



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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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 005-06

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 30, 2006

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

<paa>



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: OA2006-005

Date of Adoption: 6/1/6

Date Mailed: 11/8/6

Date original Notice of Proposed Amendment was mailed to DLCD: 11/8/6

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".

Update planned unit development regulations in both the zoning and subdivision ordinances

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:

Was and Exception Adopted?

YES

NO

DLCD# 005-06 (NOA)

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?	Yes	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:

None

Local Contact: Laurel Prairie-Kuntz

Address: PO Box 1137

Zip Code: 97537

Phone: (541) 582 -4401 Extension: 106

City: Rogue River

Email Address: lprairie-kuntz@ci.rogue-river.or.

ORDINANCE NO. 06-332-O

AN ORDINANCE AMENDING ORDINANCE NO. 373, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN THE CITY OF ROGUE RIVER, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE, AND DECLARING AN EMERGENCY.

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

SECTION 1. amends to read as follows:

SECTION 1.030. DEFINITIONS:

"planned unit development" means a land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, mixtures of building types and land uses (provided those land uses are permitted in the underlying zone), usable open spaces and the preservation of significant natural features. Planned Unit Developments must comply with Article 7 of the City of Rogue River Subdivision Ordinance and may include subdivisions or partitions.

SECTION 2. amends to read as follows:

SECTION 3.010. R-E RESIDENTIAL - ESTATE DISTRICT:

- (1) **Purpose.** To stabilize and protect the rural residential characteristics of the district.
- (2) **Permitted Uses.** The following uses and their accessory uses are permitted outright:
 - a. Single family dwelling.
 - b. Public schools, parks and recreation facilities.
 - c. Home occupations, subject to the requirements of Section 4.140.
 - d. Churches and similar religious institutions.
 - e. Public and public utility buildings, structures and uses; but not including storage or repair yards, warehouses and similar uses.
 - f. Residential homes, family day-care. *[Section 3.010 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
 - g. A second dwelling for dependents with a health condition subject to the issuance of an administrative permit under the conditions stated in Section 14.020.
 - h. Planned unit developments in conformance with Article 7, Planned Unit Development Procedures in the City of Rogue River Subdivision Ordinance.
 - i. Manufactured dwellings, subject to the requirements of Section 4.145 of this ordinance. *[Section 3.010 (2) i added by Ordinance No. 99-284-O, passed 1-14-99.]*
- (3) **Conditional Uses.** The following uses and their accessory uses are permitted when authorized in accordance with Article 6:
 - a. Hospitals, rest, nursing, congregate care, and convalescent homes.

[Section 3.010 amended by Ordinance No. 89-174-O, passed 6-8-89.]

b. Recreational uses and facilities, including country clubs, golf courses, swimming clubs, and tennis clubs; but not including such intensive commercial recreational uses as a driving range, race track or amusement park.

c. Cemeteries, mausoleum, columbariums, crematoriums.

d. Parochial and private schools, including nursery schools, kindergarten, and day nurseries outside a private residence or in a private residence providing care for 13 or more children including the provider's children regardless of full-time or part-time status. [Section 3.010 amended by Ordinance No. 90-194-O, passed 6-29-90.]

e. Business, dancing, trade, technical, or similar schools.

f. Bed and breakfast establishments.

(4) **Area, Width, and Yard Requirements.** The following measurements indicate minimum lot and yard standard requirements:

<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
minimum 20,000 sq. ft.	100 feet	20 feet	10 feet	20 feet

The maximum building height is 40 feet. [Section 3.010 amended by Ordinance No. 87-159-O, passed 12-10-87.]

(5) **Limitation on Keeping of Livestock.** Not more than one farm animal and its immature offspring shall be permitted for each acre of site, except that there shall be no limitation on the number of livestock permitted on a site of 5 acres or more. Poultry not to exceed 50 birds. [Section 3.010 amended by Ordinance No. 90-194-O, passed 6-29-90.]

(6) **Garage Requirement.** All single family dwelling construction, manufactured dwelling units, the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a minimum of a one car attached or detached garage and a minimum of one other parking space covered or uncovered for a total of two spaces per dwelling unit. [Section 3.010 (6) amended by Ordinance No. 98-276A, passed 6-11-98.]

(7) **Driveway.** All single family dwelling construction, manufactured dwelling units, the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a fully paved asphalt or concrete driveway beginning from a city maintained street to the garage serving the dwelling unit(s). It shall also be required to pave the portion of the public right-of-way being used as ingress/egress to the property. Any private road beginning from a city maintained street shall also be paved with asphalt or concrete. [Section 3.010 (7) amended by Ordinance No. 98-276A, passed 6-11-98.]

(8) **Residential Dwelling Size.** The minimum size for all new single family dwelling construction shall be 1,000 square feet, excluding garage area. [Section 3.010 amended by Ordinance No. 92-218-O, passed 6-25-92.]

(9) **Street Liability.** 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 \$1,000,000, naming the City as an additional insured. Public utilities are exempt from this section. [Section 3.010 amended by Ordinance No. 96-259-O, passed 1-11-96]

(10) **Hydrologist, Soil Engineer, Engineer, and/or Geologist:** 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. [Section 3.010 (10) added by Ordinance No. 99-284-O, passed 1-14-99.]

SECTION 3. amends to read as follows:

SECTION 3.020. R-1 OR RESIDENTIAL - SINGLE FAMILY DISTRICT:

(1) Purpose. To stabilize and protect the suburban characteristics of the district and to promote and encourage a suitable environment for family life.

(2) **Permitted Uses.** The following uses and their accessory uses are permitted outright:

- a. Single family dwelling.
- b. Agriculture; but not including kennels, the raising of farm animals, small animals or poultry.
- c. Public schools, parks and recreation facilities.
- d. Home occupations, subject to the provisions of Section 4.140.
- e. Churches and similar religious institutions.
- f. Public and public utility buildings, structures and uses; but not including storage or repair yards, warehouses, and similar uses.
- g. Manufactured dwellings, subject to the requirements of Section 4.145 of this ordinance. *[Section 3.020 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- h. Residential homes, family day-care, residential care facility. *[Section 3.020 amended by Ordinance No. 90-194-O, passed 6-29-90 and 92-215-O, passed 4-23-92.]*
- i. A second dwelling for dependents with a health condition subject to the issuance of an administrative permit under the conditions stated in Section 14.020.
- j. Planned unit developments in conformance with Article 7, Planned Unit Development Procedures in the City of Rogue River Subdivision Ordinance.

(3) **Conditional Uses.** The following uses and their accessory uses are permitted when authorized in accordance with Article 6:

- a. Hospitals, rest, nursing, congregate care and convalescent homes. *[Section 3.020 amended by Ordinance No. 89-175-O, passed 6-8-89.]*
- b. Off-street parking lots adjoining a Commercial district, subject to the provisions of Article 5.
- c. Parochial and private schools, including nursery schools, kindergarten and day nurseries outside a private residence or in a private residence providing care for 13 or more children including the provider's children regardless of full-time or part-time status. *[Section 3.020 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- d. Business, dancing, trade, technical or similar schools.
- e. Bed and breakfast establishments. *[Section 3.020 amended by Ordinance No. 89-175-O, passed 6-8-89, Ordinance No. 90-194-O, passed 6-29-90 and Ordinance No. 93-231-O, passed 6-17-93.]*

(4) **Area, Width, and Yard Requirements.** The following measurements indicate minimum lot and yard standard requirements:

<u>Zone</u>	<u>Corner</u>		<u>Corner</u>				
	<u>Lot Area</u> <u>(sq.ft.)</u>	<u>Lot Area</u> <u>(sq.ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Lot</u> <u>Width</u>	<u>Front</u> <u>Yard</u>	<u>Side</u> <u>Yard</u>	<u>Rear</u> <u>Yard</u>
R-1-8	8,000	8,000	70'	60'	20'	5' per story	10'
R-1-12	12,000	12,000	100'	100'	20'	5' per story	10'

Provided, however, that side yards abutting a street shall be a minimum of ten (10) feet in width. The maximum building height is 40 feet. *[Section 3.020 amended by Ordinance No.*

87-159-O, passed 12-10-87, 92-215-O, passed 4-23-92, 93-231-O, passed 6-17-93, 99-284-O, passed 1-14-99 and 05-328-O, passed 9-29-05.]

(5) **Garage Requirement.** All single family dwelling construction, manufactured dwelling units, the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a minimum of a one car attached or detached garage and a minimum of one other parking space covered or uncovered for a total of two spaces per dwelling unit. Garages fronting on the street side yard of a corner lot shall be set back a minimum of twenty (20) feet from the property line [Section 3.020 amended by Ordinance No. 98-276A-O, passed 6-11-98.]

(6) **Coverage.** The maximum permitted aggregate building coverage shall be 50 percent of the lot area.

(7) **Driveway.** All single family dwelling construction, manufactured dwelling units the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a fully paved asphalt or concrete driveway beginning from a city maintained street to the garage serving the dwelling unit(s). It shall also be required to pave the portion of the public right-of-way being used as ingress/egress to the property. Any private road beginning from a city maintained street shall also be paved with asphalt or concrete. [Section 3.020 (7) amended by Ordinance No. 98-276A, passed 6-11-98.]

(8) **Residential Dwelling Size.** The minimum size for all new single family dwelling construction shall be 1,000 square feet, excluding garage area. [Section 3.020 amended by Ordinance No. 92-215-O, passed 6-25-92.]

(9) **Street Liability.** 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 \$1,000,000, naming the City as an additional insured. Public utilities are exempt from this section. [Section 3.020 amended by Ordinance No. 96-259-O, passed 1-11-96.]

(10) **Hydrologist, Soil Engineer, Engineer, and/or Geologist:** 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. [Section 3.020 (10) added by Ordinance No. 99-284-O, passed 1-14-99.]

SECTION 4. amends to read as follows:

SECTION 3.030. R-2 RESIDENTIAL - HIGH DENSITY DISTRICT:

(1) **Purpose.** This district is designed to provide a range of medium-high density residential areas suitable for location within the urban area. The R-2 district is intended for residential uses and appurtenant community services.

(2) **Permitted Uses.** The following uses and their accessory uses are permitted outright:

- a. Single family dwelling.
- b. Two family dwelling (duplex), provided there are no other dwellings on the property. If another dwelling exists, the two family dwelling (duplex) will be subject to the requirements of Article 10, Site Plan Review.
- c. Two single family dwellings.
- d. Multi-family dwelling groups, of three (3) or more units, are subject to the requirements of Article 10, Site Plan Review. [Section 3.030 amended by Ordinance No. 00-301-O, passed 9-28-00.]

- e. Public schools, parks and recreation facilities.
- f. Home occupations, subject to the requirements (setback, height, width, etc.) of Section 4.140.
- g. Churches and similar religious institutions.
- h. Hospitals, rest, nursing, congregate care and convalescent homes.
- i. Public and public utility buildings, structures and uses, but not storage or repair yards, warehouses and similar uses.
- j. Manufactured dwellings, subject to the requirements of Section 4.145, Manufactured Dwellings, of this ordinance.
- k. Residential care facility, residential home and family day-care provider.
- l. A second dwelling for dependents with a health problem subject to the issuance of an administrative permit under conditions stated in Section 14.020, Conditions for Granting an Administrative Permit. *[Section 3.030 amended by Ord. No. 91-206-O, passed 7-25-91, 92-215-O, passed 4-23-92 and 98-276A-O, passed 6-11-98.]*
- m. Planned unit developments in conformance with Article 7, Planned Unit Development Procedures in the City of Rogue River Subdivision Ordinance.

(3) **Conditional Uses.** The following uses and their accessory uses are permitted when authorized in accordance with Article 6:

- a. Boarding and rooming houses.
- b. Public and quasi-public halls, lodges and clubs.
- c. Professional offices, subject to the requirements of Article 10, Site Plan Review.
- d. Off-street parking lots adjoining a Commercial district, subject to the provisions of Article 5.
- e. Parochial and private schools, including nursery schools, kindergartens and day nurseries outside a private residence or in a private residence providing care for 13 or more children including the provider's children regardless of full-time or part-time status.
- f. Business, dancing, trade, technical or similar schools, classrooms or training centers.
- g. Bed and breakfast establishments. *[Section 3.030 amended by Ordinance No. 92-215-O, passed 4-23-92.]*
- h. Manufactured Dwelling Parks, subject to the requirements of Article 11, Manufactured Dwelling Parks. *[Section 3.030 (3) h amended by Ordinance No. 00-301-O, passed 9-28-00.]*

(4) **Area, Width, Height, and Yard Requirements:** The measurements indicate minimum lot and yard standards:

Zone	Corner		Lot Width	Corner			
	Lot Area (sq.ft.)	Lot Area (sq.ft.)		Lot Width	Front Yard	Side Yard	Rear Yard
R-2	8,000	8,000	70'	60'	20'	5' per story	10'

[Section 3.030 amended by Ordinance No. 92-215-O, passed 4-23-92 and 05-328-O, passed 9-29-05.]

(5) **Coverage.** The maximum permitted aggregate building coverage shall be 50 percent of the lot area.

(6) **Special Yards and Distances Between Buildings.**

- a. An inner court providing access to double row dwelling group units shall be a minimum of twenty (20) feet.

b. Garages and carports fronting on the street side yard of a corner lot shall be set back a minimum of twenty (20) feet from the property line.

(7) **Density.** The following measurements indicate minimum lot and yard standards:

<u>Zone</u>	<u>Basic lot area for first unit</u>	<u>Lot area required for each added unit</u>
R-2	4,000 square feet	2,000 square feet

[Section 3.030 (7) amended by Ordinance No. 92-215-O, passed 4-23-92.]

(8) **Garage Requirement.** All single family dwelling construction, duplexes, manufactured dwelling units, the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a minimum of a one car attached or detached garage per unit. All multiple family dwelling units, including condominiums, townhouses or apartment buildings shall have a minimum of one covered parking space such as a garage or carport. All units shall have a minimum of one other parking space covered or uncovered for a total of two spaces per dwelling unit. Garages fronting on the street side yard of a corner lot shall be set back a minimum of twenty (20) feet from the property line. *[Section 3.030 (8) amended by Ordinance No. 98-276A-O, passed 6-11-98.]*

(9) **Driveway.** All single family and multiple family dwelling construction manufactured dwelling units, the replacement of any existing dwelling unit or major remodeling (50% or more of the replacement cost of existing dwelling unit) shall have a fully paved asphalt or concrete driveway beginning from a City maintained street to the garage serving the dwelling unit(s). It shall also be required to pave the portion of the public right-of-way being used as ingress/egress to the property. Any private road beginning from a City maintained street shall also be paved with asphalt or concrete. *[Section 3.030 (9) amended by Ordinance No. 98-276A, passed 6-11-98.]*

(10) **Residential Unit Size.** The minimum size for all new single family dwelling construction shall be 1,000 square feet, excluding garage area. *[Section .030 amended by Ordinance No. 92-218-O, passed 6-25-92.]*

(11) **Street Liability.** 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 \$1,000,000, naming the City as an additional insured. Public utilities are exempt from this section. *[Section 3.030 amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(12) **Hydrologist, Soil Engineer, Engineer, and/or Geologist:** 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. *[Section 3.030 (12) added by Ordinance No. 99-284-O, passed 1-14-99.]*

SECTION 5. amends to read as follows:

SECTION 3.040. C-1 OR COMMERCIAL - GENERAL DISTRICT:

(1) **Purpose.** This district is designed to stabilize, improve, and protect the commercial characteristics of shopping centers and areas, and to promote the establishment of beneficial relationships between similar and complementary uses of land. To assure that current siting standards established by this Ordinance are met, any of the following are subject to Article 10, Site Plan Review: all new commercial development, an expansion of use in a commercial zone, a change of use, or a use that has been

abandoned for over a period of one (1) year. [Section 3.040 (1) amended by Ordinance No. 00-301-O, passed 9-28-00 and 05-328-O, passed 9-29-05.]

(2) **Permitted Uses.**

a. Business and professional offices, banks.
b. Medical, dental and optical clinics.
c. Retail stores and service establishments which supply commodities or provide services primarily to meet the needs of the neighborhood and community, including:

1. Personal service establishments such as beauty and barber shops, laundrette, cleaning and laundrette, cleaning and laundry pick-up stations.

2. Retail stores such as hardware stores, drug stores, antique shops and grocery stores.

3. Restaurant, café, soda fountain, including sale of liquor, beer or other alcoholic beverages for consumption on the premises, not including entertainment or dancing.

4. Light service shops such as upholsterer, picture framing studios, appliance repair and tailoring.

5. Theater, provided that such use is conducted within a building.

6. Commercial parking lots for passenger vehicles, subject to the requirements of Article 5.

7. Laundry, cleaning and dyeing establishment.

8. Printing, publishing and lithography.

9. Building material, sales yard, excluding concrete or asphalt batch mixing plants.

10. Cabinet, carpentry, electrical, furniture, plumbing, and heating shop.

11. Small engine repairs such as, but not limited to, lawn mowers, weed eaters and chainsaws. This is not to be confused with car, truck or any other type of motor vehicle repair. [Section 3.040 (2) c amended by Ordinance No. 89-175-O, passed 6-8-89 and 92-215-O, passed 4-23-92.]

d. Hotels and motels.

e. Mortuary.

f. Public and quasi-public, utility buildings, lodges and clubs, structures and uses as appropriate to and compatible with the purpose of the C-1 district.

g. Commercial developments of 1.0 acres or more are also subject to Article 7, Planned Unit Development Procedures in the City of Rogue River Subdivision Ordinance.

(3) **Conditional Uses.** The following uses and their accessory uses are permitted when authorized in accordance with Article 6:

a. Outdoor restaurants and any establishment serving liquor, beer, wine or other alcoholic beverages for consumption on the premises, or including dancing and entertainment.

b. Bowling alleys, auditoriums, skating rinks, dance halls, and drive-in theaters.

c. Recreational vehicle parks.

d. Veterinary clinic.

- e. Automobile service stations, auto body shop, muffler shop, mechanic shop, new and used-car sales, boat and trailer sales.
- f. Vehicle and equipment rental and storage yards.
- g. Mini-storage facilities.
- h. Churches, parochial and private schools, including nursery schools, classrooms or training centers.
- i. Business, dancing, trade, technical or similar schools, classrooms or training centers.
- j. Residential care facilities.
- k. Multiple family structures of three (3) units or more only, subject to the requirements of Article 10, Site Plan Review. *[Section 3.040 amended by Ordinance No. 92-215-O, passed 4-23-92.]*
- l. Mobile business, the exterior length and width dimensions when multiplied shall enclose more than 25 square feet and no more than 192 square feet. *[Section 3.040 amended by Ordinance No. 98-276-O, passed 4-23-98.]*

(4) **Area, Width, Height, and Yard Requirements.** The maximum building height is forty (40) feet. There are no requirements on area, width, and yard except as necessary to meet the off-street parking and loading requirements or as a condition of approval for a conditional use. *[Section 3.040 amended by Ordinance No. 92-215-O, passed 4-23-92.]*

(5) **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. *[Section 3.040 amended by Ordinance No. 90-194-O, passed 6-29-90 and 99-283-O, passed 1-11-99.]*

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, nurseries, garden shops, Christmas tree sales lots, bus stations, automobile sales, and trailer sales or rentals need not be within an enclosed structure. *[Section 3.040 (5)b amended by Ordinance No. 94-236-O, passed 2-10-94.]*

c. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by an approved solid wall or an approved site screening fence six 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 an R-E, R-1, or R-2 district, a solid wall or fence, six 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 pave with asphalt or concrete any non-paved portion of public right-of-way to meet the pavement of the existing street for the entire frontage of the property being developed.

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 \$1,000,000 naming the City as an additional insured. Public utilities are exempt from this section. *[Section 3.040(5) amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(6) **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.

(7) **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.

(8) **Mobile businesses** comprised of 25 square feet or less of enclosed space, must be 100% self contained, be removed from the premises each night, present written approval from the property owner where mobile business shall be located, and written approval from the City Council before the issuance of a business license. *[Section 3.040 amended by Ordinance No. 92-215-O, passed 4-23-92 and Ordinance No. 98-276-O, passed 4-23-98.]*

(9) **Hydrologist, Soil Engineer, Engineer, and/or Geologist:** 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. *[Section 3.040 (9) added by Ordinance No. 99-284-O, passed 1-14-99.]*

SECTION 6. amends to read as follows:

SECTION 3.050. M-1 OR INDUSTRIAL - GENERAL DISTRICT:

(1) **Purpose.** This district is designed to encourage industrial uses which add to the employment and economic base of the City with sound industrial development by providing a protective environment exclusively for such development. To assure that current siting standards established by this Ordinance are met, any of the following are subject to Article 10, Site Plan Review: all new industrial development, an expansion of use in an industrial zone, a change of use, or a use that has been abandoned for over a period of one (1) year. *[Section 3.050 (1) amended by Ordinance No. 00-301-O, passed 9-28-00, Ordinance No. 04-319-O, passed 1-8-04, and 05-328-O, passed 9-29-05.]*

(2) **Permitted Uses.**

- a. Manufacturing, processing, assembling, research and wholesale.
- b. Railroad yards and freight stations, trucking and motor freight stations and facilities.
- c. Public and public utility service buildings, structures and uses.
- d. Dwelling for a caretaker or watchman employed on the premises.

- e. Agriculture.
- f. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- g. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- h. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- i. Landscaping as part of a transportation facility.
- j. Emergency measures necessary for the safety and protection of property.
- k. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
- l. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
- m. Veterinary clinic.
- n. Auto body shop.
- o. Industrial developments of 1.0 acres or more are also subject to Article 7, Planned Unit Development Procedures. In the City of Rogue River Subdivision Ordinance. *[Section 3.050 (2) amended by Ordinance No. 04-319-O, passed 1-8-04.]*

(3) **Conditional Uses.** Uses not specifically listed shall be determined as to its acceptability by the City Planner. This determination shall be based on the purpose statement. The City Planner's interpretation may be contested by appealing to the Planning Commission for a Code Interpretation. The Planning Commission decision may be appealed to the City Council. *[Section 3.050 (3) amended by Ordinance No. 04-319-O, passed 1-8-04.]*

(4) **Site Development Standards.**

- a. There shall be area or width requirements as required under the off-street loading and parking requirements or requirements for conditional use. *[Section 3.050 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- b. There shall be yard requirements when a lot or parcel adjoins a residential district, in which case, a front, side, and rear yard of not less than ten (10) feet shall be required. *[Section 3.050 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- c. Maximum building height is forty (40) feet.
- d. All industrial development must connect with the City water and sewer systems, in conformance with City regulations. City water and sewer lines will be extended, at the property owner's expense, to the proposed development. If necessary, the property owner, at his own expense, will also extend water and sewer main lines.
- e. Site and building must be reviewed and approved by the Rogue River Fire Marshal.
- f. Loading and unloading areas shall be off of the public right-of-way. Loading and unloading areas shall be located so that turning movements necessary to maneuver on or about the off-street loading space shall be made off of the public right-of-way. *[Section 3.050 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- g. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create

a health hazard.

- h. All trash containers will be fully enclosed.
- i. Service activities, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone by a permanently maintained, sight obscuring fence at least six (6) feet in height.
- j. A minimum ten (10) foot landscaped buffer zone shall be developed and maintained by the property owner adjacent to any public street.
- k. Operations shall produce no or insignificant air discharge and be able to obtain a special letter of "minimal source permit" from the State of Oregon Department of Environmental Quality.
- l. Open operations on the site may be required to be paved with a dust free and adequately drained durable surface of asphaltic concrete or Portland Cement concrete or other approved material.
- m. Vegetative screens or buffers shall be required to minimize "drift" onto abutting properties.
- n. Points of access from a public street to properties in the M-1 district shall be so located as to minimize traffic on residential streets. *[Section 3.050 amended by Ordinance No. 90-194-O, passed 6-29-90.]*
- o. Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.
- p. The public road adjacent to any new development area will be improved by the property owner to meet City standards. 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 \$1,000,000 naming the City as an additional insured. Public utilities are exempt from this section. *[Section 3.050(4)p. amended by Ordinance No. 96-259-O, passed 1-11-96.]*
- q. Operations must demonstrate, by noise production methods, that it shall not exceed DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35: Oregon State Noise Control Regulations for Industry and Commerce.
- r. No emission or odorous matter shall be produced in such a manner as to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Scentometer No. 0 or equivalent dilution measured at the property line.
- s. Operations shall not exceed the normal range of domestic quality wastewater. All wastewater shall be discharged into a wastewater collection system.
- t. The development site, its operations and improvements thereon shall discharge all storm water into a storm water collection system. There shall be no contamination of storm water from solid or other wastes. Oil skimmers, grease traps, or other approved methods are required in all on-site catch basins.
- u. Convenient and sanitary means for collection and disposal of all solid wastes shall be provided on each development site, in a location adequately

screened from view beyond the boundary of the development site. There shall be no hazardous wastes collected or stored within the development site.

v. All new development shall be required to pave with asphalt or concrete any non-paved portion of public right-of-way to meet the pavement of the existing street for the entire frontage of the property being developed. *[Section 3.050(4) amended by Ordinance No. 96-259-O, passed 1-11-96.]*

(5) **Sign and Lighting of 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 directional guide sign.

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 or R-2 districts.

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

(7) **Hydrologist, Soil Engineer, Engineer, and/or Geologist:** 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. *[Section 3.050 (7) added by Ordinance No. 99-284-O, passed 1-14-99.]*

SECTION 7. amends to read as follows:

SECTION 3.060. P OR PUBLIC - OPEN SPACE DISTRICT:

(1) **Purpose.** To provide for public land uses, to protect open space and recreation resources, to enhance wildlife, aquatic, and riparian habitat protection, and to protect the public health and safety. *[Section 3.060 (1) amended by Ordinance No. 03-316-O, passed 08-28-03.]*

(2) **Permitted Uses.**

- a. Public and public utility buildings.
- b. Public schools.
- c. Park and recreation areas and facilities.
- d. Landscaping and botanical areas.
- e. Walkways and trails for pedestrian, bicycle and equestrian purposes, but not for motorized equipment.
- f. Stormwater management facilities.

[Section 3.60 (2) amended by Ordinance No. 03-316-O, passed 08-28-03.]

(3) **Conditional Uses.**

- a. Public storage or repair yards, warehouses and similar uses.
- b. Campgrounds
- c. Marinas

(4) **Area, Width, Height, and Yard Requirements.** The maximum building

height is forty (40) feet. There are no requirements on area, width, and yard except as necessary to meet the off-street parking and loading requirements or as a condition of approval for a conditional use. *[Section 3.060(4) amended by Ordinance No. 87-159-O, passed 12-10-87.]*

Emergency Clause. Whereas, the City of Rogue River, Oregon, finds time being of the essence, and an emergency is hereby declared to exist in the interest of the public peace, health, and safety of the City of Rogue River and the inhabitants thereof, and this ordinance may be introduced and placed upon all of its readings and final passage at any one meeting of the City Council and shall be in full force and effect from and after its passage by the City Council and approve by the Mayor.

ORDINANCE NO. 06-332-O

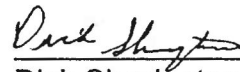
The enactment of the above Ordinance was moved by **Handbury**, seconded by **Mead**, roll call being had thereon, resulted as follows:

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

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

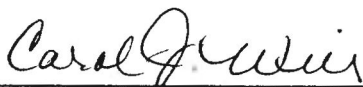
PASSED this 1st day of **June, 2006**, by the Common Council of the City of Rogue River, Oregon.

SIGNED this 2nd day of **June, 2006**, by the Mayor of the City of Rogue River, Oregon.



Dick Skevington
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder

ORDINANCE NO. 06-333-O

AN ORDINANCE AMENDING ORDINANCE NO. 00-301-O, AN ORDINANCE PROVIDING FOR LAND DIVISION, PLANNED UNIT DEVELOPMENT AND MASTER PLAN PROCEDURES, CRITERIA, AND STANDARDS, AND DECLARING AN EMERGENCY.

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

SECTION 1. amends to read as follows:

SECTION 7.010 PURPOSE The development standards of the zoning districts, of the City of Rogue River Zoning Ordinance, and the base lot standards of Article 4 of this ordinance, represent the historic method of ensuring a safe, livable and economic community. The Planned Unit Development process is intended to permit development using alternative standards to occur, and yet maintain the safety, livability and economy of the community. The purpose of the Planned Unit Development process is as follows:

1. To provide an alternative to the zoning district lot standards, set forth in the City of Rogue River Zoning Ordinance, and the base lot standards set forth in Article 4 of this ordinance.
2. To encourage land use and development based upon the unique physical opportunities and constraints of each particular site, with the result that the overall appearance and livability of the community is enhanced.
3. To encourage diversity in building types, site arrangement and ownership of real property.
4. To encourage the greatest economic use of the land and to reduce unit development cost; in exchange for better use of open space, more recreational facilities, and greater resource conservation when possible, using the base standards of the City of Rogue River Zoning Ordinance or Article 4 of this ordinance.
5. To provide a development project equal to or superior to that possible under the base zoning district standards of the City of Rogue River Zoning Ordinance or the base lot standards of Article 4 of this ordinance.
6. To recognize the need to protect and buffer dissimilar development in the established districts, and to set a good precedent for future development in newly developing districts.

SECTION 2. amends to read as follows:

SECTION 7.020 EFFECT. An approved Planned Unit Development (PUD), as finally approved, shall have the effect of varying the zoning district lot standards of the City of Rogue River Zoning Ordinance and the base lot standards of Article 4 of this ordinance, without need of other variance procedures. All other provisions of the City of Rogue River Zoning Ordinance and of this ordinance shall apply and as well as all other provisions of other City ordinances and standards.

SECTION 3. amends to read as follows:

SECTION 7.030 PERMITTED USES

1. Residential PUD. Uses are permitted consistent with the applicable zoning district. In addition, open space, playgrounds, bike and pedestrian trails, recreation facilities and community centers are also permitted unless prohibited in the applicable zoning district. Building types may vary from those specified in the applicable zoning district. *[Section 7.030 amended by Ordinance No. 03-317-O, passed 08-28-03].*

2. Commercial or Industrial PUD. Uses are permitted consistent with the applicable zoning district.

3. Mixed-Use Residential/Commercial PUD. Uses are permitted consistent with the applicable zoning district.

SECTION 4. amends to read as follows:

SECTION 7.040 SUBDIVISIONS CONCURRENT WITH PUD

1. Requirement. A Partition Tentative Plan and Final Plat or a Subdivision Tentative Plan and Final Plat shall be prepared as provided in Article 3 of this ordinance for PUD requests involving partitioning or subdividing of land, interests in land, unit ownership, or involving tax lot segregation.

2. Combined Map or Plat. Where practical, the Partition or Subdivision Plans and Plats required by Article 3 may be combined with the PUD Tentative Plan and Final Plat as required by this Article, provided that all of the submittal requirements for each article are satisfied.

3. Procedure Type. A concurrent Subdivision or Partition and PUD application shall be processed as a PUD; as provided in the Land Division Procedure Schedule, Section 2.210 of this ordinance, except that the procedure type utilized shall be the highest type required by Article 3, Subdivision, Article 7, PUD or Article 8, Partitions.

4. Criteria. For a concurrent application, the approval, approval with conditions, or denial of the PUD plan shall be based upon the criteria for a PUD, where all the approval, approval with conditions, or denial of the Partition or Subdivision Plat shall be based upon the criteria for a Partition or Subdivision, excepting only Lot Area, width, yard requirements, and internal setback requirements of the City of Rogue River Zoning Ordinance and Article 4 of this ordinance. All provisions relating to streets and utilities shall be in full effect; and are not subject to variance through the PUD procedure.

SECTION 5. amends to read as follows:

SECTION 7.110 TENTATIVE PLAN SUBMITTAL REQUIREMENTS. The applicant shall submit fourteen (14) copies of a PUD Tentative Plan and supporting materials to the Administrator. The following shall be included:

1. Signed Application Form. A completed application form as provided by the Administrator, signed by the property owner, the applicant, and the applicant's agent, if any. To initiate the application, the applicant or the applicant's agent, if other than the property owner, must have written, notarized authorization, on a form provided by the City, from the property owner, to represent the owner in the requested PUD review.

2. Application Fee. Application fee is determined by the City Council Application

Fee Schedule in effect on the date of the application.

3. Tentative Plan Map. A Subdivision Tentative Plan Map meeting all the requirements of Section 3.110 (3) of this ordinance shall be provided, including the following:

A. Buildings and Structures: Location and floor area, size of all existing and proposed structures and other features including maximum heights, types of dwelling units, and non-residential structures; renderings and elevations of typical structures.

B. Public Areas: The location and approximate size of all areas to be dedicated for general public ownership and use.

C. Open Space - Public, Private and Common: The location and size of all outdoor open space areas shall be delineated on the plan map, differentiating between privately owned areas, easements and commonly owned areas.

D. Landscaping: A general landscape plan indicating location, areas to be landscaped and general landscape material to be used.

E. PUD Perimeter Buffering: Show proposed treatment of the PUD perimeter, including vegetative screens, fences, setbacks, windows and walls.

F. Statement of Proposed Financing: A general statement showing commitment of lender's or applicant's ability to finance the project through to completion.

G. Project Intent: A statement describing the objectives to be achieved through the PUD process that cannot be achieved through the conventional land development process. The statement shall include a description of the character of the proposed project and some of the rationale in choosing the development concept, and shall include a statement of intention to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

H. Development Schedule: A statement indicating the approximate construction dates for beginning and ending the project, including any proposed phases or stages of development.

I. Land Use Data: Quantitative description in table form of the following:

(1) Total acres of the site.

(2) Acres dedicated to public right-of-way.

(3) Usable acres of the site (Item 1 minus Item 2).

(4) Density factors used (dwelling units per acre).

(5) Maximum allowable dwelling units (Item 3 times Item 4).

(6) Actual dwelling units (dwelling units proposed).

(7) Area of recreation open space (number of acres and percent of the usable site area).

(8) Area of impervious surface (number of acres and percent of the usable site area).

4. Conceptual Utility Plan: A Conceptual Utility Plan meeting all the requirements of a Subdivision Conceptual Utility Plan per Section 3.110 (4).

5. Fire Prevention Plan: A fire prevention plan, identifying compliance with both the Uniform Building Code and Uniform Fire Code shall be included with the Tentative Plan.

6. Master Plan: A Master Plan, if needed, meeting all the requirements of a Subdivision Master Plan per Section 3.110 (5), of this ordinance.

SECTION 6. amends to read as follows:

SECTION 7.120 CRITERIA FOR PUD TENTATIVE PLAN APPROVAL. The Review Body shall approve, approve with conditions, or deny the request based upon all of the following criteria:

1 The plan conforms to the requirements of the City's floodway and floodplain requirements and restrictions, and conforms to the requirements of any applicable overlay district.

2. The street, curb, gutter and sidewalk layout conforms to the applicable requirements of any adopted City street plans, Master Transportation Plans, or Master Plan as adopted by the City Council. The proposal shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 200 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate that the level of impact to the street system will not exceed a volume over capacity (V/C) ratio of 0.80. Whenever performance standards of local, arterial or collector roads are determined to be above 0.80 V/C and transportation improvements are not planned within the planning horizon, to bring the performance standards below 0.80 V/C the developer shall demonstrate that the level of impact to the street system will not exceed a 0.80 V/C ratio. The road system shall provide adequate access to buildings for residents, visitors, customers, deliveries, emergency vehicles; and garbage collection. *[Section 7.120 (2) amended by Ordinance No. 03-317-O, passed 8-28-03.]*

3. The proposed utility plan conforms to the applicable requirements of any adopted City Utility Plan or Master Plan, as adopted by the City Council.

4. Cuts, fills and retaining walls shall comply with the standards in the City of Rogue River Zoning Ordinance Section 15.090, Hillside Protection..

5. The proposed plan complies with the applicable portion of the City's Comprehensive Land Use Plan, this and other City ordinances, state statute and federal law.

6. The project results in an equal or superior development than would have resulted from following the zoning district lot standards as provided in the City of Rogue River Zoning Ordinance, or the base lot standards as provided in Article 4, of this ordinance.

7. The proposal shall result in a balanced exchange. The developer gains flexible development standards, maximum land utilization and alternative ownership options. The community gains greater preservation of natural features and resources and more usable open space and recreation facilities.

8. Potential impacts to adjoining properties have been adequately mitigated through site design and attached development conditions.

9. All utilities, accessways, open space, streets and recreation areas not dedicated to the public are owned and maintained by a homeowners (residential) or property owners (commercial or industrial) association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Engineer and the City Attorney.

10. The applicant has demonstrated the ability to finance the project through to final completion.

SECTION 7. amends to read as follows:

SECTION 7.130 reserved for expansion.

SECTION 8. amends to read as follows:

SECTION 7.140 PUD PHASED DEVELOPMENT. Phased development for a proposed PUD shall meet all the requirements of Section 3.140 of this ordinance.

SECTION 9. amends to read as follows:

SECTION 7.210 PURPOSE. The purpose of the Tentative Plan Review is to provide sufficient opportunity for the public and the Review Bodies to address critical and material land use issues. The applicant must provide substantial evidence that compliance with the mapping and approval criteria, as well as other City standards.

SECTION 10. amends to read as follows:

SECTION 7.220 DEVELOPMENT CONDITIONS. Tentative Plan Review is the most critical stage in the PUD process. It is at this stage that discretion is applied to evaluate compliance with criteria for approval, the extent of deviation from City ordinance standards, and to address impacts of the proposed development. For this reason, additional detail may be required from the applicant, and development conditions may be imposed upon the project by the Review Body.

SECTION 11. amends to read as follows:

SECTION 7.230 TENTATIVE PLAN REVIEW PROCEDURES Tentative Plan Review shall conform to Article 2, Procedures, of this ordinance.

SECTION 12. amends to read as follows:

SECTION 7.240 EXPIRATION OF APPROVED TENTATIVE PLAN. Within twelve (12) months following the effective date of the approved Tentative Plan, the Final Plat shall be submitted to the City Planner with all conditions of Tentative Plan approval fulfilled. The City Planner may, upon written request by the applicant, grant one (1) six (6) month extension of the expiration date. Upon granting an extension, the City Planner shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the Tentative Plan and that no other subsequent development approval will be effected.

SECTION 13. amends to read as follows:

SECTION 7.245 REVISED TENTATIVE PLAN TO COMPLY WITH DEVELOPMENT CONDITIONS. Prior to submitting construction documents for City review, the applicant shall submit a revised Tentative Plan demonstrating compliance with the conditions of approval. The City Planner may waive this requirement if no significant

modifications are required in order to comply with these conditions.

SECTION 14. amends to read as follows:

SECTION 7.250 CONSTRUCTION DOCUMENT REVIEW

1. Sanitary sewer, potable and fire flow water, storm drainage, grading and erosion control, and other utility plans must be reviewed and approved by the City Engineer and the Public Works Director.
2. Fire lines, fire hydrants including placement, size and type, and proposed water pressure, shall be reviewed and approved by the Rogue River Rural Fire Marshall.
3. Water system design shall conform to the adopted Water Plan, Official Water System Map, and the City of Rogue River Water Standards.
4. Sewer system design shall conform to the adopted Sewer Plan, Official Sewer System Map, and shall be approved by the Department of Environmental Quality.
5. Storm drain and drainway design shall be consistent with the City's Master Storm Drainage Facilities Plan and Official Storm Drainage Map, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the use or development, and to allow extension of the system outside the use or development.
6. Grants Pass Irrigation District and/or Gold Hill Irrigation District shall be consulted regarding any improvements on the property in which they have an interest.
7. All utilities shall be placed underground. The applicant shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of underground lines and facilities.
8. Construction document submittal and review, construction acceptance and bonding for completion and maintenance, fees, assessments and System Development Charges shall be per Article 5 of this Ordinance.

SECTION 15. amends to read as follows:

SECTION 7.440 FINAL PLAT REVIEW PROCESS Within fourteen (14) days of application, the City Planner shall determine the Final Plat's completeness and compliance with the Tentative Plan approval. An amendment application, including Planning Commission and City Council review will be required if the Final Plat does not substantially conform to the approved Tentative Plan. *[Section 7.440 amended by Ordinance No. 03-317-O, passed 08-28-03.]*

SECTION 16. amends to read as follows:

SECTION 7.510 FINAL PLAT MAP REQUIREMENTS. After receiving the PUD Tentative Plan approval, the developer shall have prepared a Final Plat. The Final Plat shall be prepared by a surveyor, shall be a minimum of 18" x 24", with a 1" margin and shall contain:

1. All requirements of ORS Section 209.250 and Chapter 92, and any other applicable state or federal regulations.
2. Any dedications or changes required as part of Tentative Plan approval.
3. A Future Development Plan, when required, including a note stating that development of the property is subject to the conditions of such plan.

4. Any Tentative Plan notes, restrictions, notices and special conditions that were required to be placed on the Final Plat as part of Tentative Plan approval. The Review Body shall not require that the Final Plat show graphically any information or requirement that is or may be subject to administrative change or variance.

5. A letter from the responsible Engineer stating that the Engineer had supervised the grading and the construction of the entire parcel and the individual lots, and stating that the grading and construction was were completed according to the approved plans.

6. As a separate document, a land division guarantee from a title company.

SECTION 17. amends to read as follows:

SECTION 7.520 FINAL PLAT SIGNATURES REQUIRED. The signatures required on a PUD Final Plat shall be as follows:

1. The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plan.

2. The County Surveyor, verifying compliance with applicable survey laws for the State of Oregon.

3. The Administrator, verifying all City financial obligations on the property have been met.

4. The Public Works Director, verifying that the Final Plat is in conformance with the approved Tentative Plan, that all Tentative Plan approval conditions have been met, an that the letter from the responsible Engineer certifying grading and construction according to approved plans has been received.

5. The Director of any special district shown on the Final Plat or any official required by law to provide certifications.

6. The Jackson County Board of County Commissioner's Chair.

7. The County Assessor, certifying that all taxes on the property have been paid or bonded for in accordance with state law.

Emergency Clause. Whereas, the City of Rogue River, Oregon, finds time being of the essence, and an emergency is hereby declared to exist in the interest of the public peace, health, and safety of the City of Rogue River and the inhabitants thereof, and this ordinance may be introduced and placed upon all of its readings and final passage at any one meeting of the City Council and shall be in full force and effect from and after its passage by the City Council and approve by the Mayor.

ORDINANCE NO. 06-333-O

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

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

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

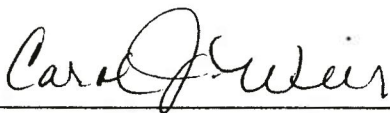
PASSED this 1st day of **June, 2006**, by the Common Council of the City of Rogue River, Oregon.

SIGNED this 2nd day of **June, 2006**, by the Mayor of the City of Rogue River, Oregon.



Dick Skevington
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder