



Oregon

Theodore R. Kubangoski, 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 003-09

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

<paa>

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**



Jurisdiction: **City of Rogue River** Local file number: **OA2008-08C**
 Date of Adoption: **April 23, 2009** Date Mailed: **April 28, 2009**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **November 1, 2008**
 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".
 Modification and renaming of the existing General Commercial District to the Commercial District.

Does the Adoption differ from proposal? **Yes**
 Minor modifications.

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. 003-09 (17543) [15506]

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: **541-582-0937**

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.**

Updated March 17, 2009

ORDINANCE NO. 09-360-O

AN ORDINANCE REPLACING SECTION 3.040, COMMERCIAL 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 3.040. C OR COMMERCIAL DISTRICT is repealed and replaced with the following:

SECTION 3.040. C OR COMMERCIAL DISTRICT:

(1) **Purpose.** This district is designed to encourage, stabilize, improve, and protect the characteristics of the Rogue River commercial core and to promote the establishment of new and complementary commercial and service land uses.

(2) **Permitted Uses.** All uses are subject to Article 10, Site Plan Review.

a. Business, financial and professional offices and 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, laundromat, cleaning and laundry shops and services, and dyeing establishments.

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

3. Indoor restaurant, café, delicatessen, bakery, 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, picture framing studios, 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 of this Ordinance.

7. Copying and printing shops and services.

d. Mortuary.

e. Single residence in conjunction with a commercial use.

f. Maintenance, repair, improvement, expansion and renovation of existing residences.

g. New garage and storage building for existing residence.

h. Mobile businesses, when:

1. Comprised of two-hundred (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.

(3) **Accessory Uses.** The following uses are permitted as accessory to an existing use in the C District.

a. Seasonal uses when setup and removed within forty-five (45) days of the specified holiday or season. A seasonal use shall not last for more than forty-five (45) calendar days, shall not encroach upon any traffic percent maneuvering, ingress or egress ways, and shall not cover more than ten (10%) percent of the required off-street parking area for the commercial use.

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

a. Restaurants and any establishment which includes dancing and entertainment.

b. Outdoor restaurant or restaurant with outdoor seating areas.

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

d. Recreational vehicle parks.

e. Veterinary clinic.

f. Automobile service stations, auto body shop, muffler shop, mechanic shop, new and used-car sales, boat and trailer sales.

g. Vehicle and equipment rental and storage yards.

h. Mini-storage facilities.

i. Churches, parochial and private schools, including nursery schools, classrooms or training centers.

j. Business, dancing, trade, technical or similar schools, classrooms or training centers.

k. Residential care facilities.

l. An additional residence, meeting the High Density Residential (R-2) development standards in Section 3.030.

m. 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.

n. Service shops such as upholsterer and appliance repair.

o. Publishing and lithography shops and services.

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

q. Cabinet, carpentry, electrical, furniture, plumbing, and heating supply shops and services.

r. 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.]*

s. Hotels and motels.

t. Other similar uses, when found to be consistent with the intent of this District by the Planning Commission.

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

a. The maximum building height is forty (40') feet.

b. Each new parcel must front on and have access to a publically owned

and maintained road for a minimum of forty (40') feet, except when the parcel is served by a flagpole approved under Section 4.120 of the City of Rogue River Subdivision Ordinance, or a private road created and approved through a partition, subdivision or planned unit development.

c. There are no requirements for lot area or width, or for yard setbacks except as necessary to meet the off-street parking and loading requirements or as a condition of approval.

(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.

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 (10%) percent 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, and garden shops, Christmas tree sales lots, bus stations, automobile sales, and trailer sales or rentals need not be within an enclosed structure.

c. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within a paved 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 a residential district, a solid wall or fence, six (6') 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 provide half street improvements along all frontage roads, including curbs, gutters, sidewalks and storm drain facilities, and pavement to the center line of the road(s).

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 one-million (\$1,000,000) dollars naming the City as an additional insured. Public utilities are exempt from this section.

(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) **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.

ORDINANCE NO. 09-360-O

First Reading: March 26, 2009

The enactment of the above Ordinance was moved by **Schaeffer**, 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, **Mead** seconded by **England**, 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.

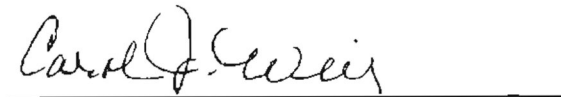
PASSED this 23rd day of **April, 2009** by the Common Council of the City of Rogue River, Oregon.

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

ORDINANCE NO. 09-360-O

AN ORDINANCE REPLACING SECTION 3.040, COMMERCIAL 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 3.040. C OR COMMERCIAL DISTRICT is repealed and replaced with the following:

SECTION 3.040. C OR COMMERCIAL DISTRICT:

(1) **Purpose.** This district is designed to encourage, stabilize, improve, and protect the characteristics of the Rogue River commercial core and to promote the establishment of new and complementary commercial and service land uses.

(2) **Permitted Uses.** All uses are subject to Article 10, Site Plan Review.

a. Business, financial and professional offices and 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, laundromat, cleaning and laundry shops and services, and dyeing establishments.

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

3. Indoor restaurant, café, delicatessen, bakery, 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, picture framing studios, 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 of this Ordinance.

7. Copying and printing shops and services.

d. Mortuary.

e. Single residence in conjunction with a commercial use.

f. Maintenance, repair, improvement, expansion and renovation of existing residences.

g. New garage and storage building for existing residence.

h. Mobile businesses, when:

1. Comprised of two-hundred (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.

(3) **Accessory Uses.** The following uses are permitted as accessory to an existing use in the C District.

a. Seasonal uses when setup and removed within forty-five (45) days of the specified holiday or season. A seasonal use shall not last for more than forty-five (45) calendar days, shall not encroach upon any traffic percent maneuvering, ingress or egress ways, and shall not cover more than ten (10%) percent of the required off-street parking area for the commercial use.

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

a. Restaurants and any establishment which includes dancing and entertainment.

b. Outdoor restaurant or restaurant with outdoor seating areas.

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

d. Recreational vehicle parks.

e. Veterinary clinic.

f. Automobile service stations, auto body shop, muffler shop, mechanic shop, new and used-car sales, boat and trailer sales.

g. Vehicle and equipment rental and storage yards.

h. Mini-storage facilities.

i. Churches, parochial and private schools, including nursery schools, classrooms or training centers.

j. Business, dancing, trade, technical or similar schools, classrooms or training centers.

k. Residential care facilities.

l. An additional residence, meeting the High Density Residential (R-2) development standards in Section 3.030.

m. 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.

n. Service shops such as upholsterer and appliance repair.

o. Publishing and lithography shops and services.

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

q. Cabinet, carpentry, electrical, furniture, plumbing, and heating supply shops and services.

r. 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.]*

s. Hotels and motels.

t. Other similar uses, when found to be consistent with the intent of this District by the Planning Commission.

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

a. The maximum building height is forty (40') feet.

b. Each new parcel must front on and have access to a publically owned

and maintained road for a minimum of forty (40') feet, except when the parcel is served by a flagpole approved under Section 4.120 of the City of Rogue River Subdivision Ordinance, or a private road created and approved through a partition, subdivision or planned unit development.

c. There are no requirements for lot area or width, or for yard setbacks except as necessary to meet the off-street parking and loading requirements or as a condition of approval.

(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.

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 (10%) percent 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, and garden shops, Christmas tree sales lots, bus stations, automobile sales, and trailer sales or rentals need not be within an enclosed structure.

c. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within a paved 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 a residential district, a solid wall or fence, six (6') 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 provide half street improvements along all frontage roads, including curbs, gutters, sidewalks and storm drain facilities, and pavement to the center line of the road(s).

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 one-million (\$1,000,000) dollars naming the City as an additional insured. Public utilities are exempt from this section.

(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) **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.

ORDINANCE NO. 09-360-O

First Reading: March 26, 2009

The enactment of the above Ordinance was moved by **Schaeffer**, 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, **Mead** seconded by England, 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.

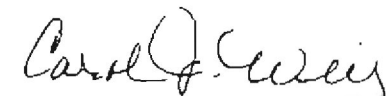
PASSED this 23rd day of **April, 2009** by the Common Council of the City of Rogue River, Oregon.

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



07 1M
0004235044 APR 26 2009
\$01.51⁰
MAILED FROM ZIP CODE 97337



CITY OF ROGUE RIVER
BOX 1137
ROGUE RIVER OR 95737

ATTENTION: PLAN AMENDMENT SPECIALIST

DLCD

635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000).

There is a growing awareness of the need to address the needs of older people, and the need to ensure that the health care system is able to meet the needs of older people. The Department of Health (2000) has set out a strategy for the health care system to meet the needs of older people, and the Health Service Research Unit (2000) has set out a research agenda for the health care system to meet the needs of older people.

The Health Service Research Unit (2000) has identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.

The Health Service Research Unit (2000) has also identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.

The Health Service Research Unit (2000) has also identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.

The Health Service Research Unit (2000) has also identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.

The Health Service Research Unit (2000) has also identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.

The Health Service Research Unit (2000) has also identified a number of research priorities for the health care system to meet the needs of older people. These include: (1) the need to improve the quality of care for older people; (2) the need to improve the access to health care for older people; (3) the need to improve the health of older people; and (4) the need to improve the lives of older people.