping.
 - (m) Topographic map.
- (2) At the time of application for a license for a new recreational vehicle park, the applicant shall submit copies of detailed plans for the following:
- (a) New structures.
 - (b) Water and sewer systems.
 - (c) Electrical system.
 - (d) Drainage system.
 - (e) Recreation area improvements.
- (3) Before construction of a swimming pool in a recreational vehicle park, two copies of plans approved by the Oregon State Board of Health shall be filed with the City Recorder.

SECTION 12.040. REVIEW. It shall be the responsibility of the Planning Commission to review the recreational vehicle park application within 30 days of receipt of a completed application, in accordance with provisions of Section 6.030 of this ordinance. The Planning Commission shall have 60 days from the date an application is accepted to render its final decision. The Planning Commission shall describe the basis for the decision and state the specific circumstances requiring the application of conditions for the approval. A copy of the final decision shall be delivered to the applicant at the address shown on the application. *[Section 12.040 amended by Ordinance No. 99-283-O, passed 1-14-99 and 99-285-O, passed 3-25-99.]*

SECTION 12.050 FINDINGS AND CONDITIONS. The Planning Commission, in granting approval of a recreational vehicle park, shall find as follows: *[Section 12.050 amended by Ordinance No. 99-283-O, passed 1-14-99.]*

- (1) That the site for the proposed recreational vehicle park is adequate in size and shape to accommodate said park and all yards, spaces, walls, and fences, parking, loading, landscaping and other features required by this section to adjust said park with land and uses in the neighborhood are deemed adequate.
- (2) That the site of the proposed park relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. *[Section 12.050(2) amended by Ordinance No. 96-259-O, passed 1-11-96.]*
- (3) That the conditions stated in the development agreement are deemed necessary to protect the public health, safety, and welfare. Conditions may include:
 - (a) Special yards, spaces, and buffers.
 - (b) Fences and walls.
 - (c) Enclosure of storage areas and limitation on out-of-door display of merchandise.
 - (d) Surfacing of parking areas subject to specifications.
 - (e) Regulation of points of vehicle ingress and egress.
 - (f) Regulation of signs.
 - (g) Required landscaping and maintenance thereof.
 - (h) Required maintenance of the grounds.

- (i) Regulation of noise, vibrations, odors, etc.
- (j) Regulation of time for certain activities.
- (k) Time period within which the proposed use shall be developed.

SECTION 12.060. TIME LIMITATION: A Recreational Vehicle Park approval shall lapse and become void one (1) year following the date on which it became effective unless, by conditions of the development agreement, a greater or lesser time is prescribed as a condition of approval, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion. The Planning Commission may grant one extension on a Recreational Vehicle Park, not to exceed one year, subject to the requirements of Section 11.050 of this ordinance. *[Section 12.060 amended by Ordinance No. 99-283-O, passed 1-14-99.]*

SECTION 12.070 REVOCATION. The Planning Commission, on its own motion, at a Public Hearing, may recommend revocation of any Recreational Vehicle Park approval for noncompliance with the conditions set forth in the Development Agreement. Notice of said Public Hearing shall be given.

SECTION 12.080 APPEAL. The decision of the Planning Commission may be appealed to the City Council in the manner prescribed by Article 16 of this ordinance. *[Section 12.080 amended by Ordinance No. 99-285-O, passed 3-25-99.]*

SECTION 12.090 LIMITATION ON NEW APPLICATION. In case an application is denied by the Planning Commission, or on appeal to the City Council, unless specifically stated to be without prejudice, it shall not be eligible for re-submission for one year from the date of said denial when, in the opinion of the Planning Commission, new evidence is submitted or conditions have changed, further consideration is warranted. *[Section 12.090 amended by Ordinance No. 99-283-O, passed 1-14-99.]*

SECTION 12.100 MAPPING. Within thirty (30) days after the granting of Recreational Vehicle Park approval, the resolution number shall be posted by the City Planner on the City's official copy of the assessor's plat map on the lot or lots affected by such permit.

SECTION 12.110 RECREATIONAL VEHICLE PARK APPROVAL TO RUN WITH THE LAND. A Recreational Vehicle Park approval granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site, except as otherwise provided in this section.

SECTION 12.120. PERFORMANCE BOND. Any developer shall provide a bond or letter of credit in the amount of one hundred (100%) percent of all on site and off site improvement costs naming the City as beneficiary. Such bond or deposit shall remain in effect until the satisfactory completion of the improvements. *[Section 12.120 added by Ordinance No. 96-259-O, passed 1-11-96.]*

SECTION 12.125. MAINTENANCE BOND. A maintenance bond for twenty (20%) percent of the total cost of all the on and off site improvements that will be dedicated to the

City shall be provided to the City for a period of one year after the City's acceptance of the improvements. *[Section 12.125 added by Ordinance No. 96-259-O, passed 1-11-96.]*

SECTION 12.130. FIRE HYDRANT.

(1) If there is not one within three hundred (300') feet of the proposed development, measuring from each building site along the public right-of-way, the developer shall be responsible for providing the City with a fire hydrant, on a water line of not less than six (6") inches in diameter.

(2) In commercial or industrial zones, fire hydrants shall be provided at locations recommended by the Rogue River Rural Fire Protection District and as approved by the Public Works Director.

(3) In special circumstances, a full coverage fire sprinkler system in the building may be substituted for the fire hydrant when recommended by the Rogue River Rural Fire Protection District and approved by the Public Works Department.

(4) Any deviation from these requirements shall be approved by the Rogue River Rural Fire Protection District and the Public Work's Director. *[Section 12.130 added by Ordinance No. 96-259-O, passed 1-11-96.]*

[Article 12 amended by Ordinance No. 95-248-O, passed 5-11-95.]

SECTION 7, amends to read:

SECTION 15.090 HILLSIDE PROTECTION: It is the purpose of the Hillside Protection Ordinance to provide supplemental development regulations, to underlying zones, which ensure that development occurs in such a manner as to protect the natural and topographic character, environmental resources, aesthetic qualities and restorative value of these areas, as well as the public health, safety, and general welfare by ensuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city. Hillside protection shall be provided on slopes of fifteen (15%) percent or greater or unconstrained slopes within thirty feet (30') feet of the top of escarpments associated with rivers or streams.

(1) **Hillside Development Standards.**

a. **Steep Slopes.**

1. Steep Slope areas include all areas in the city where the slope of the land is thirty five (35%) percent or greater.

2. Existing parcels where all existing terrain is thirty five (35%) percent or greater shall be considered buildable for one dwelling unit only.

3. All grading, retaining wall design, drainage, and erosion control plans shall be designed by a geotechnical expert, in compliance with Section 15.090(3)(b).

4. Existing parcels where all existing terrain is thirty five (35%) percent or greater cannot be subdivided or partitioned.

b. **Constrained Slopes.**

1. Constrained slope areas include all areas where the slope of

the land is between fifteen (15%) percent and thirty four (34%) percent.

2. The impervious surface area of any residential lot or commercial or industrial site (including driveways, sidewalks, structures, swimming pools, and any other area not covered by vegetation) shall not exceed thirty (30%) percent of the constrained slope area;

3. At least half the constrained slope area shall remain in, or be planted in, approved native vegetation. The existing tree canopy shall be retained wherever possible, and shall be considered in meeting this standard.

(2) **All Hillside Developments.**

a. Specific determination of Steep Slope and Constrained Slope areas shall be based on a topographic map and field survey prepared by an engineer or surveyor registered in Oregon, and provided by the applicant or property owner(s).

1. Where development, excavation or vegetation removal is proposed for areas with fifteen (15%) percent or greater slope, an on-the-ground topographical survey shall be prepared for the entire property. The survey shall show trees or tree clusters and two (2') foot contours.

2. Areas with between fifteen (15%) and thirty five (35%) percent slopes, and areas with thirty five (35%) percent and greater slopes, shall be specifically indicated on the required survey maps.

b. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of thirty five (35%) percent or less.

c. Development shall not result in cuts or fills in excess of three (3') feet except for basement construction unless specifically approved by the City.

d. If development is proposed on constrained or steep slope areas, a mitigation plan for disturbed areas on constrained or steep slope areas shall be prepared and implemented. This plan shall provide for the replanting and maintenance of approved native plant species designed to achieve pre-disturbance conditions.

e. Residential roof lines shall not exceed the natural ridgeline when viewed from the public street providing access to the property.

f. **Circulation**

1. The location, alignment design, grade width, and capacity of roads within the development shall conform to city engineering standards. However, the use of public and private lanes shall be encouraged in the hill areas to reduce the disturbance of the natural landscape. The width of these lanes shall be allowed to be as narrow as public safety and traffic generation will permit.

2. Loop and split, one-way street sections, and occasional steep street grades shall be allowed to fit terrain and minimize grading and exposed slopes.

3. Streets and lanes in the hill areas shall be laid out as to encourage slow speed traffic and respect the natural topography of the area.

4. Street grades may be permitted up to fifteen (15%) percent provided they do not exceed two hundred (200') feet in length, whereby they must be reduced to ten (10%) percent or less for a minimum length of twenty (20') feet. The overall grade shall not exceed ten (10%) percent.

5. Culverts, bridges and other drainage structures shall be placed as to encourage drainage in established drainage ways and as provided in Article III of the City subdivision ordinance. Additional road construction improvements may be required in areas exhibiting poor soil stability.

6. Circulation shall, when feasible, be designed to allow for separation of vehicular, pedestrian, bicycle, and hiking trails. The circulation system shall, when feasible, be developed throughout the hill areas, to provide connections between park areas and scenic easements in order to help maximize leisure opportunities of the hills. Trails may be accepted by the appropriate jurisdiction in fee or easement.

7. Walkways shall be required when determined to be needed for public safety and convenience. When required, walkways shall be of minimum width of four (4') feet unless a greater need is shown. Walkways shall be constructed of a material suitable for use in the particular area and shall be located as necessary to provide maximum pedestrian safety and preservation of the character of the area.

8. Driveways shall be designated to a grade and alignment that will provide the maximum safety and convenience for vehicular and pedestrian use. Collective private driveways shall be encouraged where their utilization will result in better building sites and lesser amount of land coverage than would result if a public road were required.

9. Minimum standards for private easement construction within the Steep and Constrained Slope areas shall be as follows:

- a. Minimum Travel Service Width: twelve (12') feet.
- b. Minimum Vertical Clearance: fourteen (14') feet.
- c. Minimum Horizontal Clearance: sixteen (16') feet.
- d. Maximum Intermittent Grade: fifteen (15%) percent for two hundred (200') feet.
- e. Maximum Sustained Grade: ten (10%) percent.

10. Whenever private drives are permitted, it shall be the responsibility of the benefitted property owners to maintain the private easement or driveway established in accordance with this Article.

g. Disturbed areas shall be replanted in approved native vegetation and tree cover.

h. The applicant's engineering plans shall certify that runoff and sedimentation from the site will not increase more than ten (10%) percent above conditions present on the site as of the effective date of this ordinance.

i. The applicant's engineer shall provide a construction erosion control plan and water quality plan, consistent with the provisions of Section 15.010 through 15.080.

(3) **Required Reports.**

a. **Geotechnical Studies.** Where division or development is proposed for areas with fifteen (15%) percent to thirty five (35%) percent slope, and development is proposed for areas with slopes of thirty five (35%) percent or greater, a geologic assessment and a geotechnical report, prepared by a geotechnical expert, shall be provided by the applicant, indicating that the site is stable for the proposed use and development. These studies shall include the following information:

1. Index map.
2. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
3. The Geologic Assessment shall include:
 - a. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
 - b. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 - c. Suitability of site for proposed development from a geologic standpoint.
4. The Geotechnical Report shall also include:
 - a. Specific recommendations for cut and fill slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
 - b. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
 - c. Signature and registration number of the engineer and/or geologist.
 - d. Additional information or analyses as necessary to evaluate the site.
 - e. Inspection schedule for the project as required in 15.090(7).
 - f. Location of all irrigation canals and major irrigation pipelines.

(b) Hillside Grading and Erosion Control Plan All development shall provide plans conforming with the following items:

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert.
2. All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.
3. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year.
4. Erosion control measures shall be installed and functional by October 31. Up to thirty (30) day modifications to the October 31 date, and forty five (45) day modification to the May 1 date may be made by the City

Planner, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

5. Grading - cuts. On all cut slopes, the following standards shall apply:

a. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep-cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control netting or structural equivalent installed per manufacturers specifications and revegetated.

b. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas greater than seven (7') feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five (5') feet. Terrace widths shall be a minimum of three (3') feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of fifteen (15') feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. Cut slopes for structure foundations encouraging the reduction of effective visual bulk, such as split pad or stepped footings shall be exempted from the height limitations of this section.

c. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native or species similar in resource value which will survive, help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings and cascading vine-type plantings may be appropriate.

6. Grading - fills On all fill slopes, the following standards shall apply:

a. Fill slopes shall not exceed a total vertical height of twenty (20') feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six (6') feet from the nearest property line.

b. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

c. Utilities Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it is necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.

d. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.

7. Site Grading The grading shall be reviewed considering the following factors:

a. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.

b. Hazardous or unstable portions of the site shall be avoided.

c. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

8. Design Standards The required reports shall include design standards necessary for the engineer and landscape expert to certify that development on slopes of fifteen (15%) percent or greater, when combined with impacts from development of lesser slopes, will not increase runoff, sedimentation to affected streams or wetlands, erosion, or landslide potential more than ten (10%) percent above base conditions. These requirements shall be incorporated as conditions into the final decision approving the proposed development.

(4) **Retention in natural state.** All partitions, subdivisions and existing lots with an area greater than one-half acre, an area equal to twenty five (25%) percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a twenty five hundred (25,000 sq. ft.) lot with an average slope of twenty nine (29%) percent, twenty five (25%) percent plus twenty nine (29%) percent equals fifty four (54%) percent of the total lot area shall be retained in a natural state. Retention in a natural state of areas greater than the minimum percentage required here is encouraged.

(5) **Revegetation requirements.** Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the City. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

(6) **Maintenance, Security, and Penalties for Erosion Control Measures.**

(a) Maintenance All measures installed for the purposes of long-term

erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.

(b) **Security** Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the City and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of one hundred twenty (120%) percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed other than a performance bond shall be approved by the City Attorney. The financial guarantee instrument shall be in effect for a period of at least one (1) year, and shall be released when the City Planner and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period up to five (5) years beyond the one year maintenance period if it has been determined by the City that the site has not been sufficiently stabilized against erosion.

(7) **Inspections and Final Report.** Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 15.090(3)a,4,b were conducted by the project geotechnical expert periodically throughout the project.

(8) **Approval Procedure.** The City shall approve new development or redevelopment on constrained slope areas only if the proposed use or structure meets all of these conditions:

(a) Development standards are met as prescribed under Section 15.090(3).

(b) Adequate protection is utilized to minimize landslide and erosion hazards, consistent with Section 15.010 through 15.080 of the City of Rogue River Zoning Ordinance.

(c) Notwithstanding the provisions of Article 7, Variance, an adjustment of up to twenty (20%) percent from any dimensional standard in the underlying zoning district may be approved where necessary to avoid construction on slopes of thirty five (35%) percent or greater or to meet the standards of Section 15.090(3).

ORDINANCE NO. 06-334-O

First Reading: July 27, 2006

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

Bond; aye, Stuart, aye; Mead; aye, Collins; aye, Peterson; aye.

Second Reading: August 24, 2006

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

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

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

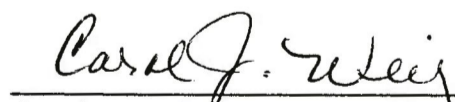
PASSED this 24th day of **August, 2006**, by the Common Council of the City of Rogue River, Oregon.

SIGNED this 25th day of **August, 2006**, by the Mayor Pro-Tem of the City of Rogue River, Oregon.



John Bond
Mayor Pro-tem

ATTEST:



Carol J. Weir
Deputy Recorder