



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 11, 2008



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 006-07

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: February 21, 2008

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

<paa> ya

PROF 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

FEB 04 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Rogue River**

Local file number: **OA2007-03**

Date of Adoption: **1/24/2008**

Date Mailed: **1/31/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/7/2007**

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Comprehensive Plan AMendment and Zone Change on 3 City owned Properties to Public

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Residential, Commercial & Indu** to: **Public**

Zone Map Changed from: **Residential, Commercial & Indu** to: **Public**

Location: **N Broadway, CClassick Dr & Depot & Main**

Acres Involved: **5**

Specify Density: Previous: **Mixed**

New: **0**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD # 006-67 (16399)

DLCD file No. _____

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

Local Contact: **Laurel Prairie-Kuntz**

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

Address: **PO Box 1137**

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

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

Zip: **97537-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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

ORDINANCE NO. 08-349-O

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND REZONING THE PROPERTIES DESCRIBED AS T.36S., R.4W., SECTION 15BB, TAX LOT 1100, LOCATED NORTH OF THE NORTH END OF BROADWAY; T.36S., R.4W., SECTION 22BB, TAX LOT 3700, LOCATED AT 200 EAST MAIN STREET; AND T.36S., R.4W., SECTION 22B, TAX LOT 1300, LOCATED ON CLASSICK DRIVE, SOUTH OF THE GILMORE INTERSECTION IN ROGUE RIVER, OREGON.

WHEREAS, the City of Rogue River received an application requesting a comprehensive plan amendment and zone change to Public (P) for these three properties described as T.36S., R.4W., Section 15BB, Tax Lot 1100, located north of the north end of Broadway; T.36S., R.4W., Section 22BB, Tax Lot 3700, located at 200 East Main Street; and T.36S., R.4W., Section 22B, Tax Lot 1301, located on Classick Drive, south of the intersection with Gilmore, in Rogue River, Oregon; and,

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

- A. Are consistent with Article 19 of the Rogue River Zoning Ordinance because:
 - 1. The application includes an existing and future zoning map amendment as well as a comprehensive map amendment, as required by Rogue River Zoning Ordinance Section 19.010; and,
 - 2. The applicant has adequately shown that this amendment meets the public need for additional commercial land; and,
- B. Are consistent with the Oregon Transportation Planning Rule because the future public development on these publically zoned and designated properties will have significantly less traffic than the on residentially, commercially or industrially zoned and designated properties; and,
- C. Are consistent with the Statewide Planning Goals through compliance with the City of Rogue River's acknowledged Comprehensive Plan; and,

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

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

SECTION 1. The real properties, described as T.36S., R.4W., Section 15BB, Tax Lot 1100; T.36S., R.4W., Section 22BB, Tax Lot 3700; and T.36S., R.4W., Section 22B, Tax Lot 1301, are hereby designated as Public land on the City of Rogue River's Comprehensive Plan.

SECTION 2. The real properties, described as T.36S., R.4W., Section 15BB, Tax Lot 1100; T.36S., R.4W., Section 22BB, Tax Lot 3700; and T.36S., R.4W., Section 22B, Tax Lot 1301, are hereby designated as Public (P) on the City of Rogue River's Future Zoning Map.

SECTION 3. The real properties, described as T.36S., R.4W., Section 15BB, Tax Lot 1100; T.36S., R.4W., Section 22BB, Tax Lot 3700; and T.36S., R.4W., Section 22B, Tax Lot 1301, are hereby designated as Public (P) on the City of Rogue River's Existing Zoning Map.

ORDINANCE NO. 08-349-O

First Reading: December 27, 2007

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

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

Second Reading: January 24, 2008

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

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

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

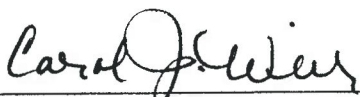
PASSED this 24th day of **January, 2008**, by the Common Council of the City of Rogue River, Oregon.

SIGNED this 25th day of **January, 2008**, by the Mayor of the City of Rogue River, Oregon.



Dick Skevington
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder

CITY OF ROGUE RIVER
COUNTY OF JACKSON, OREGON

IN THE MATTER OF A PLANNING COMMISSION)
RECOMMENDATION ON A COMPREHENSIVE) RECOMMENDATION
PLAN AMENDMENT AND ZONE CHANGE)
APPLICATION FOR PUBLIC LANDS, CITY OF) NO. 2007-005
ROGUE RIVER, APPLICANT)
FILE OA2007-003)

WHEREAS, on September 4, 2007, the City of Rogue River submitted an application for a Comprehensive Plan Amendment and Zone Change to Public (P) on three properties as noted below:

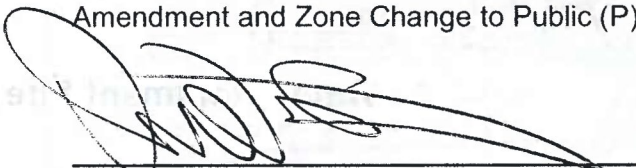
SITE	SECTION 36, 4W	TAX LOT	ADDRESS	EXISTING ZONE
1. Reservoir Site	15BB	1100	North of the north end of Broadway	Residential Estate RE
2. Downtown Plaza	22BB	3700	200 East Main Street	Commercial C-1
3. Water Treatment Site	22B	1300	Classick Drive, south of the Gilmore intersection	Industrial M-1

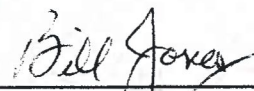
and,

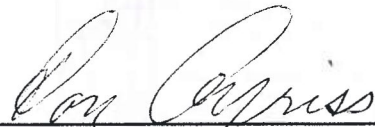
WHEREAS, the City of Rogue River Planning Commission held public hearings on this application on September 23 and October 13, 2007, to review this comprehensive plan amendment and zone change application, the City of Rogue River Zoning Ordinance criteria which regulate the amendment, to take testimony from the applicants, their agents and the residents of Rogue River;

WHEREAS, the City of Rogue River Planning Commission adopted the attached findings of fact and conclusions of law; and,

NOW THEREFORE, on the 13th of November, 2007, the City of Rogue River Planning Commission recommends that the Rogue River City Council approve the Comprehensive Plan Amendment and Zone Change to Public (P) for these three properties.


Chairman Don Eaton


Vice-Chair Bill Jones


Commissioner Don Ayriess


Commissioner Pam VanArsdale


Commissioner Fred England

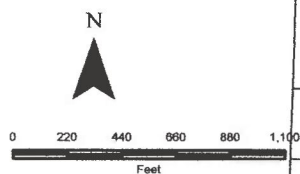
Exhibit B Zoning Map

- City Limits
- <all other values>
- Commercial
- Industrial
- Public / Open Space
- Res. Single Family - 12,000 sf Lot R-1-12
- Res. Single Family - 6,000 sf Lot R-1-6
- Res. Single Family - 8,000 sf Lot R-1-8
- Residential Estate RE
- Residential Multiple Family R-2

1. Reservoir Site

2. Downtown Plaza

3. Water Treatment Site



Public Re-Zone Sites File OA2007-003

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. FINDINGS OF FACT

		Reservoir Site	Downtown Plaza	Water Treatment Site
Property Descriptions		15BB, TL 1100	22BB, TL 3700	22B, TL 1300
Location & Access¹		North of the north end of Broadway at the end of the current city limits; access is via an easement to Broadway which will be developed when a reservoir is built	South of East Main Street, between Depot and Gardiner; access is via a public parking lot off Gardiner	South of Classick Drive between the Central Oregon and California Railroad Tracks and Gilmore Street; access will be off Classick Drive
Existing Zone		Residential Estate RE	Commercial C-1	Industrial M-1
Parcel Size		1.15 acres	0.20 acres	4.00 acres
Parcel Creation		2006	1924	2006
Previous Land Use Actions		Parcel creation in 2006	Approval of Downtown Plaza development	Parcel creation in 2006
Current Land Use		Vacant	Downtown Plaza	Vacant
Surrounding Land Uses	North	Vacant land in the Urban Growth Boundary	Reading on the Rogue Bookstore, Barber & River City Realty	City Water Treatment Plant, Residences and the Shopping Center
	East	BLM land	Gardiner Street, & the Cottage Café	Vacant industrial land
	South	Vacant residentially zoned land	Dove Book Store	Panel Products Mill
	West	Vacant residentially zoned land and Pine Street	Depot Street, Eagle Transport & Collectibles Unlimited	Central Oregon and California Railroad Tracks, Interstate 5 & the Rogue River

¹See Staff Report Exhibit A, Location Map.

		Reservoir Site	Downtown Plaza	Water Treatment Site
Public Facilities	Water²	8" water line in Pine Street and a 6" water line in Broadway, ending at Valley View Drive	6" water lines in Depot and East Main Streets	8" water lines in Classick Drive and on the industrial property to the east
	Sewer³	8" sewer line is in Pine Street and Broadway, below Valley View Drive	8" sewer line is in Gardiner and the alley south of the Dove Bookstore. This sewer main serves the restroom facility at the Plaza.	8" sewer line in North River Road, and an 8" line ends 75 ft north of Classick Drive in the Gilmore Street R-O-W
	Storm⁴	Open ditch in North Broadway and Pine Street	New CHDPP down Gardiner, across Classsick and into Wards Creek	Open ditch along the north side of the property, in the south Classick Drive R-O-W
Zoning⁵	North	Residentially zoned property in the Urban Growth Boundary	Commercially zoned and developed property	Commercially and publically zoned property developed with the City's water treatment plant, a residence and retail shops
	East	Resource zoned property in Jackson County	Commercially zoned and developed property	Vacant industrial property
	South	Residentially zoned property in the City	Commercially zoned and developed property	Panel Products Mill
	West	Residentially zoned property in the City	Commercially zoned and developed property	CO&C RR, I-5 and the Rogue River

II. APPLICABLE CRITERIA: Criteria for a Comprehensive Plan Amendment and Zone Change are found in Article 19 of the Rogue River Zoning Ordinance, the Oregon Transportation

²See Staff Report Exhibit C, Water System.

³See Staff Report Exhibit D, Sewer System.

⁴See Staff Report Exhibit E, Storm Drain System.

⁵See Staff Report Exhibit B, Zoning Map.

Planning Rule (OAR 660-12-0060) and compliance with the Statewide Planning Goals, per ORS 197.625(3)(b).

III. FINDINGS OF COMPLIANCE WITH APPROVAL CRITERIA

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

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

FINDING: For all three properties the City is proposing to change the Comprehensive Plan designation as well as the Future Zoning Map and the Existing Zoning Map to Public for these publically owned properties. The Planning Commission finds that this standard has been met.

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

FINDING: The public convenience and general public welfare are served by designating the City owned properties which are used as part of the City's infrastructure for public use. The Planning Commission finds that this standard has been met.

- #### B. OREGON TRANSPORTATION PLANNING RULE (OAR 660-12-0060)
- Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

FINDING: The Public designation on these properties will limit development potential, thereby limiting the transportation impacts on the existing or planned transportation facility, as noted herein:

	Reservoir Site	Downtown Plaza	Water Treatment Site
Existing Zoning Daily Traffic	17.6 ADT ⁶	31.96 ADT	27 ADT
Public Zoning Daily Traffic	3.18 ADT	0.44 ADT	3.18 ADT

The Planning Commission finds that this standard has been met.

- #### C. STATEWIDE PLANNING GOALS, PER ORS 197.625(3)(b)
- , which states, in part, that any approval of a land use decision subject to an unacknowledged amendment to a

⁶ADT - Average Daily Trips

comprehensive plan shall include findings of compliance with those land use goals applicable to the amendment.

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

FINDING: Notice of this land use application was sent to property owners within 250 feet of the subject property, in excess of State law. Additionally, notice was published in a local newspaper, and was sent to local citizen involvement groups for their participation, in compliance with this Goal. This Planning Commission's recommendation will be forwarded to the Rogue River City Council, where citizens will have additional opportunities to participate. The Planning Commission finds that this standard has been met.

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

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

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

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

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

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

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

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

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

FINDING: The development of the subject property will be required to meet the various federal, state and local air, water and land regulation standards. The Planning Commission finds that this standard will be met through the development process.

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

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

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

FINDING: The City's Comprehensive Plan identifies the recreation needs of Rogue River residents, and suggests methods of meeting those needs through improvement and expansion of the existing park system and cooperative, joint ventures. The Downtown Plaza is being designed as a location for residents and visitors to rest and view the downtown area. The water reservoir and water treatment sites are not identified as part of the existing or proposed recreation facilities. The Planning Commission finds that this standard has been met.

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

FINDING: This Comprehensive Plan Amendment and Zone Change provides a retreat at the center of town for residents and visitors alike to enjoy downtown Rogue River. Additionally, the needed water storage and treatment sites will provide water facilities to serve additional housing as well as commercial and industrial development for the next 20 to 50 years, in keeping with the goals of the City of Rogue River Comprehensive Plan. The Planning Commission finds that this standard has been met.

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

FINDING: The City's acknowledged Comprehensive Plan provides adequate land for a variety of housing types in a variety of locations throughout the City and Urban Growth Boundary. The removal of the 1.15 acres in the Reservoir Site from the housing inventory will not significantly diminish the available supply of housing in the City, but will supply a needed water supply site at a necessary elevation to serve future generations. The Planning Commission finds that this standard has been met.

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

FINDING: The provision of a new water storage site, at an elevation to adequately supply the City's water needs, and a treatment site, are both part of the City's Water Master Plan to

meet the water needs of the City. Zoning these sites as Public will help protect these sites for their intended public utility use. The Planning Commission finds that this Comprehensive Plan Amendment and Zone Change is consistent with the Public Facilities and Services Element of the Statewide Planning Goals and the City of Rogue River Comprehensive Plan.

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

FINDING: The City of Rogue River has an acknowledged Transportation System Plan. As shown on the Table on Page 4 of this recommendation, the proposed Comprehensive Plan and Zoning designations will decrease the future traffic generation at each public site, thereby preserving the City's transportation system. The Planning Commission finds that this standard has been met.

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

FINDING: The City's acknowledged Comprehensive Plan provides goals and policies for energy conservation in all new construction. Public facility development on these parcels will be held to the latest building/energy conservation code requirements. The Planning Commission finds that this standard has been met.

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

FINDING: The subject properties are within the City of Rogue River municipal limits, and therefore are already urban land. The Planning Commission finds that this standard has been met.

IV. CONCLUSIONS OF LAW

Based on the above findings of fact, the Planning Commission concludes that the proposed Comprehensive Plan Amendment and Zone Change for the Reservoir Site, the Downtown Plaza and the Water Treatment Site comply with the City of Rogue River Zoning Ordinance and Comprehensive Plan, the Transportation Planning Rule and the Statewide Planning Goals, and the properties should be designated and zoned Public (P).



UNITED STATES POSTAGE
PITNEY BOWES
02 1M \$ 01.48⁰
0004238044 JAN 31 2008
MAILED FROM ZIP CODE 97537



**CITY OF ROGUE RIVER
BOX 1137
ROGUE RIVER OR 95737**

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL STREET, NE, SUITE 150
SALEM OREGON 97301-2540