



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/12/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Rogue River Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 19, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Laurel Prairie-Kuntz, City of Rogue River
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<paa> YA/

FROM **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

DEPT OF

APR 30 2009

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Rogue River**

Local file number: **OA2008-081**

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

Date Mailed: **April 28, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **January 8, 2009**

☐ 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".
 Amending Industrial District regulations to clarify permitted uses.

Does the Adoption differ from proposal? **No**

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-09 (17313) [15509]

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

None

Local Contact: **Laurel Prairie-Kuntz**

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

Address: **PO Box 1137**

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

City: **Rogue River**

Zip: **97537**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE NO. 09-361-O

AN ORDINANCE REPLACING SECTION 3.050, INDUSTRIAL DISTRICT, OF THE CITY OF ROGUE RIVER ZONING ORDINANCE NO. 373, WHICH REGULATES THE USE OF LAND AND STRUCTURES AND ESTABLISHING ZONES FOR THAT PURPOSE IN THE CITY OF ROGUE RIVER, OREGON.

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

SECTION 3.050. M OR INDUSTRIAL DISTRICT is repealed and replaced with the following:

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, 05-328-O, passed 9-29-05 AND 06-332-O, passed 6-1-06.]*

(2) **Permitted Uses.**

- a. Manufacturing, processing, assembling, research and wholesale businesses.
- 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. Emergency measures necessary for the safety and protection of property.
- g. Mobile businesses, when:
 1. Comprised of 200 square feet or less of enclosed space;
 2. Are one-hundred (100%) percent self contained; and,
 3. Are removed from the premises each night. *[Section 3.050 (2) amended by Ordinance No. 04-319-O, passed 1-8-04 and 06-332-O, passed 6-1-06.]*

(3) **Conditional Uses.** The following uses and accessory uses are permitted when authorized in accordance with Articles 6 and 10:

- a. Auto body shop.
- b. 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 one-million (\$1,000,000) dollars 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 catchbasins.

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.]*

ORDINANCE NO. 09-361-O

First Reading: March 26, 2009

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

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

Second Reading: April 23, 2009

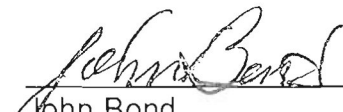
The enactment of the above Ordinance was moved by, **England** seconded by **Mead**, roll call being had thereon, resulted as follows:

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

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

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

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



John Bond
Mayor

ATTEST:



Carol J. Weir
Deputy Recorder

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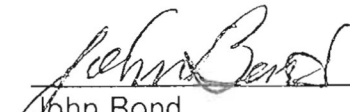
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CITY OF ROGUE RIVER
BOX 1137
ROGUE RIVER OR 95737

ATTENTION: PLAN AMENDMENT SPECIALIST

DLCD

635 CAPITOL STREET NE SUITE 150
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