



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 005-07

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

FORM 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: **CPA2007-02**

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 from R-2 High Density Residential to C-1 Commercial

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

Plan Map Changed from: **R-2**

to: **C-1**

Zone Map Changed from: **Residential**

to: **Commercial**

Location: **206 West Main Street, Rogue River**

Acres Involved: **0**

Specify Density: Previous: **20 units per acre**

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 # 005-07 (16398)

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.

Council Bill
No. 07-2123

ORDINANCE NO. 08-348-O

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND REZONING THE PROPERTY DESCRIBED AS T.36S., R.4W., SECTION 16DD, TAX LOT 1301, LOCATED AT 206 WEST MAIN STREET IN ROGUE RIVER, OREGON.

WHEREAS, the City of Rogue River received an application requesting a comprehensive plan amendment and zone change from High Density Residential (R-2) to Commercial (C-1) for property described as T.36S., R.4W., Section 16DD, Tax Lot 1301, located at 206 West Main Street, 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 commercial development on this property will generate 5 trips per day less than the future high density residential development would generate; 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 property, described as T.36S., R.4W., Section 16DD, Tax Lot 1301, is hereby designated as Commercial land on the City of Rogue River's Comprehensive Plan.

SECTION 2. The real property, described as T.36S., R.4W., Section 16DD, Tax Lot 1301, is hereby designated as Commercial (C-1) on the City of Rogue River's Future Zoning Map.

SECTION 3. The real property, described as T.36S., R.4W., Section 16DD, Tax Lot 1301, is hereby designated as Commercial (C-1) on the City of Rogue River's Existing Zoning Map.

ORDINANCE NO. 08-348-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 **Handbury**, 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 ON PROPERTY LOCATED AT)	NO. 2007-004
204 WEST MAIN STREET, ROGUE RIVER)	
PATRICK AND JOSEPHINE MURPHY,)	
APPLICANT)	
FILE CPA2007-002)	

WHEREAS, on September 13, 2007, Patrick and Josephine Murphy submitted a Comprehensive Plan and Zoning Map Amendment application, to change the designation and zoning on their property from High Density Residential (R-2) to Commercial (C-1), for the property legally described as Township 36 South, Range 4 West, Section 16DD, Tax Lot 1301, and located at 206 West Main Street, Rogue River, Oregon; and

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

WHEREAS, the City of Rogue River Planning Commission finds, based on the attached findings of fact and conclusions of law, that this Comprehensive Plan and Zoning Map Amendment application complies with Section 19 of the City of Rogue River Zoning Ordinance, the Oregon Transportation Planning Rule and the Statewide Planning Goals.

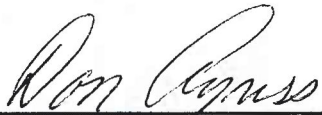
NOW THEREFORE, on this 13th day of November, 2007, the City of Rogue River Planning Commission recommends that the Rogue River City Council approve this Comprehensive Plan and Existing and Future Zoning Map Amendment designation for the subject property to Commercial (C-1).



Chair Don Eaton



Vice-Chair Bill Jones



Commissioner Don Ayriess



Commissioner Pam VanArsdale



Commissioner Fred England

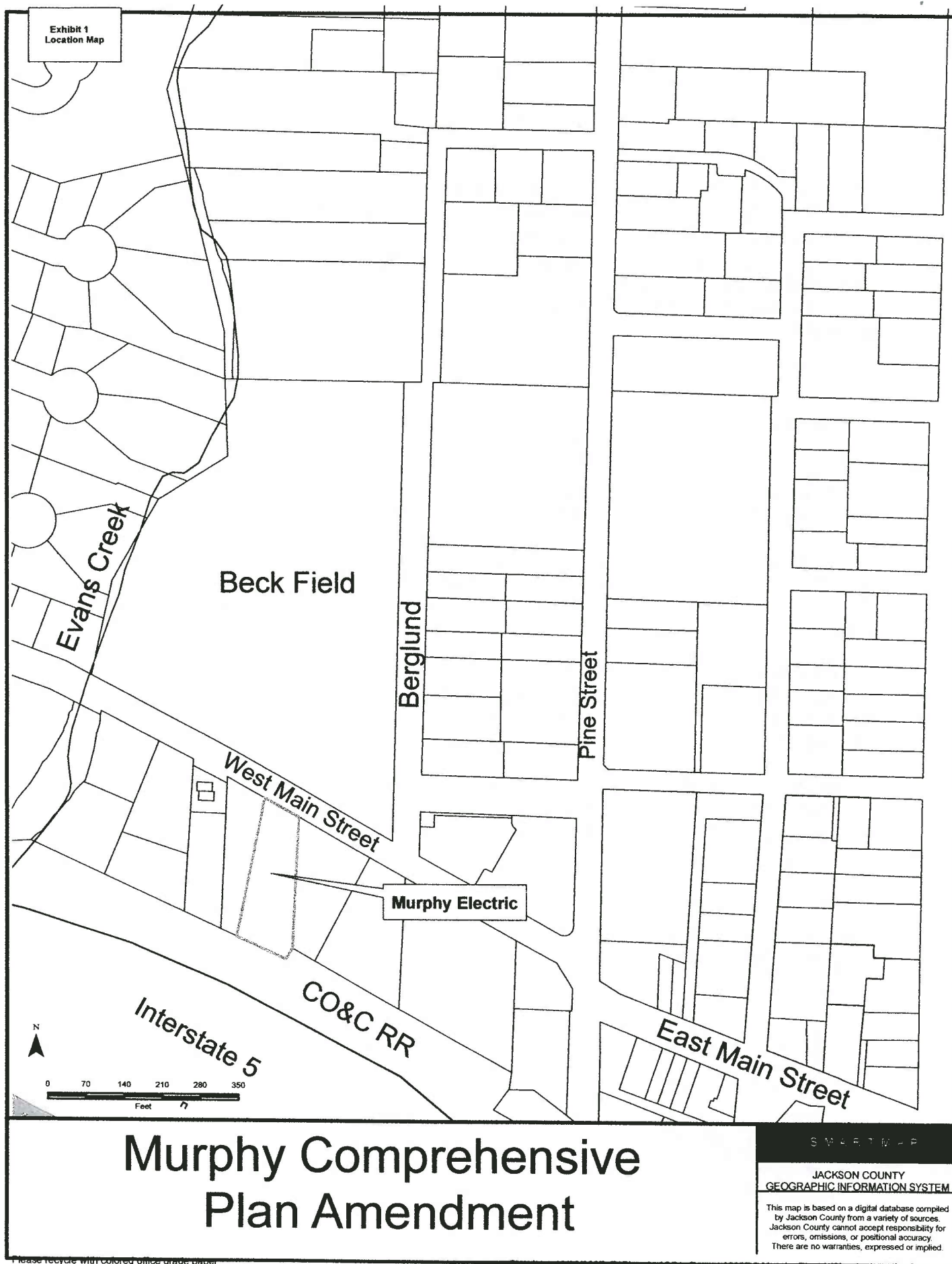


Exhibit 1
Location Map

Murphy Comprehensive Plan Amendment

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

A. **Parcel Size:** 0.52 Acres

B. **Access:** West Main Street

C. **Zoning:** See Exhibit 2, Zoning Map

1. Subject Property:
 - a. Current: High Density Residential (R-2)
 - b. Proposed: Commercial (C-1)
2. Surrounding Property:
 - a. North: Public (P)
 - b. East: Commercial (C-1)
 - c. South: Public (P)
 - d. West: High Density Residential (R-2)

D. **Parcel Creation:** 1964

E. **Previous Land Use Actions:** None

F. **Current Land Use:** Single family residence

G. **Surrounding Land Uses:**

1. North: Beck Field.
2. East: Commercial uses, including a dentist office, banks, retail space and insurance offices.
3. South: Central Oregon Pacific Railroad, Interstate 5 and the Rogue River.
4. West: Residential uses and Evans Creek.

H. **Public Facilities:**

1. Water: An 8-inch water line is available in West Main Street, see Exhibit 3.
2. Sewer: An 8-inch sewer line is available in West Main Street, see Exhibit 4.
3. Storm Drain: Concrete storm drains exist on both the north and south sides of West Main Street, with a man hole at the northwest corner of the Murphy property, see Exhibit 5.
4. Streets: West Main Street, an arterial, provides frontage along the northern border of this property, as shown on Exhibit 1.

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 Planning Rule (OAR 660-12-0060) and the Statewide Planning Goals, 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: The subject application is a comprehensive plan and zone change application, amending the City of Rogue River Comprehensive Plan, Future Zoning and Current Zoning Maps from High Density Residential (R-2) to Commercial (C-1). The Planning Commission finds that this requirement is 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 2005 Buildable Lands Study prepared for the City by Rebecca Reid and the Rogue Valley Council of Governments indicates that Rogue River needs additional commercial land within the community and within the urban growth boundary. The subject property, located on an arterial and adjacent to existing commercial development and zoning is an ideal location for additional commercial land. The Planning Commission finds that commercial zoning for the subject property meets the public need for commercial land, in a location to provide the greatest good to the public welfare.

- #### 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 subject property is zoned High Density Residential, with a potential for up to 20 units per acre, or 10 residences on the subject property, with an average of 88 trips per day. Under a commercial zoning, the property could accommodate small business park with an average of 83 trips per day. The Planning Commission finds that there is no difference in the traffic impact from either high density residential or commercial development on the subject property, therefore there is no significant affect on an existing or planned transportation facility.

- #### 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 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. The Planning Commission's recommendation will be forwarded to the Rogue River City Council, where citizens will have additional opportunities to participate.

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.

3. Goal 3: Agricultural Land requires counties to inventory agricultural lands," then to 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, be it as a Residential or Commercial use, will be required to meet the various federal, state and local air, water and land regulation standards.

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 subject property is not identified as part of the existing or proposed recreation facilities.

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: The proposed comprehensive plan amendment and zone change addresses one of the identified deficiencies in the Rogue River buildable lands inventory, by providing additional buildable commercial land.

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

FINDING: The City of Rogue River Comprehensive Plan has adequate property zoned for a variety of residential densities, to meet the housing needs of current and future residents. The subject property is situated adjacent to the Central Oregon California Railroad tracks, Interstate 5 and West Main Street, all busy traffic corridors. The Planning Commission finds that a commercial use is more consistent with this area than residential development.

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 City of Rogue River has public services and facilities available to serve the subject property. Exhibit 3 shows the water line in West Main Street; Exhibit 4 shows the Sewer line in West Main Street; and Exhibit 5 shows the Storm Drain line in West Main Street. At the time of development review, the specific applicant connection improvements will be identified.

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 noted above, the subject property is zoned High Density Residential, with a potential for up to 20 units per acre, or 10 residences on the subject property, with an average of 88 trips per day. Under a commercial zoning, the property could accommodate small business park with an average of 83 trips per day. The Planning Commission finds that there is no difference in the traffic impact from either high density residential or commercial development on the subject property, therefore there is no significant affect on an existing or planned transportation facility.

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. New commercial development on this property will be held to the latest building/energy conservation code requirements.

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

FINDING: The subject property is within the City of Rogue River municipal limits, and therefore is already urban land.

IV. CONCLUSIONS OF LAW

Based on the findings above, the Planning Commission concludes that the Murphy Comprehensive Plan Amendment and Zone Change:

- A. Complies with Article 19 of the City of Rogue River Zoning Ordinance because the application is for an amendment to the comprehensive plan map as well as the future and existing zoning maps; and this change from High Density Residential to Commercial meets a need identified in the 2005 Buildable Lands Study prepared for the City of Rogue River which identified that the City needs additional Commercial land in town as well as in the Urban Growth Boundary.
- B. Complies with the Transportation Planning Rule because the change in plan and zone designation will not create an increase in daily trips from this property.
- C. Complies with the Statewide Planning Goals as found in III,B above.

Therefore, the Murphy Property should be designated and zoned Commercial (C-1).



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**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