

Chapter 17.85

SIGNS

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17.85.010 Short title.

This chapter shall hereafter be known and designated as the “sign ordinance of the city of Rogue River.” [Ord. 07-335-O § 1; Ord. 93-229-O § 1].

17.85.020 Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. This chapter is adopted in recognition of the important function of signs and the need to safeguard and enhance the economic and aesthetic values in the city of Rogue River. The regulations of this code are not intended to permit any violation of the provisions of any other lawful ordinance. [Ord. 07-335-O § 2; Ord. 93-229-O § 2].

17.85.030 Definitions.

Unless the context clearly requires otherwise, the singular includes the plural, and the following words and phrases shall mean:

“‘A’ board,” “curb sign,” “sandwich board” or “sidewalk sign” means a sign made out of a solid material that is constructed to stand on its own displaying information for a business.

“Alteration” means any change excluding content, and including, but not limited to, the size, shape, method of illuminations, position, locations, materials, construction, or supporting structure of a sign.

“Area” means the area included within the outer dimensions of a sign, normally the area of a rectangle, square, circle of the backboard to which the lettering, logo, etc., of the business is affixed, or a geometric border approximate to the outside of the lettering and/or logo.

“Awning” means a shelter projecting from and supported entirely from the exterior wall of a building and constructed of rigid or nonrigid materials on a supporting framework.

“Building face” or “wall” means all window and wall areas of a building in one plane or elevation.

“Bulletin board” or “reader board” means a sign which accommodates changeable copy.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof that is devoted to a specific business or enterprise.

“Business premises” means a parcel of property or that portion thereof occupied by one tenant.

“Canopy” means a nonmovable rooflike structure attached to a building.

“Changing image sign/electronic message sign” means a sign that makes use of:

1. Moving structural elements;
2. Flashing or sequential lights;
3. Lights in a dot matrix or LED configuration, which may be changed intermittently; or
4. Other automated method, which results in movement, the appearance of movement, or change of sign image, message or display.

“Directional sign” means a sign required by the travel information council as a followup sign, needed by a business having a freeway sign, or any approved sign requested by a business, but said sign to be located off the business premises and used as a locator and the definition also includes any master directional sign installed by the city.

“Flashing sign” means a sign incorporating an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

“Frontage” means the single wall surface of a building facing a given direction.

“Governmental entity” means any United States government, state of Oregon, Jackson County or Rogue River function.

“Ground sign” means a sign erected on a freestanding frame, mast or pole and not attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

“Illuminated sign” means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is “external” when the light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot-matrix or LEDs. External illumination is “direct” when the source of sight is directly seen by the public, such as floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

“LED” means a semiconductor diode that converts applied voltage to light and is used in digital displays.

“Marquee” means a nonmovable rooflike structure attached to or supported by a building which is self-draining.

“Marquee sign” means a sign which is painted on, attached to, or supported by a marquee, awning, or canopy.

“Neon sign” means a sign which is internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

“Nonconforming sign” means an existing sign, lawful at the time of enactment of the ordinance codified in this chapter, which does not conform to the requirements of this chapter.

“Projecting signs” means signs, other than wall signs, which are attached to and project from a roof or wall of a structure or building face, usually perpendicular to the building face.

“Public service entity” means any public service nonprofit organization, such as, but not limited to, Chamber of Commerce, fire department, ambulance, public museum, etc.

“Roof sign” means any sign erected upon, or against, or directly above a roof or top or above the parapet of a building.

“Setback” means the horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

“Shopping center” or “business complex” means any business or group of businesses which are in a building or group of buildings, on one or more lots.

“Sign” means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate, canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates or is designed to communicate on any subject whatsoever.

“Sign copy” means the message or image conveyed by a sign.

“Sign face” means the sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

“Sign, public” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not limited to, motorist informational signs and warning lights.

“Street frontage” means the lineal dimensions in feet that the property upon which a structure is or can be built abuts a public street or streets.

“Temporary sign” means a sign which is not permanently affixed. All devices such as, but not limited to, banners, pennants, flags (not including flags of national, state, or city governments), searchlights, free standing flags, balloons or other air or gas filled displays. In no case will these types of signs be displayed for over 45 days except for a product or event change and with approval from the sign review board.

“Tri-vision sign” means a sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time; provided, that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

“Video sign” means a sign providing information in both a horizontal and vertical format (as opposed to linear), through the use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in this title, or those areas near intersections or roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance.

“Wall graphics” includes but is not limited to any mosaic, mural, painting or graphic art technique or combination or grouping of mosaics, murals, paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence.

“Wall sign” means a sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other objects fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 16-396-O § 1; Ord. 09-367-O § 1; Ord. 07-335-O § 3; Ord. 93-229-O § 3].

17.85.040 Responsibilities.

The responsibilities for regulating, reviewing, amending and enforcing this chapter are as follows:

A. Mayor. The mayor will appoint three regular members and three alternate members of the community to the sign review board. The mayor will forward any and all information which requires attention to the appropriate department/committee.

B. City Council. The city council will review all recommendations pertaining to appointments, amendments, and interpretation of this chapter. The city council will hear all appeals made regarding the enforcement of this chapter. The city council will have the final decision in all matters regarding this chapter.

C. Sign Review Board. The sign review board will consist of three members of the community and three alternate members of the community. Members shall serve a term of one year. The term shall run from time of appointment until January 15th of the following year. Sign review board members shall:

1. Elect a chairperson at their first meeting, and meet at least once a month thereafter.
2. Review sign permit applications and make approvals, denials, recommend changes as applicable, and assess fees for signs.
3. Have 15 working days from receipt of a sign application to forward their decision to the city recorder.
4. Have 15 working days to determine if a violation exists, and forward their recommended method of enforcement to the city council.
5. Review and make recommendations for changes to this chapter to the city council at least annually.
6. Review complaints regarding any possible violations to this chapter and recommend method of enforcement.
7. Recommend variances to any sign application that may not conform to this chapter. Variances may be considered in cases where the visibility and identification of the business cannot be realistically made under the restrictions of this chapter. The sign review board shall make a finding that the sign which would result from a variance will not affect the surrounding neighborhood or other property which could be affected by the variance. The sign review board must outline the reasons for a variance in their endorsement portion of the sign application.

D. Public Works. The public works director shall act as technical advisor to the sign review board, and assist in determining sign placement with regard to state laws. It shall be the responsibility of the public works department to:

1. Report all observations or complaints of possible violations to the sign review board.
2. Take immediate action when a sign is in such condition that it constitutes an immediate hazard, and, if not removed or repaired, would cause physical injury to any person. Immediate action may include removal if the responsible owner is not available.
3. Carry out the recommendations of the city council or the municipal court when determination is reached to abate a violation.
4. Replace any city owned or erected signs that are in disrepair or have been damaged to the point that the intent is not clear.

E. Police Department. The police department shall:

1. Report all observations or complaints of possible violations to the sign review board.
2. Report sign conditions that constitute an immediate hazard to the public works department, and assist in locating the responsible owner.
3. Investigate all reports of possible violations determined by the sign review board, and initiate the abatement procedure as described in this chapter. [Ord. 09-367-O § 2; Ord. 07-335-O § 4; Ord. 93-229-O § 4].

17.85.050 Sign permits.

A city sign permit and fee will be required except under certain circumstances.

A. Required. A sign permit will be required under the following instances:

1. Prior to the placement of any new sign.
2. Prior to any alteration of an existing sign, including any sign content.
3. To place a temporary sign for a new business, not to exceed 90 days.
4. To relocate an established business sign.

B. Permit Requirements. For the purpose of review by the sign review board, the following information will be required:

1. A drawing which indicates location of sign and its proposed relationship to any building, and any existing signs on the building.
2. A detailed list of materials, dimensions, shape, method of attachment, and structural elements of the proposed sign.
3. A completed sign permit application.

C. Permit Fee. The fees for a sign permit shall be set forth in a resolution by the city council, except:

1. No fee shall be required for minor maintenance and repairs of existing signs.
2. No fee shall be required for temporary signs.
3. No fee shall be required for signs requested by governmental and certain public service, nonprofit agencies, as determined by the sign review board.
4. A minimum of double the regular fee shall be charged for signs erected without a permit. Signs erected prior to obtaining a permit from the sign review board may be allowed to remain if said sign(s) comply with this chapter and are approved by the sign review board.

D. Building Permit Required. A building permit and fee shall be required unless said sign is expressly exempted from the Uniform Sign Code.

E. Building Permit Requirements. For the purpose of review by the building official, the following information will be required:

1. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provision of the sign code and relevant laws, ordinances, rules and regulations, as determined by the building official.

2. Site plan showing the size and location of the new sign, and existing structures on the site and distances from lot lines. The building official may waive or modify the requirement for a site plan when the application for a permit is for alteration or repair or when otherwise warranted.

3. Construction documents (drawings) shall indicate location of sign and its proposed relationship to any building and any existing signs on the building.

4. A detailed list of materials, dimensions, shape, method of attachment, and structural elements of the proposed sign, including foundation details if necessary.

5. Additional information for structures located in whole or in part in a flood hazard area shall be provided to the building official.

6. A completed building permit application.

F. Building Permit Fee. The fees for a building permit shall be as set forth in a resolution adopted by the city council which established a building valuation and permit fee schedule. Said permit fee shall be based on the value of the work.

1. No fee shall be required for minor maintenance and repairs of existing signs.

2. An investigation fee shall be charged for all work started without a building permit. The investigation fee shall be double the regular fee.

G. Inspections. If a building permit is required, the building official shall perform a sign inspection upon notification by the permittee that the construction is ready for inspection. Failure of the permittee to notify the building official of the progress of construction for inspection purposes shall result in the revocation of the sign permit. A final inspection of a sign shall be made upon completion of all construction work and prior to its illumination. All signs may be inspected or reinspected at the discretion of the building official. The building official shall inspect footings for a monument, ground-mounted or freestanding signs.

H. Electrical Permit. When deemed necessary by the building official, electrical permits shall be obtained as part of the sign permit process. Electrical inspections shall be completed before the building official completes a final inspection.

I. Permit Issued. All occupation tax applicants within the city limits shall be issued a sign application for a sign permit, and will be advised that no sign will be erected, altered, or replaced until approval of the permit by the sign review board and the building official. Upon approval of the permit, the city recorder shall issue a permit and collect the necessary fees. The city recorder shall keep a copy and permanent record of each permit issued.

J. Sign Installation. All signs are to be installed within 180 days of approval. If not installed within the 180 days, a permit renewal will be required. [Ord. 09-367-O § 3; Ord. 07-335-O § 5; Ord. 93-234-O § 1; Ord. 93-229-O § 5].

17.85.060 Construction and maintenance.

A. Materials and Construction Standards. All signs and their supporting members may be constructed of any suitable material, subject to the provisions of this chapter and meeting building code requirements, including but not limited to the following:

1. All glass used in the sign shall be shatter-resistant or, if plastic, approved by the building code.

2. All signs shall be designed, constructed, and erected in accordance with the requirements of the Oregon State Structural Code and the Uniform Sign Code and shall resist the applicable wind loads set forth in the aforementioned codes.

3. All illuminated signs must be installed subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the state of Oregon.

4. All signs, together with all of their supports, braces, guys, and anchors, shall be maintained at all times in a state of good repair. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs that are faded, torn, damaged, or otherwise unsightly, or in a state of disrepair, shall be immediately repaired or removed. [Ord. 09-367-O § 4; Ord. 07-335-O § 6; Ord. 93-229-O § 6].

17.85.070 General sign regulations.

The following general provisions shall govern all signs in addition to all other applicable provisions of this chapter.

A. Obstruction by Signs.

1. No sign shall be placed so that its surface or supports obstruct any fire escape, standpipe, stairway, door or exit from any building.
2. No sign shall be erected in a manner that would confuse or obstruct the view or interpretation of any official traffic sign, signal or device.
3. No sign shall obstruct the view of vehicular or pedestrian traffic flow.
4. No sign shall obstruct vehicular or pedestrian traffic flow.
5. No sign shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law, provision of this code, or provisions of the State Building Code.

B. Placement of Signs.

1. No ground sign shall be erected where the sign projects into a pedestrian walkway.
2. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located, except for approved projections over public property.
3. The lowest portion of a projecting sign must be at least eight feet above grade, or 10 feet above grade if located within a corner clearance clear vision area.
4. All signs shall be sited in accordance with RRMC 17.65.040. [Ord. 09-367-O § 5; Ord. 07-344-O § 1; Ord. 07-335-O § 7; Ord. 93-229-O § 7].

17.85.080 Residential sign regulations.

Nothing contained herein shall be construed as permitting any type of sign in conjunction with a home occupation.

A. Neighborhood Identification Signs. One sign shall be permitted at each entry point to residential development not exceeding an area of 24 square feet per sign.

B. Conditional Use Permits. One ground sign or one wall sign not exceeding an overall height of five feet and an area of 24 square feet, set back at least 10 feet from property lines, may be permitted. Such signs shall be approved in conjunction with the issuance of the conditional use permit.

C. Other Residential Signs. Residential development shall be allowed one wall sign or one ground sign which meets the following criteria:

1. The total size of the sign is limited to 24 square feet.
2. The maximum height of the highest portion of any ground sign is to be eight feet above grade. [Ord. 07-335-O § 8; Ord. 93-229-O § 8].

17.85.090 Commercial and industrial regulations.

Signs in the commercial and industrial district shall conform to the additional following regulations:

A. Special Provisions.

1. Frontage. The number and use of signs allowed by virtue of a given business street frontage shall be placed only upon such business street frontage, and no business shall be allowed more than two signs for each business frontage except by application and approval of the sign review board.
2. Area. The total area of any sign shall not exceed 60 square feet.
3. Aggregate Area of Signs. The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to two square feet for each lineal foot of building street frontage, not to exceed 120 square feet. Aggregate area shall not include nameplates, business hours, real estate and/or construction signs, product merchandise or reader type signs.

B. Types of Signs Permitted.

1. Wall Signs.

- a. Signs may project a maximum of 18 inches from the face of the building to which they are attached, provided the lowest portion of the sign is at least eight feet above grade.
- b. No business shall be allowed more than two wall signs for each business frontage except by application and approval of the sign review board.

2. Ground Signs.

- a. Ground signs shall be limited to one per business, and the height shall be determined by the sign review board with consideration given to location and area. No ground sign shall exceed 40 feet in height.
- b. The lowest portion of a ground sign, if within a pedestrian traffic area, shall not be less than eight feet above grade.

3. Marquee or Awning Signs.

- a. A maximum of two signs shall be permitted for each business frontage in lieu of wall signs.
- b. Signs shall not exceed the permitted aggregate sign area, not taken up by a wall sign.
- c. Signs may not project beyond the face of the marquee if suspended, or above the face of the marquee if attached to and parallel to the face of the marquee.
- d. Signs shall have a maximum face height of nine inches if placed below the marquee, and the lowest portion of any sign must be at least eight feet above grade.

4. Projecting Signs/Roof Signs.

- a. One sign shall be permitted for each business or group of businesses occupying a single common space or suite in lieu of a wall sign.
- b. Except for marquee or awning signs, a projecting sign shall not exceed an area of one square foot for each two feet of lineal business frontage that is not already utilized by a wall sign. The maximum area of any projecting sign shall be 20 square feet.
- c. Signs may project from the face of the building to which they are attached a maximum of two feet if located eight feet above grade, or four feet if located 10 feet above grade or more.

d. No roof sign shall exceed 40 feet in height from grade and shall be at a minimum of eight feet above grade.

5. Changing Image Signs or Electronic Message Signs. Changing image signs or electronic message signs permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:

a. The sign is constructed, established, operated, or otherwise functioning in such a way that the message or display changes no more frequently than every two seconds, and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

b. The changing image sign may not be more than 40 square feet, whether the changing image is stand alone or a part of a more comprehensive or aggregate sign.

c. Subject to subsection (B)(5)(d) of this section, the changing image sign must be constructed, established, operated, or otherwise function in such a way as to not exceed the following illumination limitations.

No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for visibility. In no case may the brightness exceed 5,000 nits or equivalent candelas during daylight hours, or 1,000 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city administrator.

d. The permittee shall submit to the building official a written certification from the sign manufacturer stating that the light intensity of the sign has been factory pre-set not to exceed the levels specified in subsection (B)(5)(c) of this section, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the building official.

e. No other flashing light is permitted on the same side of a sign containing a changing image sign.

f. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

g. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

h. Sign copy shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of lights, or blinking or chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

i. For shopping centers and business complexes, one single- or double-faced changing image sign or electronic message sign per site may be incorporated into a pole, monument, or ground sign; the sign area of the electronic message portion of the sign shall not exceed 50 percent of the total sign face, not to exceed the maximum allowable square footage of a changing image/electronic message sign of 40 square feet.

j. Changing image or electronic message signs located within 150 feet of any residence or residential zone, as measured from any part of the sign to the nearest boundary of a property used or zoned residential, are subject to the following additional requirements:

i. Between the hours of 7:00 a.m. and 10:00 p.m., the signs may operate in accordance with the provisions outlined above.

ii. Between the hours of 10:00 p.m. and 7:00 a.m., the sign may only display static images with a hold time of no less than three seconds, with instantaneous transitions from one static frame to another static

frame, without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.

6. “‘A’ boards,” aka “reader,” “sandwich,” “sidewalk,” or “curb” signs are such signs to be considered as permanent signs requiring a signed application and approval from the sign review board. Such signs are limited to 15 square feet and shall not be placed to impede or endanger pedestrian or vehicle traffic and shall be removed daily at sundown until sunup. [Ord. 16-396-O § 2; Ord. 09-367-O § 6; Ord. 07-335-O § 9; Ord. 93-229-O § 9].

17.85.100 Temporary and other exempt signs.

The following signs are temporary by their nature, and are limited to special events, self-canceling upon completion of advertisement, or are placed by a governmental agency. All exempt signs shall be subject to the other regulations contained in this chapter relative to the size, lighting or spacing of such sign. Temporary and other exempt signs include, but are not limited to:

A. Informational signs placed by the city of Rogue River, Jackson County, state of Oregon, or the United States government in the publicly owned right-of-way.

B. Memorial tablets, cornerstones, or similar plaques not exceeding six square feet in size.

C. Temporary signs not exceeding four square feet that concern an election. These signs shall be erected no more than 45 days prior to and removed within seven days following the election.

D. Temporary signs painted or placed upon a window in a nonresidential zone maintained for a period not exceeding 90 days. Window signs which remain longer than 90 days will be considered permanent and must comply with the provisions of this chapter.

E. Temporary nonilluminated signs for charitable fund raising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than 30 days prior to the event and must be removed within two days following the event.

F. Temporary, nonilluminated real estate or construction signs not exceeding 16 square feet in area in residential zones or 32 square feet in area in commercial and industrial zones, provided:

1. Only one sign may be placed adjacent to the public street frontage on each city-approved and recorded lot.
2. Signs may be erected on the applicable property only.
3. Flag lot properties may have one directional sign erected near the entrance of the private or flag lot driveway adjacent to the public street.

G. Small incidental signs, provided said signs do not exceed four square feet in area per sign, limited to two on any parcel or two per street frontage, whichever is greater.

H. Cloth, canvas, or fabric signs may extend across a public street only by permission of the city council. Such signs, when extended over a public street, shall maintain a minimum clearance of 18 feet above grade.

I. Reader board signs, to include sandwich board signs, are limited to 15 square feet, and shall be placed on the applicable property in a manner that does not interfere with pedestrian or vehicular traffic.

J. No temporary or incidental signs shall be placed on public property or utility poles.

K. No temporary or incidental signs shall be placed on private property unless permission is secured from property owner. [Ord. 07-335-O § 10; Ord. 93-229-O § 10].

17.85.110 Prohibited signs.

Signs that create a hazard, cause a public nuisance or are offensive or unsightly are prohibited.

- A. No sign shall have or consist of any moving, rotating, flashing, or otherwise animated part.
- B. No public address system or sound devices shall be used in conjunction with any sign or advertising device.
- C. No wall graphics shall be permitted except as approved by the sign review board.
- D. No unofficial sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official traffic sign or signal shall be permitted.
- E. Signs of a non-artistic nature or which are in themselves unsightly, grotesque, offensive or monstrous are prohibited.
- F. Abandoned signs.
- G. Billboards.
- H. Video signs.
- I. Any sign constructed, maintained or altered in a manner not in compliance with this chapter.
- J. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign.
- K. Any sign within or over any public right-of-way, or located on private property less than two feet from any area subject to vehicular travel, except for:
 - 1. Public signs (includes banners over the public right-of-way, with the approval of the city of Rogue River).
 - 2. Temporary sign specifically allowed within the public right-of-way.
 - 3. Awning signs as specifically allowed.
- L. Unlawful signs.
- M. Any sign which is judicially determined to be a public nuisance.
- N. Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal or it bears the words “stop,” “go,” “slow,” “caution,” “danger” or similar words or which hides from view any traffic sign or signal. [Ord. 09-367-O § 7; Ord. 07-335-O § 11; Ord. 93-229-O § 11].

17.85.120 Nonconforming signs.

Any sign which does not conform with a provision of this chapter prior to adoption is subject to this section. Nonconforming signs must be brought into conformance under the following circumstances:

- A. When any physical alteration, change of location, change of ownership, or change of content is made.
- B. When a site plan review or conditional use permit is required, or with the issuance of a building permit.
- C. Prior to approval for an additional sign, all existing signs must be brought into conformance.
- D. When a business ceases operations for a period of 60 days or more, all signs nonconforming or conforming shall be considered abandoned and must be removed.
- E. When damaged beyond repair, the new sign must conform with the provisions of this chapter. Minor repairs and routine maintenance may be made to a nonconforming sign.

F. Billboards are nonconforming structures and are addressed in this title.

G. All signs in service as of the date of the passage of the ordinance codified in this chapter are allowed to remain, as long as said sign complied with the ordinances in existence at the time the sign permit was issued. Any construction, replacement, alteration, or relocation of an existing sign shall require a new sign permit application. [Ord. 09-367-O § 8; Ord. 07-335-O § 12; Ord. 93-229-O § 12].

17.85.130 Notice of violation.

A. The sign review board will review all complaints regarding signs. Review will include on-site inspection and be completed within 15 days of the board's receipt of said complaint.

B. If it is determined that a possible violation exists, the board shall direct the city recorder to issue a notice to the owner of the property and/or business. This notice will:

1. List the nature of the violation, and the action necessary to bring the sign into compliance.
2. Advise the owner that the violation must be corrected within 15 calendar days from receipt of the notice, which will be served by certified mail.
3. Advise that an appeal may be filed with the city council within seven calendar days from receipt of the notice.
4. Indicate the public works department as an addressee.

C. If no appeal is received and the corrections are not made within the 15-day period, the determination made by the sign review board will be final. If it becomes necessary, a summons to appear in municipal court will be served to the owner or person in charge of the property. [Ord. 07-335-O § 13; Ord. 93-229-O § 13].

17.85.140 Appeal to city council.

A. The standards and regulations as set forth in this chapter are the maximum allowable and will be adhered to in all circumstances, except the sign review board may authorize variances as outlined in RPMC 17.85.040(C)(7).

B. Any decision made by the sign review board may be appealed to the city council in writing within seven calendar days of the decision. The appeal must be from the person or business which was the subject of the decision.

C. If no appeal is received within the seven-day period, the decision of the sign review board will be final.

D. The city council shall hold a public hearing on an appeal within 30 days from the date the appeal is filed. The city council may continue the hearing for good cause.

E. Following the hearing the city council may uphold, overrule or modify the decision of the sign review board. The decision of the city council shall be final and have immediate effect. [Ord. 07-335-O § 14; Ord. 96-263-O § 1; Ord. 93-229-O § 14].

17.85.150 Abatement procedure/enforcement.

A. If the decisions made by the sign review board, city council or municipal court are not complied with, the sign(s) may be removed by the public works department or other qualified person at the owner's expense.

B. Any sign that creates a hazard, causes a public nuisance or is offensive or unsightly may be removed through the nuisance abatement procedures as outlined in Chapter 8.05 RPMC, Nuisances. Any sign which represents an immediate danger and/or an immediate public safety hazard shall be rectified or removed at the direction of the city administrator.

C. Any person, firm or corporation violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine of not more than \$100.00. Such person, firm or corporation shall be in violation of this chapter and each day shall be treated as a separate offense until compliance with court order has been obtained. [Ord. 09-367-O § 9; Ord. 07-335-O § 15; Ord. 93-229-O § 15].

Chapter 17.90

STORM AND SURFACE WATER MANAGEMENT

Sections:

- 17.90.010 Purpose.
- 17.90.020 Applicability.
- 17.90.030 Storm water management plans.
- 17.90.040 General requirements.
- 17.90.050 Surface water conveyance standards.
- 17.90.060 Pollution reduction and flow control standards.

17.90.010 Purpose.

Detention of storm water collected from impervious surfaces on a given property, or within public right-of-way, is essential to the management of storm water in Rogue River. This chapter includes standards for conveyance of surface water to streams, creeks and channels. It also addresses pollution reduction and flow control for storm water generated from new development and redevelopment. For the purpose of this chapter, “new development” and “redevelopment” refer to any man-made change to improved or unimproved real estate including but not limited to the placement of buildings or other structures, dredging, filling, grading, or paving. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 14.010, 1982].

17.90.020 Applicability.

No permit for construction of new development or tenant improvements that result in impervious cover greater than 500 square feet within the city and urban growth boundary shall be issued until effects on storm water management are evaluated. The storm water plan shall be reviewed by the public works director and city engineers. All additional fees for this review shall be paid by the applicant. The level of review varies according to the affected area:

A. Level 1: 500 – 1,999 square feet. No storm water management measures beyond any mitigation measures for pollution reduction or flow control are required.

B. Level 2: 2,000 – 4,999 square feet. Conceptual plans that conform to the storm water management best management practices shall be submitted and approved.

C. Level 3: 5,000+ square feet. A storm water management plan that conforms to the storm water management manual shall be submitted and approved.

Areas smaller than 500 square feet may require review, and a greater level of review for properties between 500 and 4,999 square feet may be necessary when the site is identified as having especially sensitive conditions, including but not limited to wetlands and steep slopes.

Separate applicability thresholds for pollution reduction and flow control standards are listed in RPMC 17.90.040. Development projects shall not be phased or segmented in such a manner to avoid the requirements of these rules and regulations. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 14.020, 1982].

17.90.030 Storm water management plans.

A. Site plans shall include the following analyses and descriptions:

1. A description of storm water mitigation strategies to increase infiltration and evapotranspiration (use of water by plants) and reduce the amount of storm water runoff generated from the site.
2. Calculations of the amount of impervious surface before development and the amount of impervious surface after development. “Impervious surface” refers only to strictly impervious surfaces including roofs of buildings, impervious asphalt and concrete pavements, and other specifically impervious pavement materials such as mortared masonry and gravel.

3. An analysis of vegetative and other treatment methods used to reduce pollutants.
4. An analysis of flow reduction methods including infiltration and detention techniques.
5. Statement of consistency with city storm water management objectives and/or requirements of a pollutant load reduction plan for a water quality limited stream.

B. Post-construction plans shall include the following information:

1. As-built plans, stamped by a qualified professional, indicating all storm water mitigation and management strategies are installed per approved plans and approved changes.
2. Maintenance plans for all storm water treatment facilities installed to comply with this chapter. The maintenance program shall be subject to a recorded agreement with the city that outlines the storm water treatment facility responsibilities of property owners and the city. [Ord. 03-316-O § 1(Exh. A); Ord. 373 § 14.030, 1982].

17.90.040 General requirements.

A. All development shall be planned, designed, constructed and maintained to:

1. Provide a system by which storm/surface water within the development will be managed without causing damage or harm to the natural environment, or to property or persons.
2. Protect property from flood hazards.

B. Criteria.

1. Plans shall be submitted to the jurisdiction for review. If required by the city, all plans and calculations for areas 5,000 square feet or larger shall be stamped and signed by a qualified professional. Plan approval will be based on the criteria in this subsection.
2. Design, construction and maintenance of proposed storm water management plan will result in post construction storm water volumes flowing off site which are substantially the same as preconstruction volumes for all storms less than or equal to the water quality design storm.
3. All culvert installations must allow fish passage in accordance with Division of State Lands (DSL) and the U.S. Army Corps of Engineers (COE) and any other authorized federal, state, or local agency.
4. Installation of culverts, spans or storm water outfalls along natural water features shall be designed to emphasize preservation of natural flow conditions, allow for natural obstructions and pursue stream enhancement opportunities.
5. Storm water mitigation strategies, such as retention of existing trees, and use of porous paving surfaces, as well as storm water treatment and flow control facilities used to meet the requirements of this code must be included in the plans.
6. Storm water management plan shall be consistent with the city's storm water management plan and design manual.
7. In areas of high pollutant load, storm water infiltration shall incorporate, or be preceded by, treatment as necessary to prevent siltation of the infiltration facility, protect ground water, and prevent toxic accumulations of pollutants in the soil.
8. All vegetation used for the installation and landscaping of storm water facilities shall be selected from an approved plant list. Planting schedule and maintenance of vegetation shall be approved by the city.

9. All storm conveyance pipes, vaults and storm water infiltration, treatment and detention facilities shall be built to specifications of the city, as described in the storm water management plan.

10. The plan shall demonstrate compliance with the surface water conveyance standards of RRMC 17.90.050.

11. The plan shall demonstrate compliance with the pollution reduction and flow control standards of RRMC 17.90.060.

C. The city reserves the right to restrict the use of infiltration facilities in high risk areas including those with steep slopes, unstable soils, high water tables, or sites known to be contaminated by hazardous substances.

1. Infiltration facilities which fall under the jurisdiction of DEQ's underground injection control (UIC) program must be registered with the state and meet the requirements of the UIC program.

2. Bonds. Applicants shall provide a performance bond or similar surety acceptable to the city to assure successful installation and initial maintenance of surface pollution reduction and flow control facilities. During construction and for a period of two years thereafter, the bond shall be in favor of the city and in an amount of the anticipated construction cost.

3. Contingency for System Failure. If the storm drainage system fails due to lack of maintenance or breakage, and there are impacts to downstream water quality or quantity as a result of the failure, the city may perform the maintenance or repair and charge the owner of the facility. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 14.040, 1982].

17.90.050 Surface water conveyance standards.

The following measures are designed to efficiently convey storm water.

A. Culverts in and spans of streams, creeks, gulches and other natural drainage channels shall maintain a single channel conveyance system.

B. Culverts and/or spans are to be sized for the 24-hour post-developed tributary conditions of the 100-year storm.

C. Conveyance calculations shall use the following methods for analysis:

1. Projects smaller than 20 acres: the rational method, Santa Barbara Urban Hydrograph, SCS TR-55, HEC-1, or SWMM.

2. Projects 20 acres or larger: any of the methods except the rational method.

Exceptions must be documented and approved by the city.

D. Credit will not be given for in-stream and in-line detention.

E. It shall be the responsibility of the owner that the new drainage system shall not negatively impact any natural water conditions. The owner is responsible for providing a drainage system for all surface water, springs, and groundwater on site and for water entering the property as well as management of springs and groundwater that surface during construction. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 14.050, 1982].

17.90.060 Pollution reduction and flow control standards.

A. Applicability.

1. Pollution reduction and flow control standards shall apply to all subdivisions or site plan applications creating greater than 500 square feet of impervious surface or redevelopment footprint area, unless eligible for an exemption or granted a waiver by the city. Additionally, these standards apply to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of

development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times and at different schedules.

2. Waivers. The city at its discretion can waive in whole or in part minimum requirements for storm water management; provided, that at least one of the following conditions applies:

- a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this plan or the city's storm water management program.
- b. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the city.
- c. Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.
- d. The city finds that meeting the minimum on-site management requirements is not feasible due to the nature or existing physical characteristics of a site.
- e. Nonstructural practices will be used on the site that reduce the generation of storm water from the site, the size and cost of storm water storage and the pollutants generated at the site. These nonstructural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the city.

B. Infiltration, Treatment and Detention. Proper management of storm water includes a combination of infiltration, treatment, and detention. This section establishes the review standards for each method.

1. Infiltration.

- a. Infiltration systems are to infiltrate a minimum of one-half inch of rainfall in 24 hours.
- b. Storm water treatment, in accordance with subsection (B)(2) of this section, shall occur prior to or concurrent with infiltration.
- c. Infiltration systems shall be designed to overflow to conveyance systems in accordance with subsection (D) of this section.
- d. Infiltration may be waived, or reduced, if it can be demonstrated by a registered professional engineer that infiltration will destabilize the soil, cause structural problems, or provide negative impacts to the environment, or due to site constraints such as high groundwater or soil contamination.

2. Treatment.

- a. Water quality facilities shall be designed to capture and treat runoff for all flows up to the eightieth percentile storm event. In lieu of an adopted storm water manual, use a two-year, 24-hour storm.
- b. The water quality system shall use vegetation for treatment. Accepted types of vegetated treatment facilities and sizing criteria are described in storm water design manual. Alternative systems may be used with approval of the city engineer and shall be designed to provide equivalent treatment as is provided with a vegetated system.
- c. Systems treating storm water from over 5,000 square feet of impervious area and all systems that deviate from the sizing and design criteria in the storm water design manual must be designed by a registered engineer and be approved by the city engineer.

3. Detention. On-site storm quantity detention facilities shall be designed to capture and detain runoff as follows:

- a. Two-year, 24-hour, post-developed runoff rate to a two-year, 24-hour pre-developed discharge rate;
- b. Sites with infiltration systems designed to handle storms in excess of that specified by subsection (B)(3)(a) of this section will be permitted to reduce on-site detention requirements by a volume equal to 100 percent of the excess infiltration capacity.

C. Combined storm water infiltration, treatment and detention facilities receiving storm water from impervious areas less than 5,000 square feet and designed in accordance with the sizing and construction standards contained in the storm water design manual are presumed to comply with the infiltration, treatment and detention requirements of this code.

D. Conveyance. Infiltration, treatment and detention facilities shall be constructed to convey storm water that exceeds their design capacity. Conveyance systems shall be sized to meet the following conditions:

1. Storm water drainpipes draining less than 640 acres, 25-year, 24-hour design storm.
2. Storm water drain pipes draining greater than 640 acres, 50-year, 24-hour design storm. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 14.060, 1982].

Chapter 17.95

EROSION PREVENTION AND SEDIMENT CONTROL

Sections:

- 17.95.010 Purpose.
- 17.95.020 Applicability.
- 17.95.030 Approval standards.
- 17.95.040 Erosion prevention and sediment control plan submission requirements.
- 17.95.050 Erosion control plan standards.
- 17.95.060 Plan implementation requirements.
- 17.95.070 Security.
- 17.95.080 Enforcement.
- 17.95.090 Hillside protection.

17.95.010 Purpose.

The purpose of these standards is to reduce the amount of sediment and pollutants resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion or increases water pollution, from reaching the public storm and surface water system or from directly entering surface waters. The objective is to prevent and control erosion and pollution at its source in order to maintain and improve water quality and reduce downstream impacts. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.010, 1982].

17.95.020 Applicability.

The erosion prevention and sediment control plan shall be reviewed by the public works director and city engineers. All additional fees for this review shall be paid by the applicant. An erosion prevention and sediment control plan shall be required and approved by the public works director and city engineer under any of the following circumstances:

A. Prior to final plat approval for any subdivision or partition, in accordance with RRMC Title 16.

B. Prior to site plan review, in accordance with Chapter 17.115 RRMC.

C. No permit for construction of new development or tenant improvements that result in impervious cover greater than 500 square feet within the city and urban growth boundary shall be issued until effects on erosion prevention and sediment control are evaluated. The level of review varies according to the affected area:

1. Level 1: 500 – 1,999 square feet. No erosion prevention and sediment control measures beyond any mitigation measures for pollution reduction or flow control are required.
2. Level 2: 2,000 – 4,999 square feet. Conceptual plans that conform to the erosion prevention and sediment control best management practices shall be submitted and approved.
3. Level 3: 5,000+ square feet. A comprehensive erosion prevention and sediment control study that conforms to RRMC 17.95.050 shall be submitted and approved.
4. Areas smaller than 500 square feet may require review, and a greater level of review for properties between 500 and 4,999 square feet may be necessary when the site is identified as having especially sensitive conditions, including but not limited to wetlands and steep slopes.

D. Farming activities are exempt from the provisions of this chapter; provided, that the specific land area has been cultivated within the last three years.

E. Upon a finding that visible or measurable erosion has entered, or is likely to enter, the public storm and surface water system. As used in this section, “visible or measurable erosion” shall include the following:

1. Depositions of soil or sediment exceeding one cubic foot in volume on a public or private street, adjacent property, or into the surface water management system either by direct deposit, dropping, discharge or as a result of erosion.
2. Flows of water over bare soils, turbid or sediment laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the property of origin.

Nothing in this section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.020, 1982].

17.95.030 Approval standards.

The public works director shall make the following affirmative findings prior to approval of an erosion control plan:

- A. The project has been designed to minimize disturbance of natural topography, native vegetation and soils, consistent with applicable provisions of RRMC 17.95.090 (Hillside protection) and Chapter 15.15 RRMC (Flood Damage Prevention).
- B. The site design maximizes the preservation of healthy trees, understory shrubs and ground cover.
- C. The plan complies with the applicable technical guidelines, as determined by the public works director. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.030, 1982].

17.95.040 Erosion prevention and sediment control plan submission requirements.

The required Level 3 erosion prevention and sediment control plan shall include a narrative description and scaled drawings which address:

- A. The physical characteristics of the site, including a map of existing topography at two-foot contour intervals, the location of water areas, and a narrative description of soil characteristics. The requirement for a two-foot contour map may be waived by the city where this information is not readily available, and erosion potential is minor.
- B. The nature of the proposed development, including any phasing plans, which may affect soils or create soil erosion. Areas of excavation, grubbing, clearing, stockpiling, or vegetation removal shall be specifically identified.
- C. Specific erosion control measures and practices to be used to demonstrate compliance with RRMC 17.95.050.
- D. Submitted plans shall be stamped by a professional engineer registered in Oregon. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.040, 1982].

17.95.050 Erosion control plan standards.

In addition to compliance with relevant portions of the hillside protection regulation (RRMC 17.95.090) and floodway and floodplain regulations, the required erosion prevention and sediment control plan shall comply with the following standards:

- A. Control Measures. Specific methods of soil erosion and sediment control shall be used during construction to minimize visible and measurable erosion. In no case shall soil erosion and sediment transport from the site exceed the rate of one ton per acre per year. These methods shall include all of the following:
 1. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site only.
 2. The duration of exposure of soils shall be kept to a minimum during construction. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction, until soils are stabilized. During the rainy season (November through May), soils shall not be exposed for more

than seven consecutive days. All disturbed land areas which will remain unworked for 21 days or more during construction shall be mulched and seeded.

3. During construction, runoff from the site shall be controlled, and increased runoff and sediment resulting from soil disturbance shall be retained on site. Temporary diversions, sediment basins, barriers, check dams, or other methods shall be provided as necessary to hold sediment and runoff.

4. A stabilized pad of gravel shall be constructed and maintained at all entrances and exits to the construction site to prevent soil deposits on the roadway or in the drainageways. The stabilized gravel pad shall be the only allowable entrance or exit to the site.

5. Topsoil removal for development shall be stockpiled and reused on site to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary to support revegetation.

6. The removal of all sediments which are carried into the streets, or onto adjacent property, is the responsibility of the developer. The applicant shall be responsible for cleaning and repairing streets, catch basins, and adjacent properties, where such properties are affected by sediments or mud. In no case shall sediments be washed into storm drains, ditches, drainageways, streams, or wetlands.

7. Any other relevant provision of the adopted erosion control manual, required by the city.

B. Restoration of Vegetation. The developer shall be responsible for re-vegetating public and private open spaces, utility easements, and undeveloped rights-of-way in accordance with an approved schedule of installation.

1. If the vegetation existing prior to site development is nonnative or invasive, it shall be replaced with native or noninvasive plant species.

2. Temporary measures used for initial erosion control shall not be left in place permanently.

3. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation.

4. Trees shall not be used as anchors for stabilizing working equipment.

5. During clearing operations, trees and vegetation shall not be permitted to fall or be placed outside the work area.

6. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place.

7. Stockpiling of soil, or soil mixed with vegetation, shall be removed prior to completion of the project.

C. Schedule of Installation. A schedule of planned erosion control and revegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures.

D. Responsible Person. The developer shall designate a specific person to be responsible for carrying out the erosion prevention and sediment control plan.

E. Reference Authority. The erosion prevention and sediment control planning and design manual developed in partnership with the United Sewerage Agency of Washington County et al., revised December 2000, shall be the primary guide for the city in establishing and reviewing erosion control techniques, methods and requirements. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.050, 1982].

17.95.060 Plan implementation requirements.

An approved erosion prevention and sediment control plan shall be implemented and maintained as follows:

A. Plan Approval Required Prior to Clearing or Grading. No grading, clearing or excavation of land requiring an erosion prevention and sediment control plan shall be undertaken prior to approval of the erosion prevention and sediment control plan.

B. Implementation. The developer shall implement the measures and construct facilities contained in the approved erosion prevention and sediment control plan in a timely manner.

1. During active construction, the developer shall inspect erosion prevention and control measures daily during rainy periods. In all cases, the developer shall be responsible for maintenance, adjustment, repair and replacement of erosion control measures to ensure that they are functioning properly without interruption.

2. Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from the surface water management system, including storm drainage inlets, ditches and culverts. In the event that sediment is inadvertently deposited in a wetland or stream, the developer shall immediately contact the city and coordinate remedial actions.

3. Water containing sediment shall not be flushed into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or device.

4. When required by the city, the developer shall maintain written records of all site inspections of erosion control measures which shall be provided to the city upon request.

5. The developer shall call for city inspection, prior to the clearing, grading, or excavation for any building, to certify that erosion control measures are installed in accordance with the erosion prevention and sediment control plan. The city may inspect the property at any time during construction.

C. Correction of Ineffective Measures. If the facilities and techniques approved in the erosion prevention and sediment control plan are not effective or sufficient to meet the purpose of this section, based on an on-site inspection, the city may require a revised plan.

1. The revised erosion prevention and sediment control plan shall be provided within five working days of written notification by the public works director.

2. The developer shall implement fully the revised plan within five working days of approval by the city.

3. In cases where serious erosion is occurring, the city may require the developer to install interim control measures immediately, before submittal of the revised erosion prevention and sediment control plan.

D. Additional Standards. The following additional standards shall apply:

1. Pollutants such as fuels, lubricants, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, or impoundments, and shall be properly stored and disposed.

2. Discharge of water into a stream, wetland or impoundment shall not result in violation of the state temperature standard.

3. All sediment-laden water from construction operations shall be routed through tilling basins, filtered, or otherwise treated to reduce the sediment load, and prevent violation of the state turbidity rule.

E. Storage. All erodible or toxic materials delivered to the job site shall be covered and protected from the weather and stored according to appropriate health and safety guidelines.

1. Such materials shall not be exposed during storage.

2. Waste material, rinsing fluids, and other such material shall be disposed of in such manner that pollution of groundwater, surface water, or air does not occur.

3. In no case shall toxic materials be dumped into drainageways or onto land.

F. Contaminated Soils. Where the construction process reveals soils contaminated with hazardous materials or chemicals, the contractor shall stop work immediately, ensure that no contaminated material is hauled from the site, remove the work force from the contaminated area, leave all machinery and equipment, secure the area from access by the public until such time as a mitigation team has relieved the contractor of that responsibility, notify the city of the situation upon its discovery, and prohibit employees who may have come in contact with the contaminated material from leaving the site until released by the city.

G. Duration of Maintenance. Continuing maintenance after development pursuant to the erosion prevention and sediment control plan, including re-vegetation of all graded areas, shall be the responsibility of the developer, subsequent developers or property owners.

1. Erosion prevention and control measures shall be maintained during construction and for one year after development is completed. If it is found that soils are not completely stabilized after one year, the city may extend this period.

2. The city may, upon a finding that soils are completely stabilized, reduce this period. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.060, 1982].

17.95.070 Security.

After an erosion prevention and sediment control plan is approved by the public works director and city engineer and prior to construction or grading, the applicant shall provide a performance bond or other financial guarantee in the amount of 100 percent of the value of the erosion prevention/control necessary to stabilize the site and maintain water quality. Any financial guarantee instrument proposed other than a performance bond shall be approved by the city administrator.

A. Duration. The financial guarantee instrument shall be in effect for a period of at least two years, and shall be released when the public works director determines that the site has been stabilized. All or a portion of the security retained by the city may be withheld for a period of up to five years beyond the two-year maintenance period, if it has been determined by the city that the site has not been sufficiently stabilized against erosion.

B. Exemptions. Individual lots zoned for single-family and multifamily residential use prior to the effective date of the ordinance codified in this section shall be exempt from these security requirements.

C. Conflict. Due to the immediate threat to the public health, safety and welfare posed by failure to comply with the strict provisions of the erosion control measures required under this section, this section shall supersede the more general provisions in other sections of this title where they exist. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.070, 1982].

17.95.080 Enforcement.

Each violation of any provision of this chapter, or any failure to carry out the conditions of any approval granted pursuant to this chapter, shall be unlawful and a civil infraction subject to the enforcement provisions in Chapter 17.130 RRMC.

A. Additional Penalties. In addition to those penalties available under Chapter 17.130 RRMC, the city may enforce the following additional penalties:

1. Issue a stop work order where erosion control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect.

2. Refuse to accept any development permit application, revoke or suspend any development or building permit, or deny occupancy of the subject property until erosion control measures have been installed properly and maintained in accordance with this chapter.

B. The owner of the property from which the erosion occurs, together with any person or parties who cause such erosion, shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.

C. Upon request of the city administrator or at the direction of the city council, the city attorney may institute appropriate action in any court to enjoin development of a site or building project which is in violation of this chapter, or to require conformance with this chapter. [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.080, 1982].

17.95.090 Hillside protection.

It is the purpose of this section to provide supplemental development regulations to underlying zones, which ensure that development occurs in such a manner as to protect the natural and topographic character, environmental resources, aesthetic qualities and restorative value of these areas, as well as the public health, safety, and general welfare, by ensuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city. Hillside protection shall be provided on slopes of 15 percent or greater or unconstrained slopes within 30 feet of the top of escarpments associated with rivers or streams.

A. Hillside Development Standards.

1. Steep Slopes.

- a. Steep slope areas include all areas in the city where the slope of the land is 35 percent or greater.
- b. Existing parcels where all existing terrain is 35 percent or greater shall be considered buildable for one dwelling unit only.
- c. All grading, retaining wall design, drainage, and erosion control plans shall be designed by a geotechnical expert in compliance with subsection (C)(2) of this section.
- d. Existing parcels where all existing terrain is 35 percent or greater cannot be subdivided or partitioned.

2. Constrained Slopes.

- a. Constrained slope areas include all areas where the slope of the land is between 15 percent and 35 percent.
- b. The impervious surface area of any residential lot or commercial or industrial site (including driveways, sidewalks, structures, swimming pools, and any other area not covered by vegetation) shall not exceed 30 percent of the constrained slope area;
- c. At least half the constrained slope area shall remain in, or be planted in, approved native vegetation. The existing tree canopy shall be retained wherever possible, and shall be considered in meeting this standard.

B. All Hillside Developments.

1. Specific determination of steep slope and constrained slope areas shall be based on a topographic map and field survey prepared by an engineer or surveyor registered in Oregon, and provided by the applicant or property owner(s).
 - a. Where development, excavation or vegetation removal is proposed for areas with 15 percent or greater slope, an on-the-ground topographical survey shall be prepared for the entire property. The survey shall show trees or tree clusters and two-foot contours.
 - b. Areas with between 15 and 35 percent slopes, and areas with 35 percent and greater slopes, shall be specifically indicated on the required survey maps.

2. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less.
3. Development shall not result in cuts or fills in excess of three feet except for basement construction unless specifically approved by the city.
4. If development is proposed on constrained or steep slope areas, a mitigation plan for disturbed areas on constrained or steep slope areas shall be prepared and implemented. This plan shall provide for the replanting and maintenance of approved native plant species designed to achieve pre-disturbance conditions.
5. Residential roof lines shall not exceed the natural ridgeline when viewed from the public street providing access to the property.
6. Circulation.
 - a. The location, alignment design, grade width, and capacity of roads within the development shall conform to city engineering standards. However, the use of public and private lanes shall be encouraged in the hill areas to reduce the disturbance of the natural landscape. The width of these lanes shall be allowed to be as narrow as public safety and traffic generation will permit.
 - b. Loop and split, one-way street sections, and occasional steep street grades shall be allowed to fit terrain and minimize grading and exposed slopes.
 - c. Streets and lanes in the hill areas shall be laid out as to encourage slow speed traffic and respect the natural topography of the area.
 - d. Street grades may be permitted up to 15 percent, provided they do not exceed 200 feet in length, whereby they must be reduced to 10 percent or less for a minimum length of 20 feet. The overall grade shall not exceed 10 percent.
 - e. Culverts, bridges and other drainage structures shall be placed as to encourage drainage in established drainage ways and as provided in Chapter 16.15 RRMC. Additional road construction improvements may be required in areas exhibiting poor soil stability.
 - f. Circulation shall, when feasible, be designed to allow for separation of vehicular, pedestrian, bicycle, and hiking trails. The circulation system shall, when feasible, be developed throughout the hill areas, to provide connections between park areas and scenic easements in order to help maximize leisure opportunities of the hills. Trails may be accepted by the appropriate jurisdiction in fee or easement.
 - g. Walkways shall be required when determined to be needed for public safety and convenience. When required, walkways shall be of minimum width of four feet unless a greater need is shown. Walkways shall be constructed of a material suitable for use in the particular area and shall be located as necessary to provide maximum pedestrian safety and preservation of the character of the area.
 - h. Driveways shall be designed to a grade and alignment that will provide the maximum safety and convenience for vehicular and pedestrian use. Collective private driveways shall be encouraged where their utilization will result in better building sites and lesser amount of land coverage than would result if a public road were required.
 - i. Minimum standards for private easement construction within the steep and constrained slope areas shall be as follows:
 - i. Minimum travel service width: 12 feet.
 - ii. Minimum vertical clearance: 14 feet.

- iii. Minimum horizontal clearance: 16 feet.
 - iv. Maximum intermittent grade: 15 percent for 200 feet.
 - v. Maximum sustained grade: 10 percent.
 - j. Whenever private drives are permitted, it shall be the responsibility of the benefitted property owners to maintain the private easement or driveway established in accordance with this chapter.
7. Disturbed areas shall be replanted in approved native vegetation and tree cover.
8. The applicant's engineering plans shall certify that runoff and sedimentation from the site will not increase more than 10 percent above conditions present on the site as of the effective date of the ordinance codified in this section.
9. The applicant's engineer shall provide a construction erosion control plan and water quality plan, consistent with the provisions of RRMC 17.95.010 through 17.95.080.

C. Required Reports.

1. Geotechnical Studies. Where division or development is proposed for areas with 15 percent to 35 percent slope, and development is proposed for areas with slopes of 35 percent or greater, a geologic assessment and a geotechnical report, prepared by a geotechnical expert, shall be provided by the applicant, indicating that the site is stable for the proposed use and development. These studies shall include the following information:
- a. Index map.
 - b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
 - c. The geologic assessment shall include:
 - i. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
 - ii. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 - iii. Suitability of site for proposed development from a geologic standpoint.
 - d. The geotechnical report shall also include:
 - i. Specific recommendations for cut and fill slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
 - ii. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
 - iii. Signature and registration number of the engineer and/or geologist.
 - iv. Additional information or analyses as necessary to evaluate the site.
 - v. Inspection schedule for the project as required in subsection (G) of this section.

vi. Location of all irrigation canals and major irrigation pipelines.

2. Hillside Grading and Erosion Control Plan. All development shall provide plans conforming with the following items:

a. All grading, retaining wall design, drainage, and erosion control plans for development on hillside lands shall be designed by a geotechnical expert.

b. All cuts, grading or fills shall conform to Chapter 70 of the Uniform Building Code. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

c. For development other than single-family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1st to October 31st. Excavation shall not occur during the remaining wet months of the year.

d. Erosion control measures shall be installed and functional by October 31st. Up to 30-day modifications to the October 31st date and 45-day modification to the May 1st date may be made by the city planner, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

e. Grading – Cuts. On all cut slopes, the following standards shall apply:

i. Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep-cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control netting or structural equivalent installed per manufacturer's specifications and revegetated.

ii. Exposed cut slopes, such as those for streets, driveway accesses, or yard areas greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. Cut slopes for structure foundations encouraging the reduction of effective visual bulk, such as split pad or stepped footings, shall be exempted from the height limitations of this subsection.

iii. Revegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native or species similar in resource value which will survive, help reduce the visual impact of the cut slope, and assist in providing long-term slope stabilization. Trees, bush-type plantings and cascading vine-type plantings may be appropriate.

f. Grading – Fills. On all fill slopes, the following standards shall apply:

i. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six feet from the nearest property line.

ii. Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with an organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.

- iii. Utilities. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it is necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.
 - iv. Revegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value and which will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.
- g. Site Grading. The grading shall be reviewed considering the following factors:
- i. No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad.
 - ii. Hazardous or unstable portions of the site shall be avoided.
 - iii. Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.
- h. Design Standards. The required reports shall include design standards necessary for the engineer and landscape expert to certify that development on slopes of 15 percent or greater, when combined with impacts from development of lesser slopes, will not increase runoff, sedimentation to affected streams or wetlands, erosion, or landslide potential more than 10 percent above base conditions. These requirements shall be incorporated as conditions into the final decision approving the proposed development.
- D. Retention in Natural State. All partitions, subdivisions and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent. For example, on a 25,000-square-foot lot with an average slope of 29 percent, 25 percent plus 29 percent equals 54 percent of the total lot area shall be retained in a natural state. Retention in a natural state of areas greater than the minimum percentage required here is encouraged.
- E. Revegetation Requirements. Where required by this chapter, all required revegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the city. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
- F. Maintenance, Security, and Penalties for Erosion Control Measures.
- 1. Maintenance. All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.
 - 2. Security. Except for individual lots existing prior to January 1, 1998, after an erosion control plan is approved by the city and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of 120 percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed other than a performance bond shall be approved by the city attorney. The financial guarantee instrument shall be in effect for a period of at least one year, and shall be released when the city planner and public works director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the city may be withheld for a period up to five years beyond the one-year maintenance period if it has been determined by the city that the site has not been sufficiently stabilized against erosion.

G. Inspections and Final Report. Prior to the acceptance of a subdivision by the city, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per subsection (C)(1)(d)(ii) of this section, were conducted by the project geotechnical expert periodically throughout the project.

H. Approval Procedure. The city shall approve new development or redevelopment on constrained slope areas only if the proposed use or structure meets all of these conditions:

1. Development standards are met as prescribed under subsection (C) of this section.
2. Adequate protection is utilized to minimize landslide and erosion hazards, consistent with RRMC 17.95.010 through 17.95.080.
3. Notwithstanding the provisions of Chapter 17.105 RRMC, Article I, Variances, an adjustment of up to 20 percent from any dimensional standard in the underlying zoning district may be approved where necessary to avoid construction on slopes of 35 percent or greater or to meet the standards of subsection (C) of this section. [Ord. 06-334-O § 7; Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 15.090, 1982].

Chapter 17.100

CONDITIONAL USE PERMITS

Sections:

- 17.100.010 Purpose.
- 17.100.020 Pre-application conference.
- 17.100.030 Application for permit.
- 17.100.040 Public hearing.
- 17.100.050 Findings and conditions.
- 17.100.060 Fire hydrant.
- 17.100.070 Performance bond.
- 17.100.080 Maintenance bond.
- 17.100.090 Decision.
- 17.100.100 Extension of conditional use permit.
- 17.100.110 Revocation of conditional use permit.
- 17.100.120 Appeal.
- 17.100.130 Limitation on new application.
- 17.100.140 Mapping.
- 17.100.150 Use permit to run with the land.

17.100.010 Purpose.

In certain districts, conditional uses are permitted subject to the granting of a use permit. Because of their unusual characteristics, or the special attributes of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties. The planning commission shall approve, approve with conditions, or deny the use permits subject to the requirements of this chapter and to impose reasonable conditions upon the granting of use permits. [Ord. 99-285-O § 7; Ord. 99-283-O § 9; Ord. 92-215-O § 21; Ord. 90-194-O § 43; Ord. 373 § 6.010, 1982].

17.100.020 Pre-application conference.

An applicant may be required to attend a pre-application conference prior to submitting an application for a conditional use permit. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. [Ord. 99-283-O § 10; Ord. 373 § 6.015, 1982].

17.100.030 Application for permit.

An application for a conditional use permit shall be filed with the city recorder on a form prescribed by the planning commission, which shall include the following information:

- A. Name and address of the applicant.
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- C. Address and legal description or the assessor's parcel number of the property.
- D. The application shall include three copies of an accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the compliance of the proposal with the requirements of this title. [Ord. 92-215-O § 22; Ord. 373 § 6.020, 1982].

17.100.040 Public hearing.

The planning commission shall hold a public hearing within 21 days after the filing of the application, notice of which shall be given in the manner provided in this section.

A. Each notice of hearing authorized by this title shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of hearing.

B. In addition, a notice of hearing on a conditional use, a variance, or an amendment to zone boundary shall be mailed to owners of property within 250 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least 20 days prior to the evidentiary hearing or, if two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing.

C. Failure of a person to receive the notice as prescribed in this section shall not impair the validity of the hearing.

D. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decided may be interested in the proposal being considered. Upon recessing, the time and date when hearing is resumed shall be announced.

E. At the public hearing, the planning commission shall review the application, the statement, and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained. Planning commissioners must not, either individually or as a group, have pre-hearing contacts with proponents or opponents of unit developments. Planning commission members must not discuss specific requests with applicants or opponents before the matter is brought to them at public hearing.

F. The planning commission shall have a record of findings which are adopted and which are adequate to support the action requested. The burden of producing the necessary findings is on the person who seeks the change. Three factors must be included in the findings: the comprehensive plan, public need, and the adverse impact on the neighborhood. [Ord. 99-285-O §§ 8, 9; Ord. 99-283-O §§ 11 – 13; Ord. 92-215-O § 23; Ord. 90-194-O § 44; Ord. 87-159-O § 17; Ord. 393 § 12, 1984; Ord. 373 § 6.030, 1982].

17.100.050 Findings and conditions.

The planning commission, in recommending approval to the city council for a conditional use permit, shall find as follows:

A. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this section are sufficient to adjust said use with the land and other uses in the neighborhood.

B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

C. That the proposed use will have no significant adverse effect on abutting or adjacent property or the permitted use thereof. In making this determination, the planning commission shall consider the proposed location of improvements on the site, vehicular ingress, egress, and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting and signs.

D. That the conditions stated in the development agreement are deemed necessary to protect the public health, safety and general welfare. Conditions may include:

1. Special yards, spaces and buffers.
2. Fences and walls.
3. Enclosure of storage areas and limitation on out-of-door display of merchandise.
4. Surfacing of parking areas subject to specifications.
5. Regulation of points of vehicular ingress and egress.
6. Regulation of signs.
7. Required landscaping and maintenance thereof.

8. Required maintenance of the grounds.
9. Regulation of noise, vibration, odors, etc.
10. Regulation of time for certain activities.
11. Time period within which the proposed use shall be developed.
12. Required report from an engineer, soil engineer, hydrologist, or geologist.
13. Any other conditions that would implement the comprehensive plan and this code. [Ord. 99-285-O § 10; Ord. 99-284-O § 12; Ord. 99-283-O § 14; Ord. 92-215-O §§ 24, 25; Ord. 91-206-O §§ 3, 4; Ord. 90-194-O §§ 45 – 47; Ord. 85-112-O § 8; Ord. 373 § 6.040, 1982].

17.100.060 Fire hydrant.

It shall be the developer's responsibility to provide the city with a fire hydrant, on a water line of not less than six inches in diameter, if there is not one within 300 feet of the proposed development, measuring from each building site along public right-of-way. This requirement shall apply to any new development with more than three residential buildings or building sites and to all new commercial or industrial construction.

In commercial or industrial zones, fire hydrants shall be provided at locations recommended by the Rogue River rural fire protection district and as approved by the public works department.

In special circumstances, a full coverage fire sprinkler system in the building may be substituted for the fire hydrant when recommended by the Rogue River rural fire protection district and approved by the public works department.

Any deviation from these requirements shall be approved by the public works director. [Ord. 96-259-O § 13; Ord. 373 § 6.045, 1982].

17.100.070 Performance bond.

Any developer shall provide a bond or letter of credit in the amount of 100 percent of all on-site and off-site improvement costs naming the city as beneficiary. Such bond or deposit shall remain in effect until the satisfactory completion of the improvements. [Ord. 96-259-O § 13; Ord. 373 § 6.046, 1982].

17.100.080 Maintenance bond.

A maintenance bond for 20 percent of the total cost of all the on-site and off-site improvements that will be dedicated to the city shall be provided to the city for a period of one year after the city's acceptance of the improvements. [Ord. 96-259-O § 13; Ord. 373 § 6.047, 1982].

17.100.090 Decision.

The planning commission, at a public hearing, shall review the concept of a conditional use permit application within 21 days of receipt of a completed application in accordance with the provisions of RRMC 17.100.040. The planning commission shall approve with stated conditions or deny the conditional use permit. Their recommendation shall describe the basis for the decision and state the specific circumstances requiring the application of conditions to the approval. The planning commission shall have 120 days from the date an application is accepted to render its decision.

A copy of the final decision shall be delivered to the applicant at the address shown on the application. [Ord. 99-285-O § 11; Ord. 99-283-O § 15; Ord. 92-215-O § 26; Ord. 90-194-O § 48; Ord. 393 § 13, 1984; Ord. 373 § 6.050, 1982].

17.100.100 Extension of conditional use permit.

A conditional use permit shall lapse and become void one year following the date on which it became effective unless, by conditions of the user permit, a greater or lesser time is prescribed as a condition of approval, or unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion. The planning commission may grant one extension on a use

permit, not to exceed one year, subject to the requirements of RRMC 17.100.050. [Ord. 99-283-O § 16; Ord. 90-194-O § 49; Ord. 373 § 6.060, 1982].

17.100.110 Revocation of conditional use permit.

The planning commission, on its own motion at a public hearing, may revoke any conditional use permit for noncompliance with the conditions set forth in granting said permit. Notice of said public hearing shall be given. [Ord. 99-285-O § 12; Ord. 90-194-O § 50; Ord. 373 § 6.070, 1982].

17.100.120 Appeal.

The decision of the city council may be appealed in the manner prescribed by Chapter 17.120 RRMC. [Ord. 95-248-O § 4; Ord. 85-112-O § 9; Ord. 84-420-O § 6; Ord. 373 § 6.080, 1982].

17.100.130 Limitation on new application.

In case an application is denied by the planning commission or on appeal to the council, unless specifically stated to be without prejudice, it shall not be eligible for re-submission for one year from the date of said denial. When, in the opinion of the planning commission, new evidence is submitted or conditions have changed, further consideration is warranted. [Ord. 99-283-O § 17; Ord. 90-194-O § 52; Ord. 373 § 6.100, 1982].

17.100.140 Mapping.

Within 30 days after the granting of a conditional use permit, the resolution number shall be posted by the city planner on the city's official copy of the assessor's plat map on the lot or lots affected by such permit. [Ord. 92-215-O § 27; Ord. 393 § 14, 1984; Ord. 373 § 6.110, 1982].

17.100.150 Use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter. [Ord. 373 § 6.120, 1982].

Chapter 17.105

VARIANCES AND MISCELLANEOUS PERMITS

Sections:

Article I. Variances

- 17.105.010 Variances.
- 17.105.020 Pre-application conference.
- 17.105.030 Application.
- 17.105.035 Required submittals.
- 17.105.040 Public hearing.
- 17.105.050 Variances to be authorized.
- 17.105.060 Action.
- 17.105.070 Appeal.
- 17.105.080 Limitation on new application.
- 17.105.090 Revocation.
- 17.105.100 Mapping.

Article II. Miscellaneous Permits

- 17.105.110 Medical hardship dwelling.
- 17.105.120 Accessory dwelling units.
- 17.105.130 Procedure.
- 17.105.140 Administrative decision.

Article I. Variances

17.105.010 Variances.

Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title may result from the strict application of certain provisions thereof, a Class A, Class B or Class C variance may be granted as provided in this article. This article may not be used to allow a use that is not in conformity with the uses specified by this title for the district in which the land is located. In granting a variance, the city may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property, the neighborhood or the city as a whole.

A. Class A – a variance where decision is made by staff without public notice and without a public hearing, and there are clear and objective approval criteria and standards. Class A variances are limited to:

1. Setbacks within 10 percent of code requirement;
2. Fence height within 10 percent of code requirement;
3. Building square footage requirements within 10 percent of minimum or maximum;
4. Building height within 10 percent of code requirement;
5. Lot coverage five percent increase of the maximum;
6. Landscape area five percent reduction.

B. Class B – a variance involving limited discretion made by staff with public notice and an opportunity for a public hearing if appealed. Examples of Class B variances include, but are not limited to, requests to vary from the code standards for:

1. Minimum density;
2. Vehicular access and circulation standards;
3. Parking and loading standards;
4. Maximum or minimum yard setbacks to avoid or reduce impacts to floodplains, significant trees, wetlands, or other natural features;
5. Minor transportation improvement requirements as approved by the public works director, or his or her designee.

C. Class C – a variance where decision is made by the planning commission after a public hearing and involves discretionary approval criteria.

1. Class C variance requests are those that do not conform to the provisions of the Class A or Class B, and that meet the criteria listed below. Class C variances shall be reviewed using a Type III procedure, in accordance with RRMC 17.10.070:

- a. The Class C variance standards apply to individual platted and recorded lots only.
- b. The Class C variance procedure may be used to modify a standard for three or fewer lots, including lots yet to be created through a partition process.
- c. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure. Approval of a planned unit development shall be required to vary a standard for lots yet to be created through a subdivision process where a specific code section does not otherwise permit exceptions.
- d. A variance shall not be approved that would vary the “permitted uses” or “prohibited uses” of a zoning district.

2. Approval Process. Class C variances shall be processed using a Type III procedure, as governed by RRMC 17.10.070, using the approval criteria herein. In addition to the application requirements contained in RRMC 17.105.030, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria listed below.

3. Approval Criteria. The city shall approve, approve with conditions, or deny an application for a variance based on all of the following criteria:

- A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
- b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
- c. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- e. The hardship is not self-imposed; and

- f. The variance requested is the minimum variance that would alleviate the hardship. [Ord. 13-377-O § 2; Ord. 87-159-O § 19; Ord. 373 § 7.010, 1982].

17.105.020 Pre-application conference.

An applicant may be required to attend a pre-application conference prior to submitting an application for a variance. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. [Ord. 99-283-O § 18; Ord. 373 § 7.015, 1982].

17.105.030 Application.

The owner or his agent may make application by filing an application with the city recorder. The variance application shall conform to the requirements for Type I, II, or III applications (RRMC 17.10.070 through 17.10.140, as applicable). In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance. In addition, the application shall be accompanied by a legal description of the property, plans and elevations necessary to show the proposed development, a filing fee prescribed by the city council and a statement with plans and evidence showing:

- A. That there are exceptional or extraordinary circumstances of conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the same district.
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
- C. That the granting of such application will not, under the circumstances of the particular case, have significant adverse effects to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
- D. The hardship is not self-imposed.
- E. The variance requested is the minimum variance that would alleviate the hardship. [Ord. 13-377-O § 3; Ord. 373 § 7.020, 1982].

17.105.035 Required submittals.

- A. Application form.
- B. Application fee (see current fee schedule).
- C. Site plan and elevations drawn to scale (three sets).
- D. One copy of reduced site plan and elevations (eight and one-half by 11).
- E. Written authority from property owner if acting as agent.
- F. Written findings of fact addressing criteria. [Ord. 13-377-O § 4].

17.105.040 Public hearing.

A public hearing for a Type III variance shall be held within 21 days after the filing of the application is deemed complete, and public notice given in the manner provided in RRMC 17.100.040. [Ord. 13-377-O § 5; Ord. 92-215-O § 28; Ord. 373 § 7.030, 1982].

17.105.050 Variances to be authorized.

When required by the findings made in RPMC 17.105.030, the planning commission or city administrator, or his or her designee, may recommend variances of design standards relative to site area and dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking and off-street loading facilities, fencing and landscaping or other similar standards. No variance shall be granted authorizing a use of land not permitted by zoning regulations or increasing the density of residential development above that permitted by zoning regulations. [Ord. 13-377-O § 6; Ord. 99-283-O § 19; Ord. 90-194-O § 53; Ord. 373 § 7.040, 1982].

17.105.060 Action.

A. The city administrator, or his or her designee, shall review a variance application for completeness within 30 days of receipt of same.

B. Class A and Class B variance decisions shall be made by the city administrator, or his or her designee, Class C variance applications shall be heard at a planning commission public hearing. The city administrator, or his or her designee, or the planning commission shall render its decision, and shall make a written finding of fact showing whether the qualification under RPMC 17.105.030(A) through (E) apply to the land or building for which the variance is sought and whether such variance will be in harmony with the general purpose of this title.

C. Within 90 days after the filing of a complete application, the city administrator, or his or her designee, or the planning commission shall render its decision on the variance application.

D. A copy of the final decision shall be delivered to the applicant at the address shown on the application. [Ord. 13-377-O § 7; Ord. 99-285-O § 13; Ord. 99-283-O §§ 20, 21; Ord. 90-194-O § 54; Ord. 393 § 15, 1984; Ord. 373 § 7.050, 1982].

17.105.070 Appeal.

A. The decision of the city administrator, or his or her designee, for a Class A variance decision is the final decision of the city and may not be appealed further as set forth in RPMC 16.10.050.

B. The decision of the city administrator, or his or her designee, for a Class B variance decision may be appealed to the planning commission in the manner described in RPMC 16.10.030(B).

C. The decision of the planning commission on a Class C variance may be appealed to the city council in the manner prescribed by Chapter 17.120 RPMC. [Ord. 13-377-O § 8; Ord. 99-285-O § 14; Ord. 95-248-O § 5; Ord. 85-112-O § 10; Ord. 84-420-O § 7; Ord. 373 § 7.060, 1982].

17.105.080 Limitation on new application.

In case an application is denied by the city administrator, or his or her designee, the planning commission, or an appeal to the city council has been denied, unless specifically stated to be without prejudice, it shall not be eligible for resubmission for one year from date of said denial. When, in the opinion of the planning commission, new evidence is submitted or conditions have changed, further consideration is warranted. [Ord. 13-377-O § 9; Ord. 99-283-O § 22; Ord. 90-194-O § 56; Ord. 373 § 7.080, 1982].

17.105.090 Revocation.

A. The planning commission, on its own motion, at a public hearing advertised in conformance with the requirements of RPMC 17.100.040 may recommend a revocation of any variance for noncompliance with the conditions set forth in granting said variance.

B. If an established time limit for development expires and no extension has been granted, the variance shall be considered void. [Ord. 90-194-O § 57; Ord. 373 § 7.090, 1982].

17.105.100 Mapping.

Within 30 days after the granting of a variance, the variance shall be posted by the city administrator, or his or her designee, on the city's official copy of the assessor's plat map on the lot or lots affected by such variance. [Ord. 13-377-O § 10; Ord. 393 § 17, 1984; Ord. 373 § 7.100, 1982].

Article II. Miscellaneous Permits

17.105.110 Medical hardship dwelling.

A medical hardship dwelling is a permit for a temporary residence to be occupied by an infirm person or persons incapable of maintaining a residence on separate property, or by one or more individuals engaged in caring for an infirm person(s) residing on the property; provided, that all the provisions of this section are satisfied. A medical hardship dwelling shall be processed as a Type II permit.

A. Criteria for a Medical Hardship Dwelling.

1. The nature of the infirmity or hardship must be certified by the patient's primary care medical doctor (MD) or osteopath (DO). The statement will be on the care provider's stationery or stamped by the office, and will indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a separate property, and is dependent upon someone being close by for assistance. This certification must be dated within one year of the date of application or permit renewal.
2. The infirmity will be due to physical or mental impairment. Financial hardship conditions, child care, and other convenience arrangements that do not relate to physical and mental impairment, are not considered an infirm condition.
3. At least one other person will reside on the premises who can provide the needed assistance.
4. The medical hardship dwelling shall not be detrimental to the character of the adjoining land uses and will not infringe upon the continued use of the adjacent land.
5. The medical hardship dwelling will be connected to the public sanitary sewer system and water system through the meter of the primary dwelling.
6. The location of the temporary structure will conform to all applicable setback requirements of this title.
7. A medical hardship dwelling may be located in a commercial or industrial district, as an accessory use to an existing dwelling unit on the property.
8. The applicant will certify that the placement of the temporary structure will not violate the provisions of any deed declaration or subdivision covenant for the property.
9. No additional driveways, access roads or permanent accessory buildings to serve the temporary structure will be permitted.
10. The applicant will agree to remove the temporary dwelling within 90 calendar days after the unit has ceased to be used for the person(s) for which the permit was issued. In any event, the unit will be disconnected from water and sewer service by the day of the expiration of the permit, unless the permit has been renewed in conformance with subsection (B) of this section, or the structure has been put to another lawfully permitted use.
11. The medical hardship dwelling can only be an approved manufactured home per ORS 446-003(24)(a) or an approved park trailer as per OAR 918-525-0005(28).
12. A medical hardship dwelling is not subject to the criteria and standards in RPMC 17.65.150.
13. If the applicant is not the property owner, the following notarized documents, signed by the property owner, must be provided with the application:
 - a. Authorization for the applicant to place a temporary medical hardship dwelling on the subject property; and

- b. Certification that the placement of the temporary structure will not violate the provisions of any deed declaration or subdivision covenant for the property; and
- c. Agreement that, if the applicant fails to remove the medical hardship dwelling within 60 calendar days after the unit has ceased to be used for the person for which the permit was issued, the property owner will ensure that the medical hardship dwelling is removed within the next 30 days.

B. Expiration of Permit – Renewal.

1. A medical hardship dwelling permit is valid for up to two years from the date of initial issuance. All permits will have an expiration date of January 31st. The city will process all medical hardship permit renewal requests once per year; and
2. The city will give permittees not less than 30 calendar days' written notice of the pending expiration of their permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. All renewal requests will comply with the conditions for issuance specified in subsection (A) of this section at the time of renewal; and
3. The permit will not be renewed until a review has been conducted by the city to determine the continued validity of the hardship, including submittal of a new certification by the patient's primary care medical doctor (MD) or osteopath (DO).

C. Addition of an Additional Infirm Resident.

1. One additional resident who is to receive care may be added under an existing medical hardship permit, provided the additional resident is also infirm and incapable of maintaining a residence on separate property; and
2. Provided the existing permit is in compliance with the standards set forth in this section, the holder of the existing permit will pay the required fee and submit medical documentation demonstrating the infirmity or hardship of the new resident. A new permit will not be required.

D. Revocation. A medical hardship permit may be revoked by the city for noncompliance with the conditions of a permit. If the permit is revoked, the city will require the occupants to move out of the manufactured dwelling within 30 calendar days and remove the structure within 90 calendar days of the permit revocation. [Ord. 09-366-O § 2; Ord. 99-285-O § 25; Ord. 95-248-O § 11; Ord. 85-127-O § 9; Ord. 373 § 18.010, 1982].

17.105.120 Accessory dwelling units.

An accessory dwelling is a small, secondary housing unit on a residentially zoned lot, usually the size of a studio apartment. The housing density standard of the residential district does not apply to an accessory dwelling, due to the small size and low occupancy level of the use. An accessory dwelling unit application shall be processed as a Type II application.

A. Criteria for Accessory Dwelling. The following standards are intended to control the size and number of accessory dwellings on individual lots, and to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

1. A maximum of one single-story, cottage-like dwelling unit is allowed per lot.
2. An accessory dwelling unit will not be allowed to be added as an additional story to an existing single-family dwelling unit or to a single-family dwelling garage.
3. The maximum floor area of the accessory dwelling shall not exceed 50 percent of the primary unit, with an 800-square-foot maximum.
4. The minimum floor area of the accessory dwelling shall not be fewer than 400 square feet.

5. Maximum building coverage on the lot is 50 percent.
6. Maximum building height is 25 feet.
7. The accessory dwelling shall be a permanent structure, specifically excluding manufactured dwellings, park models, modulars, and prefabricated structures.
8. The residential district setbacks apply to accessory dwellings:

	Front	Side	Rear
R-2 & R-1	20'	5' per story	10'
R-E	20'	10'	20'

9. One off-street, paved or permeable parking space shall be required in addition to off-street parking required by the primary residence(s).
10. A maximum six-foot-tall hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents. Said fence or buffering shall be in compliance with RRMC 17.65.030, Fences and walls, and RRMC 17.65.040, Corner clearance and clear vision area.
11. The accessory dwelling unit shall be designed to be architecturally compatible with the main residence
12. Miscellaneous permits shall generally benefit the community, but may cause an impact on surrounding property; the use described herein shall not be detrimental to established uses.
13. Any new development's conditions, covenants, and restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of the ordinance codified in this section shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of this title. [Ord. 10-368-O § 7; Ord. 09-366-O § 2; Ord. 99-285-O §§ 26 – 31; Ord. 95-248-O § 11; Ord. 92-215-O § 40; Ord. 85-127-O § 9; Ord. 373 § 18.020, 1982].

17.105.130 Procedure.

- A. A request for a miscellaneous permit may be initiated by filing an application and paying the required fee.
- B. The city planner shall review the application. If, in the opinion of the city planner, the request meets the purpose and criteria for a miscellaneous permit, he/she may approve the request. [Ord. 09-366-O § 3; Ord. 99-285-O § 32; Ord. 95-248-O § 11; Ord. 85-127-O § 9; Ord. 373 § 18.030, 1982].

17.105.140 Administrative decision.

A miscellaneous permit can be an administrative decision if the application is such that there are not any extenuating circumstances and the planning commission agrees for it to be handled at the administrative level. All of the requirements listed in this article shall be required for the miscellaneous permit. [Ord. 09-366-O § 4; Ord. 99-285-O § 33; Ord. 373 § 18.040, 1982].

Chapter 17.110

CONVERSION PLAN REGULATIONS

Sections:

- 17.110.010 Purpose.
- 17.110.015 Preapplication conference.
- 17.110.020 Application for approval.
- 17.110.030 Public hearing.
- 17.110.040 Findings and conditions.
- 17.110.050 City council decision.

17.110.010 Purpose.

All lands within the urban growth boundary of the city of Rogue River are intended for future annexation and development to urban standards and densities. In some cases, land divisions and limited development will occur prior to annexation. It is the intent of this chapter to assure that any such land divisions will be designed to maximize the long-range urban development potential of the parcel and general area and will not preclude further divisions, development or urban use of adjacent properties. The required conversion plan will also assure that any development of streets or utilities will be easily integrated into the urban system when the property is eventually annexed to the city.

The applicant for any land division within the urban growth boundary of the city of Rogue River that will result in a lot or parcel smaller than 10 acres is required to submit a conversion plan for city approval prior to application to Jackson County. Upon the city's approval of the conversion plan, Jackson County will accept and process the application for the subdivision, land partition or other division in accordance with its land development ordinance requirements. Jackson County, in consideration of the city's recommendations, may require standards or other conditions of approval that will assure that future development and subsequent partitioning are in accordance with the city's comprehensive plan or other specific development plans that may be in effect for the subject area. [Ord. 84-420-O § 12; Ord. 373 § 9.010, 1982].

17.110.015 Preapplication conference.

An applicant may be required to attend a preapplication conference prior to submitting an application for a conversion plan. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. [Ord. 99-283-O § 24; Ord. 373 § 9.015, 1982].

17.110.020 Application for approval.

Any application to Jackson County for a land division within the city of Rogue River's urban growth boundary shall include the city's prior approval of a conversion plan for the entire parcel to be divided. The city's recommendation shall be made a part of the application to the county and, if not included, the application will be considered incomplete and will not be processed. An application for conversion plan approval shall be filed with the city planner, which shall include the following:

A. Ten copies of a plan, drawn to a one inch equals 20 feet scale, and a reduced eight-and-one-half-inch by 11-inch copy. This plan shall include the following data:

1. The date, north point, scale, and assessor's tax lot identification.
2. The boundaries and dimensions of the parcel to be divided.
3. The total acreage or square footage of the parcel being divided.
4. The locations, names, pavement widths and right-of-way widths of all public streets in the vicinity of the subject property. The locations, widths and purposes of any other easements on or near the property.

5. The locations and sizes of any utilities, including water lines, sewer lines, storm drains, utility poles, etc., that are on or within 200 feet of the subject property.
6. The outline, dimensions and specific locations of all existing structures and indicate which, if any, will be removed.
7. Contour lines where slope exceeds 10 percent.
8. The proposed lots that would result from the proposed land division and clearly indicate those lot boundaries and dimensions.
9. Using dashed lines, show a proposal for future subdivision or partitioning of the entire property to urban levels, in accordance with the city's future zoning of that property, or the density levels projected by the city's comprehensive plan. Those future lots shall be no smaller than allowed by the applicable zoning districts, nor shall they exceed the minimum lot size requirement by more than 50 percent.
10. Proposed building locations, if known or planned.
11. Locations of future streets, utility lines, and other features of the plan that will serve the future parcels and future development.
12. The following statement shall be included on the conversion plan map or in a related and attached agreement between the county and applicant:

Dashed lines represent future Conversion Plans to urban densities for lots and streets. All development will conform to setback and other lot development requirements of the city of Rogue River. This plan shall be binding on the property until the property is annexed to the city of Rogue River, or until this plan is amended.

13. If a subsurface sewage disposal system is planned or may be needed to serve the anticipated development prior to annexation, the applicant shall submit documentation to show those locations that are most and least suitable for such a system. Any proposed subsurface system shall be shown on the conversion plan.

B. Name and address of the applicant.

C. Statement that the applicant is the owner of the property or is the authorized agent of the owner.

D. Address and legal description or assessor's parcel number of the property.

E. The county zoning district in which the property is located and the city's comprehensive plan designation and future zoning district, as shown on the comprehensive plan and future zoning maps of the city of Rogue River.

F. Statement indicating the precise manner of compliance with the provisions of the city of Rogue River's comprehensive plan together with any other data pertinent to the findings prerequisite to the approval of a conversion plan.

G. Fees as prescribed by the Rogue River city council. [Ord. 03-316-O § 1 (Exh. A); Ord. 92-215-O § 33; Ord. 84-420-O § 12; Ord. 373 § 9.020, 1982].

17.110.030 Public hearing.

The planning commission and city council shall hold public hearings on the conversion plan, notice of which shall be given in the manner provided in RRM 17.100.040. The city shall have 120 days from the date an application is deemed complete to render its decision. [Ord. 03-316-O § 1(Exh. A); Ord. 92-215-O § 34; Ord. 84-420-O § 12; Ord. 373 § 9.030, 1982].

17.110.040 Findings and conditions.

The planning commission shall forward a recommendation to the city council. Approval of a conversion plan shall be based on the following findings:

- A. That the proposed conversion plan is consistent with the Rogue River comprehensive plan.
- B. That the proposed conversion plan is consistent with the facility plans for the city of Rogue River.
- C. That the recommendations for changes and/or amendments to the conversion plan are deemed necessary to protect the public health, safety, general welfare, and to further implement the city of Rogue River's comprehensive plan and facility plans. [Ord. 03-316-O § 1 (Exh. A); Ord. 84-420-O § 12; Ord. 373 § 9.040, 1982].

17.110.050 City council decision.

The city council shall approve, approve with conditions, or deny the conversion plan. Their findings shall describe the basis for the decision. A copy of the final decision shall be delivered to the applicant at the address shown on the application and to the Jackson County planning department.

Upon approval of the conversion plan, the applicant will be instructed to proceed with the appropriate application to Jackson County in accordance with the county's land development ordinance requirements. [Ord. 03-316-O § 1 (Exh. A); Ord. 99-285-O § 15; Ord. 93-231-O § 4; Ord. 84-420-O § 12; Ord. 373 § 9.050, 1982].

Chapter 17.115

SITE PLAN REVIEW

Sections:

- 17.115.010 Purpose.
- 17.115.015 Preapplication conference.
- 17.115.020 Application permit.
- 17.115.030 Public hearing.
- 17.115.040 Review of development plan.
- 17.115.050 Notice to public agencies.
- 17.115.060 Review.
- 17.115.070 Administrative approval.
- 17.115.080 Approval period.
- 17.115.090 Appeal.

17.115.010 Purpose.

The purpose of this chapter is to assure quality and compatible land development in multiple-family, commercial and industrial zones, and to provide minimum standards in development plans for all new construction within the city of Rogue River. [Ord. 85-112-O § 14; Ord. 84-420-O § 14; Ord. 373 § 10.010, 1982].

17.115.015 Preapplication conference.

An applicant may be required to attend a preapplication conference prior to submitting an application for a site plan review. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. [Ord. 99-283-O § 25; Ord. 373 § 10.015, 1982].

17.115.020 Application permit.

An application for site plan review shall be filed with the city recorder on a form prescribed by the planning commission, which shall include the following information:

- A. Size 18-inch by 24-inch site plan, five black and white copies.
- B. Legal description of the property (metes and bounds).
- C. Name, address, and telephone number of the owner and/or applicant.
- D. Statement that the applicant is the owner of the property or a notarized statement that the applicant is the owner's legal attorney-in-fact.
- E. Township, range, section, tax lot numbers and street address of the property.
- F. Location of buildings and structures, existing and proposed, identifying those to be removed, if any.
- G. Location and layout of off-street vehicle and bicycle parking areas, including walkways and bikeways.
- H. Location of existing and proposed access point(s) on both sides of the road where applicable.
- I. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property.
- J. Number and direction of lanes to be constructed on the driveway plus striping plans.
- K. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.).

L. Trip generation data or appropriate traffic studies. The city or other agency with access jurisdiction may require a traffic study prepared by a licensed traffic engineer to determine access, circulation, and other transportation requirements.

M. Parking (motor vehicle and bicycle) and internal circulation plans for vehicles and pedestrians.

N. Plat map showing property lines, right-of-way, and ownership of abutting properties.

O. When an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing building, but need not include other data required in subsections (H), (I), (J), (K), or (M) of this section. [Ord. 03-316-O § 1 (Exh. A); Ord. 92-215-O § 35; Ord. 87-159-O § 25; Ord. 85-112-O § 15; Ord. 84-420-O § 14; Ord. 373 § 10.020, 1982].

17.115.030 Public hearing.

The planning commission shall hold a public hearing within 21 days after the filing of the applications, notice of which shall be given in the manner provided in RPMC 17.100.040. [Ord. 92-215-O § 36; Ord. 90-194-O § 64; Ord. 393 § 20, 1984; Ord. 373 § 10.025, 1982].

17.115.040 Review of development plan.

All new commercial or industrial buildings, or any commercial or industrial use that has been abandoned for a period of one year or more, or the enlargement of the same and multiple-family developments exceeding two units shall be subject to site plan review. All other development plans which must be submitted, including all proposed use changes in existing buildings, shall be reviewed by the public works director. The public works director may refer other development plans to the planning commission for site plan review if he/she deems it necessary. The planning commission or public works director may impose any or all of the following conditions, with a reason or reasons for each condition being noted, and such reasons shall be kept on file with each application:

A. Require a landscape plan.

B. Require view-obscuring shrubbery, walls, or fences along property lines and around unsightly areas, such as trash and equipment storage areas and industrial and heavy commercial activities. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If freestanding, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose, is prohibited.

C. All HVAC equipment shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Freestanding walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited.

D. Wall-mounted utility devices, such as meters and television cable boxes, shall be mounted on the side of the building not facing a street unless they are concealed from view. Where possible, concealment should be accomplished using architectural elements of the building (i.e., wing walls, alcoves, etc.).

E. Require the city's approval of a grading plan and/or drainage plans.

F. Require the city's approval of a stormwater management plan, if required, subject to the standards of Chapter 17.90 RPMC.

G. Require the city's approval of an erosion prevention and sediment control plan, if required, subject to the standards of Chapter 17.95 RPMC.

H. Require size, placements, grades and material for pedestrian and vehicle access, where the existing transportation system will be impacted by, or is inadequate to handle, the additional burden caused by the proposed use.

I. Require sidewalks, driveway approaches, dedication of necessary rights-of-way for streets, sidewalks, bikeways, paths, or accessways and easements for utilities, waterways or slopes.

J. Internal pedestrian circulation shall be provided in new commercial, office, and multifamily residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

K. Commercial Development Standards.

1. New multifamily residential and commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.

2. Off-street motor vehicle parking for new multifamily and commercial developments shall be located at the side or behind the building(s).

L. Require the Oregon Department of Transportation to review any application that involves access to the state highway system for conformance with state access management standards. [Ord. 05-328-O § 8; Ord. 03-316-O § 1 (Exh. A); Ord. 99-283-O §§ 26 – 28; Ord. 96-259-O § 16; Ord. 90-194-O §§ 65 – 67; Ord. 87-159-O § 26; Ord. 85-112-O § 16; Ord. 84-420-O § 14; Ord. 373 § 10.030, 1982].

17.115.050 Notice to public agencies.

Notice shall be provided to ODOT regarding any land use action on or adjacent to a state facility. Similarly, all actions by Rogue River potentially affecting a county road shall require notice to Jackson County roads and parks services. In addition, notice shall be made to providers of public transit and special interest transportation groups such as truckers, railroad, bicyclists, pedestrians, and the disabled on any roadway or other transportation project. The city shall provide notice to public agencies providing transportation facilities and services and ODOT of:

A. Land use applications that require public hearings;

B. Subdivisions and partition applications; and

C. Other applications which affect private access to road.

Information that should be conveyed to reviewers includes: project location; proposed land use action; location of project access point(s). [Ord. 03-316-O § 1 (Exh. A); Ord. 373 § 10.035, 1982].

17.115.060 Review.

The concept of the site plan review application for projects subject to the requirements of this chapter shall be reviewed by the planning commission within 21 days of acceptance of a complete application in accordance with the provisions of RRMC 17.100.040.

The planning commission shall review and recommend approval, approval with conditions, or denial of the site plan review to the city council based upon the following criteria:

A. Complies with the Rogue River comprehensive plan.

B. Complies with all requirements of the zoning district.

C. Complies with all other applicable requirements of this title.

D. Adequate public services, facilities and utilities are available, or can be made available by the the applicant as part of a proposed development.

E. Potential land use conflicts between the proposed project and adjacent uses have been adequately mitigated through specific conditions of development.

F. Access shall comply with RRMCC 17.65.080, and shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access. The proposed development shall not diminish the function of public streets.

G. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

H. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development.

I. The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 200 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the street system will not exceed a V/C ratio of .80. Whenever performance standards of local, arterial or collector roads is determined to be above .80 V/C and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. [Ord. 03-316-O § 1 (Exh. A); Ord. 99-285-O § 16; Ord. 99-283-O § 29; Ord. 90-194-O § 68; Ord. 87-159-O § 27; Ord. 84-420-O § 14; Ord. 373 § 10.040, 1982].

17.115.070 Administrative approval.

A site plan review can be an administrative decision if the application is such that there are not any extenuating circumstances and the planning commission agrees for it to be handled at the administrative level. All of the requirements listed in this chapter shall be required for the site plan review. [Ord. 99-285-O § 17; Ord. 373 § 10.045, 1982].

17.115.080 Approval period.

A site plan review approval by the planning commission shall become null and void one year following the date on which it became effective unless, by conditions of the site plan review approval, a greater or lesser time is prescribed as a condition of approval. [Ord. 99-285-O § 18; Ord. 90-194-O § 69; Ord. 84-420-O § 14; Ord. 373 § 10.050, 1982].

17.115.090 Appeal.

Appeal of the decision of the city council shall be made in the manner provided in Chapter 17.120 RRMCC. [Ord. 99-283-O § 30; Ord. 95-248-O § 6; Ord. 85-112-O § 17; Ord. 84-420-O § 14; Ord. 393 § 22, 1984; Ord. 373 § 10.060, 1982].

Chapter 17.120

APPEALS

Sections:

17.120.010 Review of planning commission recommendations.

17.120.020 Appeal to city council.

17.120.010 Review of planning commission recommendations.

When a recommendation of the planning commission regarding applications for a final subdivision plat, zoning ordinance amendment, zone change or annexation is brought before the city council, the council may affirm, reverse, or modify the recommendations of the planning commission. The council may not reverse a recommendation of the planning commission denying an application unless they shall, on the basis of the record transmitted to them and on the basis of such additional evidence as may be submitted, be able to make the findings prerequisite to the approval of the application as prescribed by the appropriate chapter of this title. [Ord. 99-285-O § 23; Ord. 99-283-O § 42; Ord. 95-248-O § 9; Ord. 90-194-O § 71; Ord. 84-420-O § 16; Ord. 373 § 16.010, 1982].

17.120.020 Appeal to city council.

Within seven days following the date of a decision by the planning commission regarding applications for a conditional use permit, variance, planned unit development, site plan review, conversion plan approval, or renewal of a permit, the decision may be appealed in writing to the city council by the applicant or any other affected party.

For purposes of this section, the “date of a decision” shall be the date on which the findings of fact are adopted by the city council.

Appeal shall be filed with the city recorder and shall be made on forms provided for such purpose or otherwise prescribed by the planning commission. If no appeal is taken within the seven-day period, the decision of the planning commission or the city council shall be considered final.

Upon appeal the city council shall review the record made below and conduct a hearing at which argument will be allowed and new or additional evidence may be presented upon a showing that consideration of such evidence could not have been offered at the initial hearing stage in the exercise of due diligence.

The city council shall set a date for public hearing and shall give notice thereof in the manner provided in RRM 17.100.040.

The decision by the city council shall be final and have immediate effect. Notice of the city council action on an appeal shall be mailed to the applicant at the address shown on the application. [Ord. 99-285-O § 24; Ord. 99-283-O § 43; Ord. 95-248-O § 9; Ord. 90-194-O § 71; Ord. 84-420-O § 16; Ord. 393 § 18, 1984; Ord. 373 §§ 16.020 – 16.030, 1982].

Chapter 17.125

AMENDMENT PROCESS

Sections:

Article I. Text Amendments

- 17.125.010 How to initiate legislative amendment.
- 17.125.020 Notice of proposed amendment.
- 17.125.030 Notice of withdrawal, denial or adoption of proposed amendment – Proposed amendment.
- 17.125.040 Public hearing.
- 17.125.050 Action by the planning commission.
- 17.125.060 Action by city council.

Article II. Map Amendments

- 17.125.070 Requirements.
- 17.125.080 Procedures.
- 17.125.090 Initiation of amendments.
- 17.125.100 Public hearing.
- 17.125.110 Action by commission.
- 17.125.120 Action by city council.
- 17.125.130 Intent to rezone procedure.

Article I. Text Amendments

17.125.010 How to initiate legislative amendment.

A legislative amendment to the text of this title may be initiated from either the Rogue River planning commission or city council whenever the public necessity and convenience and the general welfare require such an amendment. [Ord. 99-286-O § 1; Ord. 95-248-O § 10; Ord. 85-112-O § 22; Ord. 373 § 17.010, 1982].

17.125.020 Notice of proposed amendment.

The city shall notify the Department of Land Conservation and Development in writing at least 45 days prior to the final hearing on the proposed amendment. [Ord. 99-286-O § 1; Ord. 373 § 17.020, 1982].

17.125.030 Notice of withdrawal, denial or adoption of proposed amendment – Proposed amendment.

The city shall notify the Department of Land Conservation and Development in writing immediately following withdrawal, denial or adoption of the proposed amendment. [Ord. 99-286-O § 1; Ord. 373 § 17.030, 1982].

17.125.040 Public hearing.

The planning commission shall hold at least one public hearing, notice of which shall be given in the manner provided in RRMC 17.100.030. Notice shall be given in the planning commission's meeting agenda. [Ord. 99-286-O § 1; Ord. 95-248-O § 10; Ord. 85-112-O § 22; Ord. 373 § 17.040, 1982].

17.125.050 Action by the planning commission.

Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendations to the city council with respect to the proposed amendment and shall file with the city council an attested copy of such report. [Ord. 99-286-O § 1; Ord. 95-248-O § 10; Ord. 85-112-O § 22; Ord. 373 § 17.050, 1982].

17.125.060 Action by city council.

Upon receipt of such report from the planning commission, the city council shall set the matter for public hearing. Notice shall be given by publication in a newspaper of general circulation in the city once a week for three consecutive weeks prior to the hearing. The city council shall take action within 75 days of planning commission recommendation. [Ord. 99-286-O § 1; Ord. 95-248-O § 10; Ord. 85-112-O § 22; Ord. 373 § 17.060, 1982].

Article II. Map Amendments

17.125.070 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 amendment. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.010, 1982].

17.125.080 Procedures.

This title may be amended by changing the boundaries of a district whenever the public necessity and convenience and the general public welfare require such an amendment by following the procedure of this article. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.020, 1982].

17.125.090 Initiation of amendments.

An amendment to the zoning maps, if not in conflict with the comprehensive plan, or if accompanied by a comprehensive plan amendment, may be initiated by:

A. The Rogue River planning commission.

B. The Rogue River city council.

C. Application by one or more property owners, or their agents, of property affected by the proposed amendment. The application shall be accompanied by a legal description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 250 feet of the exterior boundaries thereof, and a filing fee as prescribed by the city council. The application shall be filed with the city recorder. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.030, 1982].

17.125.100 Public hearing.

The planning commission shall hold at least one public hearing within 30 days of the acceptance of a complete application. Notice of the hearing shall be given in the manner required for a conditional use permit by RRMC 17.100.040. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.040, 1982].

17.125.110 Action by commission.

A. Following the aforesaid hearing, the commission shall make a report of its findings and recommendations to the city council with respect to the proposed amendment and shall file with the city council an attested copy of such report within 50 days of the acceptance of the complete application; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. If the planning commission deems it advisable, it may recommend that the area under consideration for change in the classification be enlarged or diminished or be reclassified to a zone other than the zone originally initiated.

B. Upon the consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all persons who signed such petition. The city council or the planning commission may abandon any proceedings for an amendment; provided, that such abandonment may be made only when such proceedings are before such body for consideration; and provided, that any hearing for which public notice has been given shall be held. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.050, 1982].

17.125.120 Action by city council.

Upon receipt of such report from the planning commission, the city council shall hold a continued public hearing and shall take action within 75 days of the acceptance of a completed application. [Ord. 99-286-O § 2; Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.060, 1982].

17.125.130 Intent to rezone procedure.

A. The common council of the city of Rogue River, when it determines that the public interest would best be served by a zone change, shall after property hearings adopt a resolution of intent to rezone the properties involved.

B. This resolution of intent to rezone shall include certain stipulations which the council deems necessary as a prerequisite to final action in the application.

C. Fulfillment by the applicant of the stipulations contained in the resolution of intent to rezone shall make such resolution a binding commitment on the council of the city of Rogue River. Upon compliance by the applicant, the council shall effect the zone change by ordinance in accordance with the resolution.

D. Failure of the applicant to meet any or all of the stipulations contained in the resolution within one year shall render the resolution null and void. [Ord. 95-248-O § 12; Ord. 85-112-O § 23; Ord. 373 § 19.070, 1982].

Chapter 17.130

ENFORCEMENT

Sections:

17.130.010 Violations a nuisance.

17.130.020 Penalties.

17.130.010 Violations a nuisance.

Any building, structure or manufactured dwelling set up or erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, or without first receiving a permit as required by this title, is hereby declared to be unlawful and a public nuisance, and the city attorney of the city may, or upon order of the planning commission shall, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building, structure, or manufactured dwelling, or from setting up, erection, building, maintaining, or using any such building, structure or manufactured dwelling, or using property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive. [Ord. 99-285-O § 34; Ord. 95-248-O § 14; Ord. 90-194-O § 72; Ord. 85-127-O § 10; Ord. 373 § 20.010, 1982].

17.130.020 Penalties.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation, and shall be punishable as herein provided for each such offense. [Ord. 95-248-O § 14; Ord. 93-231-O § 5; Ord. 373 § 20.020, 1982].

Chapter 17.135

RIPARIAN PROTECTION REQUIREMENTS

Sections:

- 17.135.010 Purpose.
- 17.135.020 Definitions.
- 17.135.030 Riparian corridors.
- 17.135.040 Activities within the riparian corridor.
- 17.135.050 Development review procedures.
- 17.135.060 Property line adjustments and subdivisions.
- 17.135.070 Hardship variances and restoration provisions.
- 17.135.080 Site maintenance.
- 17.135.090 Compliance with all state and federal laws.
- 17.135.100 Enforcement.
- 17.135.110 Appeals.
- 17.135.120 Penalties.

17.135.010 Purpose.

The city of Rogue River finds great value in its natural resources and wishes to adopt and implement policies that protect these unique features: our natural beauty, the protection of our streams, wildlife habitat and water quality. [Ord. 21-412-O § 1].

17.135.020 Definitions.

The following definitions shall apply:

“Dangerous tree” means a dead, diseased, or other tree that poses an obvious health, safety, or welfare threat to persons or property.

“Development” is any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation and drilling operations. Development does not include signs, markers, direction aids, etc., placed by a public agency to serve the public.

“Fish-bearing stream” is a stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

“Fish habitat” means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

“Grading” is any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

“Impervious surface” is any material which reduces and prevents absorption of stormwater into previously undeveloped land.

“Lawns” consist of grass or similar materials maintained as a ground cover of less than six inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and shrubs (vegetation other than grasses). For purposes of this chapter, lawn is not considered native vegetation regardless of the species used.

“Low impact development” involves minimizing or eliminating pollutants in stormwater through natural processes and maintaining predevelopment hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.

“Mitigation” is a means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring stream-side vegetation where it is disturbed or where it has been degraded due to past practices.

“Natural vegetation line” is the point at which native vegetation grows on the river or creek banks.

“Restoration of riparian areas” is to limit development, reestablish native vegetation and ensure the limitation of negative impacts to fish and wildlife and their habitat in and around waterways and water bodies within the city limits of the city of Rogue River.

“Riparian area” is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

“Riparian corridor” is a Rogue River comprehensive plan Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

“Riparian corridor boundary” is an imaginary line that is a certain distance upland from the natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary shall be measured upland from the top of each bank.

“Stream” is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding manmade irrigation and drainage channels.

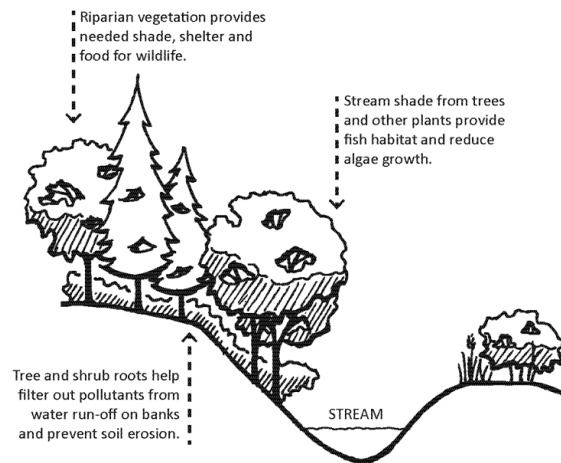
“Structure” is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

“Top of bank” shall mean the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. Where this cannot be determined, “top of bank” shall have the same meaning as “bankfull stage” defined in OAR 141-085-0510(5), which is the two-year recurrence interval flood elevation.

“Water area” is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding manmade farm ponds.

“Water-dependent use” means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

“Water-related” means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.



[Ord. 21-412-O § 2].

17.135.030 Riparian corridors.

The following riparian corridors are established:

- A. Because the Rogue River has an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank.
- B. Where the riparian corridor includes all or portions of a significant wetland as identified in the Rogue River comprehensive plan, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. The city of Rogue River does not have a local wetlands inventory, but relies on the National Wetlands Inventory.
- C. Along all fish-bearing streams, including Evans Creek and Wards Creek, with an average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank. [Ord. 21-412-O § 3].

17.135.040 Activities within the riparian corridor.

This section describes limits on the placement of structures, removal of vegetation and other alterations to the riparian conservation corridor. It lists allowed and prohibited activities and activities that may be allowed if impacts are offset by appropriate restoration or mitigation.

A. Preexisting Activities in the Riparian Corridor.

1. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. Preexisting uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor.
2. The maintenance, alteration, and replacement of preexisting landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. Any herbicide, pesticide, or fertilizer applications must strictly comply with the manufacturer's label and avoid saturation, drift, or runoff to water bodies. Maintenance trimming of existing trees is allowed but under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.
3. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

B. Allowed Activities in the Riparian Corridor. The city may approve the following activities, and maintenance thereof, within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the United States Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to the Fish and Wildlife Habitat mitigation policy.

1. Streets, roads, and private paths.
2. Drainage facilities, utilities, and irrigation pumps.
3. Water-related and water-dependent uses.
4. Replacement of existing structures with structures in the same location that does not disturb additional riparian corridor surface areas.
5. Expansion of existing structures in the riparian corridor that does not disturb additional riparian surface areas, including second story additions, cantilevered additions supported from the existing structure, and basement additions subject to compliance with Chapter 15.15 RRMC.
6. Removal of nonnative vegetation and replacement with native plant species as referred to in the Jackson Soil and Conservation District's Natural Resource Stewardship Handbook.
7. Removal of vegetation necessary for the development of water-related or water-dependent uses.
8. Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under this subsection (B) upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures including stormwater controls that infiltrate stormwater and are characteristic of low impact development or green infrastructure such as bioswales, rain gardens, and vegetated filter strips as referred to in the Jackson Soil and Conservation District's Natural Resource Stewardship Handbook. In no case shall alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. This adjustment affects only the Rogue River riparian area; it is not permitted along tributaries.
9. Perimeter mowing and other cutting necessary for fire hazard prevention.
10. Except in emergency circumstances, the city shall review requests for removal of hazardous trees. The determination shall be made by the city administrator or his/her designee who may require a determination by a professional arborist at the property owner's expense. Hazardous trees are those that pose an obvious threat to safety and/or welfare to persons or personal property. Any and all trees to be removed will be replaced on a ratio of one to three; preexisting seedlings may be counted to meet this requirement at the city administrator or his/her designee's discretion. Replacements are required to be native species or alternate approved native species as described in the Jackson Soil and Water Conservation District's Natural Resource Stewardship Handbook. The city shall conduct inspections or use other means to verify the trees are surviving. Those that do not survive must be replaced.
11. Stream bank stabilization and flood control structures that legally existed on the effective date of the ordinance codified in this chapter may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the city administrator or his/her designee and appropriate state and federal natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
12. Stream restoration and enhancement activities that are approved by the Oregon Department of State Lands.
13. Maintenance and protection of the function of city utilities and transportation facilities located within riparian corridors.

C. Prohibited Activities in the Riparian Corridor. The following practices are prohibited within stream setback area, unless otherwise approved by the city and all applicable state and federal regulatory agencies:

1. Expansion of preexisting nonnative landscaping such as lawns.
2. Permanent alteration by placement of structures or impervious surfaces, except as allowed in subsection (B) of this section.
3. Storage or dumping of herbicides, pesticides, fertilizers, solvents, fuels, or other hazardous or toxic materials or wastes.
4. Dumping, piling, or disposal of refuse (trash or garbage).
5. Channelizing, culverting, straightening, or otherwise modifying natural drainageways.
6. Dumping, piling, disposing, or composting of yard debris, fill, or other potentially harmful material, except for single-family residential composting which must be kept a minimum of 10 feet from the top of bank.
7. All filling, grading, or excavating.
8. Application of herbicides, pesticides, or fertilizers, except as permitted under subsection (A) of this section, or as otherwise approved by the city and all applicable state and federal agencies for the protection of public safety and the enhancement or maintenance of the stormwater conveyance or flood control capacity.
9. Removing vegetation for the creation of fuelbreaks.
10. Dumping or disposal of yard debris, refuse or chemicals in the rivers or streams or in storm drains.
11. Placement of temporary structures, such as storage units and recreational structures including tree houses. [Ord. 21-412-O § 4].

17.135.050 Development review procedures.

A. Application Requirements. A riparian development permit shall be obtained prior to initiating development activities in any areas designated as a riparian corridor. An application for a riparian development permit along with the required fee as set by resolution shall be submitted to the city administrator or his/her designee on forms furnished by the city. If structures (including hardscape) are involved, items in subsections (B) and (C) of this section are required prior to starting any development activity. The item in subsection (D) of this section is required within 90 days of structure completion. If no structures are involved, then items in subsections (B), (C) and (D) of this section are required before starting any development activity. Some or all activities may be restricted to times of year with limited stream flows and/or rain fall.

B. Site Plan.

1. Top of bank and natural vegetation line.
2. Boundaries of the riparian corridor in the site.
3. Existing improvements such as structures, buildings, utility lines, fences, etc.
4. Areas where riparian area has been previously disturbed.
5. Areas where new disturbance in the riparian area is proposed.
6. Outline of trees, shrubs and ground covers.
7. Include time of the year.

C. Construction Management Plan. Identify measures that will be taken during construction or mitigation work to protect the remaining resources at and near the construction site and a description of how the undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, stormwater managed, and construction equipment located and controlled and the timing of construction in relation to season.

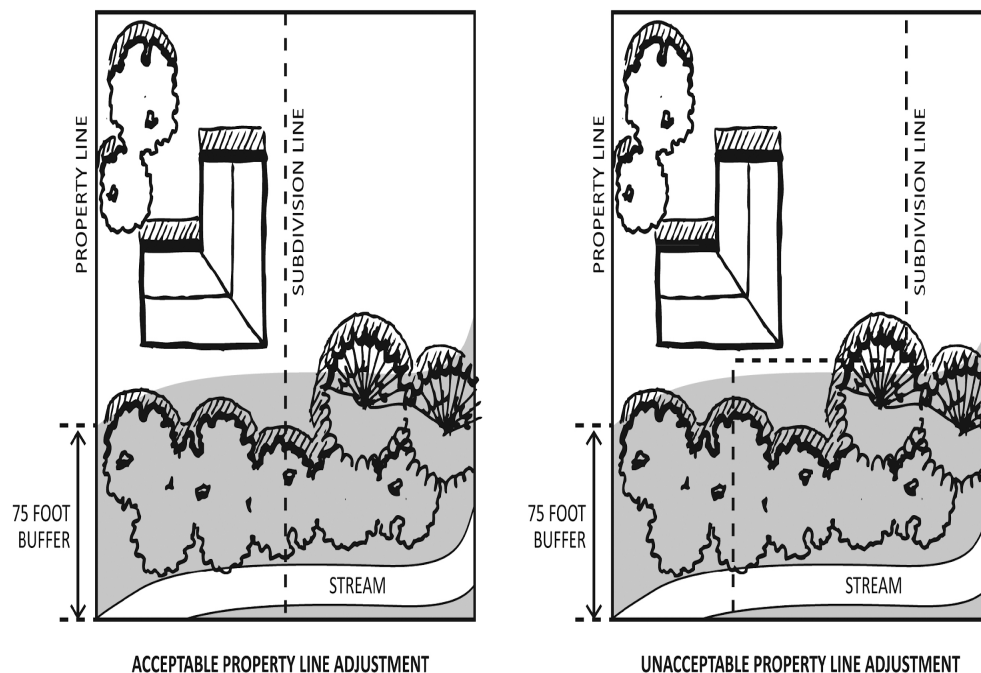
D. Landscape Plan. In addition to the construction management plan, a landscape plan will be required for newly disturbed areas in the riparian corridor prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation types, density, proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.

E. Completion. The property owner will advise the city administrator or his/her designee when the permitted work has been accomplished. The city administrator or his/her designee will conduct a Type I review to determine if the work is consistent with the approved plans.

F. Expiration of Riparian Permit. A riparian permit shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing to the city administrator or his/her designee and may be subject to review and additional permit fees. [Ord. 21-412-O § 5].

17.135.060 Property line adjustments and subdivisions.

Subdivisions, partitions, and property line adjustments must be designed so that the resulting lots or parcels can be developed in conformance with the provisions of this chapter including hardship variances, encroachment into the 75-foot corridor, and fuel breaks.



[Ord. 21-412-O § 6].

17.135.070 Hardship variances and restoration provisions.

For any existing lot or parcel demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a Class C variance under the following provisions:

Granting of a variance requires findings that:

- A. The proposed development requires deviation from the riparian standards as set forth in this section; and
- B. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity. [Ord. 21-412-O § 7].

17.135.080 Site maintenance.

The limitations imposed by this section do not preclude the routine maintenance of structures and landscaped areas.

- A. Maintenance of existing lawns, nonnative riparian planted vegetation, or landscaping is allowed but shall not expand lawn areas or remove or damage any nonhazardous tree.
- B. The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in this code.
- C. Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued agricultural uses.
- D. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.
- E. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species as referred to in the Jackson Soil and Conservation District's Natural Resource Stewardship Handbook.
- F. Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from riparian vegetation, and mulch for allowed riparian plantings, is prohibited within riparian corridors. [Ord. 21-412-O § 8].

17.135.090 Compliance with all state and federal laws.

Activities wholly or partially within the riparian corridor are subject to all applicable federal and state regulations. The following regulations commonly apply within the resource areas. Note: other regulations not listed may also apply; it is the property owner's responsibility to adhere to all applicable state and federal regulations:

- A. Oregon Department of State Lands permit requirements under the Removal-Fill Law.
- B. U.S. Army Corps of Engineers permit for fill activities as required under Section 404 of the Clean Water Act.
- C. Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations.
- D. Oregon Department of Fish and Wildlife regulations may apply to development activities that could impact one of the sensitive, threatened, critical, or endangered species indigenous to the region.
- E. The federal Endangered Species Act (ESA) prohibits any action that causes a "taking" of any species of endangered fish or wildlife listed as endangered without authorization from the listing agency.
- F. National Flood Insurance Program regulations as they are enforced through the Flood Insurance Reform Act (FIRA). Refer to Chapter 15.15 RRMC for additional floodplain regulations. [Ord. 21-412-O § 9].

17.135.100 Enforcement.

This chapter shall be enforced in accordance with Chapter 17.130 RRMC. [Ord. 21-412-O § 10].

17.135.110 Appeals.

The appeals process shall be the same as stated in Chapter 17.120 RRMC. [Ord. 21-412-O § 11].

17.135.120 Penalties.

The penalties for violation of this chapter shall be the same as stated in RPMC 17.130.020. [Ord. 21-412-O § 12].

Chapter 17.140

LANDSCAPING STANDARDS

Sections:

- 17.140.010 Purpose.
- 17.140.020 Applicability.
- 17.140.030 General landscaping standards.
- 17.140.040 Screening requirements.
- 17.140.060 Fencing.
- 17.140.070 Parking lot landscaping.

17.140.010 Purpose.

This chapter contains standards for landscaping and screening. The regulations are intended to protect public health, safety, and welfare by:

- A. Reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; and
- B. Minimizing erosion; and
- C. Slowing the rate of surface water runoff, thereby reducing infrastructure costs; and
- D. Buffering pedestrians from vehicle maneuvering areas; and
- E. Protecting the city's resistance to fire; and
- F. Using fewer resources; and
- G. Cooling buildings and parking lots in summer months with shade; and
- H. Enhancing the city's appearance. [Ord. 21-413-O § 5].

17.140.020 Applicability.

The design standards in this chapter are required:

- A. At the time of any permitted development, including single-family dwellings; and
- B. At the time any improvements are made over 50 percent of the replacement cost of a permitted structure; and
- C. At any development indicated elsewhere in the code that requires site plan review approval. [Ord. 21-413-O § 5].

17.140.030 General landscaping standards.

All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped, according to the following standards. Parking and vehicle maneuvering is not to be done on any landscaped area, including grass, gravel, dirt, or a streambed.

A. Landscape Plans.

- 1. All required front and exterior yards shall be landscaped, and building setbacks shall be maintained.
- 2. No vehicle parking shall be permitted within the required landscaped yard, with the exception of two vehicle spaces per unit for single-family and duplex dwellings.
- 3. Other than approved driveways, all other front and exterior yard areas shall be landscaped.

4. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
5. Landscape plans shall include a variety of planting types (trees, shrubs, ground cover) and landscape materials. The majority of these should be suitable to the Southern Oregon climate and reliable growers in this region.
6. Landscape plans shall provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color. Landscape plans shall use a combination of plants for seasonal variation in color and year-long interest.
7. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, stormwater detention facilities, and similar grading, are proposed.
8. Whenever possible, landscape plans should use water retention and irrigation features to minimize the use of water produced by the city.
9. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.
10. The city may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.

B. Plan Submission. Landscape plans are to be submitted simultaneously with any other relevant application (building permit, land use, site plan review, etc.).

1. A landscape plan submitted with an application that would normally be heard by the planning commission shall be reviewed by the planning commission. A landscape plan submitted with an application that would normally be dealt with administratively shall be reviewed by city staff.
2. A deposit, of at least \$1,000, shall be given at the time of application to be returned to the applicant once the approved plan is completed and inspected. The completion and inspection should be done by the end of a six-month period subsequent to completion of the associated development. An extension may be available upon request.

C. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. To maintain the city of Rogue River's status as a Tree City, USA, and to provide for cooling shade and city beautification, the planting of trees is encouraged. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth.

The selection of plants shall be based on all of the following standards and guidelines:

1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The city may rely on Oregon State University Extension Service bulletins, University of Washington Urban Forestry Program guidelines, Jackson County Soil and Water District recommendations, or other Fire Wise expert sources and its own Tree City Committee resources in evaluating landscape plans.
2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.
3. Trees shall be not less than two-inch caliper for street trees and one and one-half inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.

4. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
5. Deciduous trees may be used where summer shade and winter sunlight is desirable.
6. Evergreen plants shall be used where a sight-obscuring landscape screen is required or desired. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
7. Shrubs shall be planted from five-gallon containers minimum where they are for required screens or buffers, and a minimum of two-gallon containers elsewhere.
8. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
9. Where stormwater retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.
10. Where landscaping is not otherwise feasible, planter boxes or decorative tubs shall be installed. Planting shall be consistent with in-ground landscaping requirements.

D. Ground Cover Plants and Materials.

1. All landscape areas should be planted with trees, shrubs and ground cover plants (to include turf or grass) that are sized and spaced to achieve plant coverage at maturity of not less than 50 percent live material.
2. Nonplant ground covers cannot be a substitute for required ground cover plants.
3. Bark dust, chips, aggregate, artificial turf or other nonplant ground covers may be used, but shall cover not more than 50 percent of any landscape area. Whenever possible, these should be natural materials.
4. Nonplant ground cover materials shall be installed and maintained so that said material does not migrate off site to interfere with storm drain system, waterways, city right-of-way, or other systems. [Ord. 21-413-O § 5].

17.140.040 Screening requirements.

Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the planning commission. Landscaping shall be provided pursuant to the standards of:

A. Outdoor Storage and Unenclosed Uses. All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per site design review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods.

B. Parking Lots. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between three and four feet.

C. Other Uses Requiring Screening. The planning commission may require screening in other situations as authorized by this code, including, but not limited to, outdoor storage areas, blank walls, and as mitigation where an applicant has requested an adjustment.

D. Evergreen plants shall be used where a sight-obscuring landscape screen is required or desired. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features. [Ord. 21-413-O § 5].

17.140.050 Fencing.

RRMC 17.65.030 establishes design standards for when a fence or a wall not attached to a building is to be erected, extended, or otherwise altered. It also applies to situations where this code requires screening or buffering (e.g., outdoor or unenclosed storage uses). (Refer to RRMC 17.65.030, Fences and walls.) [Ord. 21-413-O § 5].

17.140.060 Parking lot landscaping.

All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot:

A. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planted so that they provide a partial canopy cover over the parking lot within five years. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.

B. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 12 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

C. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that within two years of planting, not less than 50 percent of that area is covered with living plants.

D. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.

E. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards. [Ord. 21-413-O § 5].

Title 18

DEVELOPMENT ADMINISTRATION

Chapters:

- 18.05 Hearing Procedures**
- 18.10 Annexation Procedures**
- 18.15 Systems Development Charges**
- 18.20 Local Improvements and Special Assessment Procedures**

Chapter 18.05

HEARING PROCEDURES

Sections:

- 18.05.010 Scope.
- 18.05.020 General conduct of hearings.
- 18.05.030 Challenge for bias, conflict of interest, disqualification.
- 18.05.040 Presiding officer.
- 18.05.050 Burden of proof.
- 18.05.060 Record of proceedings.
- 18.05.070 Publication of rules.

18.05.010 Scope.

These rules shall govern the conduct of public hearings held in the city of Rogue River, Oregon, relating to annexations, zone changes, conditional use permits, variance permits, appeals, and any other matters coming before the council, planning commission and hearings board for hearings including, but not limited to, appeals under RRMC Titles 16 and 17. [Ord. 90-195-O § 1; Ord. 295 § 1, 1978].

18.05.020 General conduct of hearings.

A. The city council, hearings board, or planning commission, in conducting a hearing which will result in a determination as to the permissible use of specific property, is acting in a quasi-judicial capacity, and all hearings shall be conducted accordingly. Interested parties are, therefore, entitled to notice of hearings, an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as part of that record.

B. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.

C. No proponent or opponent shall speak more than once without obtaining permission from the presiding officer at the first available opportunity.

D. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.

E. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by the city of Rogue River personnel shall be deemed relevant, material, and competent, unless objected to by any interested party with good cause and at the first available opportunity.

F. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the council, planning commission or hearings board.

G. The presiding officer may approve hearings board members, city council members, planning commission members, or other members of the staff to question or cross-examine any person who testifies. [Ord. 90-195-O § 2; Ord. 295 § 2, 1978].

18.05.030 Challenge for bias, conflict of interest, disqualification.

A. Any proponent or opponent of a proposal to be heard may challenge the qualifications of any member of a board participating in such hearing or decision. Such challenge must state facts in writing by affidavit, relied upon by the submitting party relating to the board member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.

1. Such written challenge must be delivered to the city recorder and to the member whose qualification is challenged not less than 48 hours preceding the time set for public hearing.

2. Such challenge shall be incorporated into the record of the hearing.

B. No member shall participate in discussion of the proposal or appeal or vote on the proposal or appeal when:

1. Any of the following has a direct or substantial financial interest in the proposal:

- a. A councilman or member of board or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
- b. A member who owns property within the area entitled to receive notice of the public hearing;
- c. A member who has a direct personal interest in the proposal; or
- d. For any other reason, he has determined that he cannot participate in the hearing and decision in an impartial manner.

C. No other officer or employee of the city who has a financial or any other private interest shall participate in discussion with or give official opinion to a member of the proposal without first declaring for the record the nature and extent of such interest.

D. The general public has a right to have members free from pre-hearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, members shall reveal any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired his impartiality or his ability to vote on the matter, he shall so state and shall abstain therefrom.

E. Notwithstanding any provision of this or any other rule:

1. An abstaining or disqualified member may be counted for purposes of forming a quorum; and
2. A member may represent himself, a client or any other member of the public at a hearing, provided he:
 - a. Abstains from the vote on the proposal;
 - b. Removes himself from the board area and joins in the audience; and
 - c. Makes full disclosure of his stature and position at the time of addressing the board. [Ord. 295 § 3, 1978].

18.05.040 Presiding officer.

A. The chairman shall be the presiding officer at all hearings. In his absence, or with his consent, the board may designate one of its members, or any other officer, employee, or person to act as presiding officer at a hearing. A presiding officer, if not a member, shall have no vote on the question in determination of the matter.

B. The presiding officer shall have authority to:

1. Regulate the course and decorum of the hearing;
2. Dispose of procedural requests or similar matters;
3. Rule on offers of proof and relevancy of evidence and testimony;
4. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination of witnesses and rebuttal testimony; and

5. Take such other action authorized by the board appropriate for conduct commensurate with the nature of the hearing. [Ord. 295 § 3, Rule 4, 1978].

18.05.050 Burden of proof.

A. The burden of proof is upon the proponent. The more drastic the change or the greater the proposal or the greater the impact of the proposal in an area, the greater is the burden upon the proponent.

B. The requested proposal must be supported by proof that:

1. Comprehensive Plan. That the proposal conforms with the comprehensive plan for the area. (Important: The findings must state what uses the comprehensive plan actually projects for the area and how the proposed use conforms with it.)

2. Public Need. That there is a public need to be served by the proposal. (Important: Add “because” and then say why.)

3. Public Need II. That there is no land elsewhere available to meet the public need, or if there is land elsewhere already available for this purpose within the city, the public need can nevertheless be best served by subject proposal “because...” (Important: It would not be enough that the applicants happened to own the subject parcel and not the other lands already available.)

In lieu of findings (B)(1), (2), and (3) of this section, strong factual findings of mistake may be sufficient. Mistake must involve something in the nature of a correction of an error whereby RRMC Title 17 did not express the intent of the council at the time of its adoption and must be supported by evidence.

C. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the council to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if his inquiry results in substantial evidence that the council lacks jurisdiction or the procedural requirements of RRMC Title 17 were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the council.

D. Staff Report – Planning Commission Recommendation, Etc. Summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the planning commission or other appropriate board or agency and provide such other information as may be requested by the council. The presiding officer may request a representative of the planning department or any other city officer or employee to perform this duty.

E. Proponent’s Case. Determine whether the proponent will conduct his case in person or by representative. The applicant-proponent shall first be heard and persons in favor of the proponent’s proposal shall next be heard.

F. Cross Examination of Proponents. Allow opponents, upon recognition by the presiding officer, to submit questions directly to the proponents. Proponents shall be given a reasonable time to respond solely to the questions.

G. Opponent’s Case. Opponents shall be heard in the following order:

1. Neighborhood associations, special organization formed for the purpose of opposition, or other groups represented by counsel or a spokesman shall be allowed by the presiding officer to first proceed.

2. Persons who received notice of the hearings or who were entitled to receive notice of the hearing are presumed to have an interest in the proposal and shall next be heard.

3. Persons who did not receive notice and who were not entitled to notice shall next be heard.

H. Cross Examination of Opponents. Allow proponents, upon recognition of the presiding officer, to submit questions to opponents who have testified. Opponents shall be given a reasonable time to respond solely to the questions.

I. Public Agencies. Allow representatives of any city, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.

J. Rebuttal Evidence. Allow the proponent to offer rebuttal evidence and testimony.

K. Close of Hearing and Deliberation by Board. The presiding officer shall conclude the hearing and the board shall deliberate the proposal. The board shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, the planning commission or the hearings board, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the board. [Ord. 90-195-O §§ 3 – 6; Ord. 295 § 3, Rule 5, 1978].

18.05.060 Record of proceedings.

A. The city recorder, or a designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be stenographically or electronically recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the board.

B. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented, which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is incapable of being offered and incorporated in the record of the case, it shall be received. All exhibits received into evidence shall be retained by the board until after any applicable appeal period has expired, at which time the exhibits may be released upon written demand to the person identified thereon.

C. Any member of the public shall have access to the record of the proceedings at reasonable times, places and circumstances. Any member of the public shall be entitled to have copies of the record at his own expense. [Ord. 295 § 3, Rule 8, 1978].

18.05.070 Publication of rules.

These rules shall be:

A. Placed on record with the city recorder; and

B. Posted within or near the entrance to the council hearing room, to wit: The council chambers at City Hall, and references in all required notices relating to public hearings. [Ord. 295 § 3, Rule 9, 1978].

Chapter 18.10

ANNEXATION PROCEDURES

Sections:

- 18.10.010 Statement of purpose.
- 18.10.020 Conditions for annexation.
- 18.10.030 Criteria.
- 18.10.040 *Repealed.*
- 18.10.050 Application requirements.
- 18.10.060 Acceptance of application.
- 18.10.070 Staff evaluation.
- 18.10.080 Review criteria.
- 18.10.090 Action by the planning commission.
- 18.10.100 Annexation declaration.
- 18.10.110 Health hazard annexation.
- 18.10.120 Island.
- 18.10.130 Coordination.
- 18.10.140 Effective date of district designation.
- 18.10.150 Action by city council.
- 18.10.160 Public information.
- 18.10.170 Exceptions.

18.10.010 Statement of purpose.

The city of Rogue River finds that annexation is the first step to converting future urbanizable lands to urban land within the Rogue River urban growth boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services and infrastructure such as police, fire, sewer, water, and roads and storm drains and open space and parks. Policies and procedures adopted in this chapter are intended to carry out the directives of the citizens of Rogue River and the Rogue River comprehensive plan, and to ensure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban areas. [Ord. 21-410-O § 1; Ord. 99-287-O § 1].

18.10.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with the city processing any annexation request:

- A. The subject site must be located within the Rogue River urban growth boundary.
- B. The subject site must be contiguous to the existing city limits.
- C. The applicant shall demonstrate compliance with all criteria set forth in RRM 18.10.030. [Ord. 21-410-O § 2; Ord. 99-287-O § 2].

18.10.030 Criteria.

The following criteria shall apply to all requests:

- A. The proposed use for the site complies with the Rogue River comprehensive plan and with the designation on the Rogue River comprehensive plan map. If a redesignation of the plan map is required concurrent with annexation, the uses allowed under the proposed designation must comply with the Rogue River comprehensive plan.
- B. An appropriate city zoning designation shall be requested consistent with the proposed comprehensive plan. The property shall be rezoned to a city zoning designation at the time of annexation.
- C. An adequate level of urban services and infrastructure must be available or made available in a specified period of time as determined by the city council. An “adequate level of urban services” shall be defined as:

1. Municipal sanitary sewer with adequate capacity to convey, treat, proposed additional sewerage, storm drainage, and water service with adequate ability to both produce and deliver potable water for residential use and fire protection and meeting the requirements enumerated in the Rogue River comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projection of future uses. Where construction of the road is not deemed necessary, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

3. Adequate police, fire, parks and open space, and school facilities and services. The adequacy of these services shall be considered in relation to annexation proposals.

D. The burden of providing proposed findings to demonstrate compliance with subsections (A), (B), and (C) of this section is placed upon the applicant.

E. "In a specified period of time as determined by the city council" means that improvements needed for an adequate level of urban services and infrastructure will be provided in a logical, economical, and efficient manner.

F. Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the city of Rogue River generally. [Ord. 21-410-O § 3; Ord. 99-287-O § 3].

18.10.040 Application filing deadlines.

Repealed by Ord. 21-410-O. [Ord. 99-287-O § 4].

18.10.050 Application requirements.

A. Applications for annexation shall be made on forms provided by the city planner and include the following material:

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the area to be annexed, as provided by state law.
2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the state of Oregon.
3. Vicinity map and map of the area to be annexed including adjacent city territory.
4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.
5. Annexation fees, as set by city council resolution.

B. Studies required as determined necessary by the city staff. These studies may include:

1. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area, and community will be affected; and any proposed actions to mitigate any such negative effects, if any.
2. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities as determined.
3. Statement of increased demand for such facilities to be generated by the proposed development.
4. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with project demand.

5. Statement outlining method and source of financing required to provide additional facilities.
6. A narrative demonstrating the need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:
 - a. Availability within the city of undeveloped land designated for proposed urban development.
 - b. Analysis of immediate, short-term (one to five years) demand for proposed urban development.
 - c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed. [Ord. 99-287-O § 5].

18.10.060 Acceptance of application.

A. The city planner shall review the application in accordance with RRMC 17.100.040.

B. After accepting a complete application, the city planner shall schedule a public hearing to be held by the planning commission. Notice of the hearing shall be provided in accordance with RRMC 17.100.040. [Ord. 99-287-O § 6].

18.10.070 Staff evaluation.

The city planner shall prepare a report that evaluates whether the proposal complies with the review criteria in RRMC 18.10.080 and provide a recommendation to the planning commission. [Ord. 99-287-O § 7].

18.10.080 Review criteria.

Annexation shall be reviewed to assure consistency with the purposes of this chapter, policies of the comprehensive plan, and other applicable policies and standards adopted by the city council and state of Oregon. In addition, a finding shall be made that the city is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases. [Ord. 99-287-O § 8].

18.10.090 Action by the planning commission.

The planning commission shall conduct a public hearing in accordance with RRMC 17.100.040 to evaluate the proposed annexation and determine compliance with this code's annexation requirements and the appropriate development district and zoning designation upon annexation. Following the public hearing the planning commission shall act as follows:

A. Following the close of the public hearing, the planning commission shall establish the appropriate development district(s) upon annexation and forward its recommendation concerning the annexation to the city council. The planning commission's recommendation shall include findings of fact and conclusions of law that specify how the proposal has or has not complied with the requirements and review criteria set forth in the Oregon Revised Statutes and in this code. The planning commission shall specify such consideration in its findings and conclusions of law. [Ord. 21-410-O § 5; Ord. 99-287-O § 9].

18.10.100 Annexation declaration.

The city council shall by ordinance declare annexation only after determining that all requirements of the Oregon Revised Statutes have been met and all requirements of this chapter have been met, and all applicable fees have been paid. [Ord. 21-410-O § 6; Ord. 99-287-O § 10].

18.10.110 Health hazard annexation.

The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. [Ord. 21-410-O § 7; Ord. 99-287-O § 11].

18.10.120 Island.

The city shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits. [Ord. 99-287-O § 12].

18.10.130 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including but not limited to Jackson County, Pacific Power and Light, Rogue River School District No. 35, and, where appropriate, various state

agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records. [Ord. 99-287-O § 13].

18.10.140 Effective date of district designation.

The decision of the planning commission regarding establishment of the district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with Chapter 17.120 RRMC. [Ord. 99-287-O § 14].

18.10.150 Action by city council.

A. Upon receipt by the city council of the recommendations of the planning commission, the matter shall be set for a public hearing pursuant to RRMC 17.100.040.

B. The city council shall make a determination that the proposed annexation is in the best interests of the city, there is adequate capacity to provide all municipal services and municipal services can be made to the property and its residents considering the timing of and extent to which municipal services and infrastructure can be provided and shall authorize staff to enter into any appropriate agreements concerning future provision of municipal services and/or funding for such services.

C. If the city elects to annex the property the city council shall assign an appropriate city zoning designation consistent with the city's comprehensive plan. [Ord. 21-410-O § 8; Ord. 99-287-O § 15].

18.10.160 Public information.

Public information identified in RRMC 18.10.070 for each annexation shall be reviewed by the city council and published in a newspaper of general circulation in the city. [Ord. 21-410-O § 9; Ord. 99-287-O § 16].

18.10.170 Exceptions.

The city council may authorize an exception to any of the requirements of this chapter. An exception shall require a favorable vote of six or more city council members and a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development potential, or administrative error. [Ord. 99-287-O § 17].

Chapter 18.15

SYSTEMS DEVELOPMENT CHARGES

Sections:

- 18.15.010 Definitions.
- 18.15.020 Purpose.
- 18.15.030 Scope.
- 18.15.040 Systems development charge established.
- 18.15.050 Methodology.
- 18.15.060 Compliance with state law.
- 18.15.070 Collection of charges.
- 18.15.080 Exemptions.
- 18.15.090 Credits.
- 18.15.100 Appeal procedures.
- 18.15.110 Prohibited connection.
- 18.15.120 Enforcement.

18.15.010 Definitions.

The following words and phrases, as used in this chapter, have the following definitions and meanings:

“Capital improvement(s)” means public facilities or assets used for any of the following:

1. Water production, treatment and distribution;
2. Sanitary sewers, including collection, transmission, treatments and disposal;
3. Storm sewers, including drainage and flood control;
4. Transportation, including but not limited to streets, sidewalks, bike lanes and paths, street lights, traffic signs and signals, street trees, public transportation, vehicle parking and bridges; or
5. Parks and recreation, including but not limited to mini-neighborhood parks, neighborhood parks, community parks, public open space and trail systems, buildings, courts, fields and other like facilities.

“Development” means constructing or enlarging a building or adding facilities, or making a physical change in the use of a structure or land, which increases the usage of any capital improvements or which will contribute to the need for additional or enlarged capital improvements.

“Public improvement charge” means a fee for costs associated with capital improvements to be constructed after the effective date of the ordinance codified in this chapter. This term shall have the same meaning as the term “improvement fee” as used in ORS 223.297 through 223.314.

“Qualified public improvement” means a capital improvement that is required as a condition of development approval. However, it does not include improvements sized or established to meet only the demands created by a development and its identified improvement plan (see RPMC 18.15.080).

“Reimbursement fee” means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to RPMC 18.15.040.

“Systems development charge (SDC)” means a reimbursement fee, a public improvement charge or a combination thereof assessed or collected at the time of increased usage of an existing capital improvement, at the time of issuance of a development permit or a building permit, or at the time of a connection to a capital improvement. Systems development charges include that portion of a sewer or water connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections to water and

sewer facilities. Systems development charges do not include fees assessed or collected as a part of a local improvement district (LID), or the costs of complying with requirements or conditions imposed in a land use decision. [Ord. 93-232-O §§ 1 – 3; Ord. 91-208-O § 1].

18.15.020 Purpose.

The purpose of the systems development charge is to impose a portion of the costs of capital improvements for water, waste water, transportation, storm drainage and flood control and parks and recreation upon those developments that create the need for or increase the demands on capital improvements. The purpose of a system development charge is not to raise revenues, but to ensure adequate facilities for the citizens of Rogue River. [Ord. 91-208-O § 2].

18.15.030 Scope.

The systems development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. A systems development charge is to be considered in the nature of a charge for service rendered or facilities made available, or a charge for future services to be rendered on facilities to be made available in the future. [Ord. 91-208-O § 3].

18.15.040 Systems development charge established.

A. Unless otherwise exempted by a provision of this chapter or other local or state law, a systems development charge is hereby imposed upon all development within the city; and all development outside the boundary of the city that connects to or otherwise uses the sanitary sewer system, storm drainage system or water system of the city. The city public works director is authorized to make interpretations of this section, subject to appeal to the city council.

B. Systems development charges for each type of capital improvement may be created through application of the methodologies described in RPMC 18.15.050. The amounts of each systems development charge shall be adopted initially by city council resolution following a public hearing. Changes in the amounts shall also be adopted by resolution following a public hearing, except changes resulting solely from inflationary cost impacts. Inflationary cost impacts shall be measured and calculated each January by the city council based upon an average of the Portland and Federal Consumer Price Index changes and charged accordingly by resolution. [Ord. 91-208-O § 4].

18.15.050 Methodology.

A. The methodology used to establish a reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvement, and other relevant factors. The methodology shall promote the objective that future system users shall contribute an equitable share of the cost of then-existing facilities.

B. The methodology used to establish the public improvement charge shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related and shall provide for a credit against the public improvement charge for the construction of any qualified public improvement.

C. The methodology shall also provide for a credit as authorized in RPMC 18.15.090.

D. Except when authorized in the methodology adopted under subsection (A) of this section, the fees required by this chapter which are assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision, are separate from and in addition to the systems development charge and shall not be used as a credit against such charge.

E. The methodologies used to establish the systems development charge shall be adopted by resolution of the city council following a public hearing. The specific systems development charge may be adopted and amended concurrent with the establishment or revision of the systems development charge methodology. The city council shall review the methodologies established under this section every three years, and shall make amendments, if and as needed.

F. The formulas and calculations used to compute specific systems development charges are based upon averages and typical conditions. Whenever the impact of individual developments present special or unique situations such that the calculated fee is grossly disproportionate to the actual impact of the development, alternative fee calculations may be approved or required by the city council. All data submitted to support alternate calculations under this provision shall be site specific. Major or unique developments may require special analyses to determine alternatives to the standard methodology.

G. When an appeal is filed challenging the methodology adopted by the city council, the city planner shall prepare a written report and recommendation within 20 working days of receipt for presentation to the city council at its next regular meeting. The council shall by resolution approve, modify or reject the report and recommendation of the city planner or may adopt a revised methodology by resolution, if required. Any legal action contesting the city council's decision in the appeal shall be filed within 60 days of the city council's decision. [Ord. 93-232-O § 4; Ord. 91-208-O § 5].

18.15.060 Compliance with state law.

A. The revenues received from the systems development charges shall be budgeted and expended as provided by state law. Such revenues and expenditures shall be accounted for as required by state law. Their reporting shall be included in the city's comprehensive annual financial report required by ORS Chapter 294.

B. The capital improvement plan required by state law as the basis for expending the public improvement charge component of systems development charge revenues shall be the Rogue River five-year capital improvement plan (CIP), the city's comprehensive plan, and the capital improvement plan of any other governmental entity with which the city has a cooperative agreement for the financing of commonly used public improvements by the collection of systems development charges, provided the plan is based on methodologies conforming with state law and is consistent with the city's capital improvement plan and the city's comprehensive plan. [Ord. 93-232-O § 5; Ord. 91-208-O § 6].

18.15.070 Collection of charges.

A. The systems development charge is payable upon, and as a condition of, issuance of:

1. A building permit;
2. A permit for a development not requiring the issuance of a building permit; or
3. A permit or other authorization to connect to the water, sanitary sewer or storm drainage systems.

B. If development is commenced or connection is made to the water system, sanitary sewer system or storm sewer system without an appropriate permit, the systems development charge is immediately payable upon the earliest date that a permit was required, and it will be unlawful for anyone to continue with the construction or use constituting a development until the charge has been paid or payment secured to the satisfaction of the city recorder.

C. Any and all persons causing a development or making application for the needed permit, or otherwise responsible for the development, are jointly and severally obligated to pay the charge, and the city may collect the said charge from any of them. The city shall not issue any permit or allow connections described in subsection (A) of this section until the charge has been paid in full or until an adequately secured arrangement for its payment has been made, within the limits prescribed by resolution of the city council.

D. A systems development charge shall be paid in cash when due, or in lieu thereof, the city may accept the delivery of a written agreement to pay if the written agreement is secured by collateral satisfactory to the city recorder or his/her designee. The collateral may consist of mortgage or trust deeds of real property, or an agreement secured by surety bond issued by a corporation licensed by a state law to give such undertakings, or by cash deposit, letter of credit, or other like security acceptable to the city recorder or his/her designee.

E. A person may apply to pay the systems development charge in installments to the extent provided by state law. [Ord. 93-232-O § 6; Ord. 91-208-O § 7].

18.15.080 Exemptions.

The conditions under which all or part of the systems development charges imposed in RRMC 18.15.020 may be waived are as follows:

A. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the Uniform Building Code, are exempt from all portions of the systems development charge.

B. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility is exempt from all portions of the systems development charge.

C. A project financed by city revenues is exempt from all portions of the systems development charge. [Ord. 91-208-O § 8].

18.15.090 Credits.

A. The limitations on the use of credits contained in this section shall not apply when credits are otherwise given under this chapter. A credit shall be given for the cost of a qualified public improvement associated with a development. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, the credit shall be given only for the cost of the portion of the improvement not attributable wholly to the development. The credit provided for by this section shall be only for the public improvement charge charged for the type of improvement being constructed and shall not exceed the public improvement charge even if the cost of the capital improvement exceeds the applicable public improvement charge.

B. Applying the methodology adopted by resolution, the city shall grant a credit against the public improvement charge, the reimbursement fee, or both, for a capital improvement constructed as part of the development that reduces the development's demand upon existing capital improvement or the need for future capital improvements or that would otherwise have to be provided at city expense under then-existing city council policies.

C. Credits for additions to dedicated park land, or development of planned improvements on dedicated park land, shall only be granted by the city upon recommendation by the parks committee for land or park development projects identified in the capital improvement plan referred to in RRMC 18.15.020.

D. In situations where the amount of credit exceeds the amount of the system development charge, the excess credit is not transferable to another development. It may be transferred to another phase of the original development.

E. Credit shall not be transferable from one type of capital improvement to another. [Ord. 91-208-O § 9].

18.15.100 Appeal procedures.

A. As used in this section, "working day" means a day when the general offices of the city are open to transact business with the public.

B. A person aggrieved by a decision required or permitted to be made by the city planner, public works director, his/her designee under this chapter, or a person challenging the propriety of an expenditure of systems development charge revenues may appeal the decision or expenditure by filing a written request with the city recorder for consideration by the city council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall comply with subsection (D) of this section.

C. An appeal of an expenditure must be filed within two years of the date of alleged improper expenditure. Appeals of any other decision must be filed within 10 working days of the date of the decision.

D. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The alleged reason the determination is incorrect; and

4. What the allegedly correct determination should be.

An appellant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed.

E. Unless the appellant and the city agree to a longer period, an appeal shall be heard within 30 days of the receipt of the written appeal. At least 10 working days prior to the hearing, the city shall mail notice of the time and location thereof to the appellant.

F. The city council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence he/she deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The city may present written or oral testimony at this same hearing. The rules of evidence as used by courts of law do not apply.

G. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.

H. The city council shall render its decision within 15 working days after the hearing date and the decision of the city council shall be final. The decision shall be in writing, but written findings shall not be made or required unless the city council, in its discretion, elects to make findings for precedential purposes. Any legal action contesting the city council's decision on the appeal shall be filed within 60 days of the council's decision. [Ord. 91-208-O § 10].

18.15.110 Prohibited connection.

After the effective date of the ordinance codified in this chapter, no person may connect any premises for service, or cause the same to be connected, to any sanitary sewer, water system, or storm sewer system of the city unless the appropriate systems development charge has been paid or payment has been secured as provided in this chapter. [Ord. 93-232-O § 7; Ord. 91-208-O § 11].

18.15.120 Enforcement.

Any development connected to the city water, sewer or storm sewer system after the effective date of the ordinance codified in this chapter for which the fee due hereunder has not been paid as required or an adequate secured arrangement for this payment has been made, is subject to termination of service under the city's utility disconnect policy. [Ord. 93-232-O § 8; Ord. 91-208-O § 12].

Chapter 18.20

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENT PROCEDURES

Sections:

- 18.20.010 Initiating improvements.
- 18.20.020 Public works director's report.
- 18.20.030 Action on public works director's report.
- 18.20.040 Resolution and notice of hearing.
- 18.20.050 Manner of doing work.
- 18.20.060 Hearing.
- 18.20.070 Calls for bids.
- 18.20.080 Method of assessment and alternative methods of financing.
- 18.20.090 Assessment ordinance.
- 18.20.100 Notice of assessment.
- 18.20.110 Lien record and foreclosure proceedings.
- 18.20.120 Errors in assessment calculations.
- 18.20.130 Supplemental assessments.
- 18.20.140 Rebates.
- 18.20.150 Remedies.
- 18.20.160 Abandonment of proceedings.
- 18.20.170 Curative provisions.
- 18.20.180 Reassessment.

18.20.010 Initiating improvements.

A. When the council considers it necessary to require that improvements to a street, sewer, water facility, sidewalk, parking, curbing, drain or other public improvement defined in ORS 223.387 be paid for in whole or in part by special assessment according to benefits conferred, the council shall declare by resolution that it intends to make the improvement and direct the city public works director to make a survey of the improvement and file a written report with the recorder.

B. When owners of two-thirds of the property that will benefit specially by improvements defined in subsection (A) of this section request by written petition that the council initiate an improvement, the council shall declare by resolution that it intends to make the improvement and direct the city public works director to make a survey of the improvement and file a written report with the recorder.

C. When the council considers the improvement too technical for the public works director, he may be directed to contract an engineer for that specific project. [Ord. 84-417-O § 1].

18.20.020 Public works director's report.

Unless the council directs otherwise, the public works director's report shall contain the following:

A. A map or plat showing the general nature, location and extent of the proposed improvement and the land to be assessed for payment of the costs.

B. Plans, specifications and estimates of work to be done. If the proposed project is to be carried out in cooperation with another governmental agency, the public works director may adopt plans, specifications and estimates of that agency.

C. An estimate of probable cost of the improvements, including legal, administrative and engineering costs.

D. An estimate of unit cost of the improvement to the benefited properties, per square foot, per front foot, or another unit of cost.

E. A recommendation concerning the method of assessment to be used to arrive at a fair apportionment of the whole or a portion of the cost of the improvement to the benefited properties.

F. A description of each lot, parcel of land, or portion of land to be benefited, with names of the record owners and when readily available, names of contract purchasers, as shown on books and records of the Jackson County tax department. To describe each lot or parcel of land under provisions of this section, it shall be sufficient to use the tax account number assigned to the property by the tax department or the book and page designations shown on books and records of the Jackson County clerk.

G. A recommendation regarding the rate of interest not to exceed 18 percent per annum, to be paid on assessments bonded under the Bancroft Bonding Act and ORS Chapter 223. [Ord. 84-417-O § 2].

18.20.030 Action on public works director's report.

After the public works director's report is filed with the recorder, the council may by resolution approve the report, modify the report and approve it as modified, require the public works director to supply additional or different information for the improvement, or abandon the improvement. [Ord. 84-417-O § 3].

18.20.040 Resolution and notice of hearing.

After the council has approved the public works director's report as submitted or modified, the council shall declare by resolution that it intends to make the improvement and direct the recorder to give notice of the council's intention by two publications, one week apart, in a newspaper of general circulation in the city. The notice shall contain the following:

A. That the report of the public works director is on file in the office of the recorder and is subject to public examination.

B. That the council will hold a public hearing on the proposed improvement on a specified date, which shall be not less than 10 days after the first publication of notice, at which objections and remonstrances to the improvement will be heard by the council; and that the improvement will be abandoned for not less than six months if written remonstrances are filed before the hearing by the owners of two-thirds of the land to be specially assessed thereof.

C. A description of the property to be benefited by the improvement, owners of the property as shown on books and records of the Jackson County tax department, and the public works director's estimate of total cost of the improvement to be paid by special assessment to benefited properties. For the purposes of this subsection, it shall be sufficient to describe the property to be benefited by the tax account number assigned to the property and used by the Jackson County tax department or the book and page designations shown on books and records of the Jackson County clerk. [Ord. 84-417-O § 4].

18.20.050 Manner of doing work.

The council may provide in the improvement resolution that the construction work may be done in whole or in part by the city, by contract, by another governmental agency, or by a combination of the above. [Ord. 84-417-O § 5].

18.20.060 Hearing.

The council may by motion at the time of the hearing or within 60 days after, following any oral objections, order the improvement carried out in accordance with the resolution or, if the project was initiated by council motion and not by petition of property owners, abandon the improvement. [Ord. 84-417-O § 6].

18.20.070 Calls for bids.

The council may direct the recorder to advertise for bids for construction of all or part of the improvement project. If part of the improvement work is to be done under contract bids, the council shall proceed in accordance with procedures of city ordinance or state law for public contracting. [Ord. 84-417-O § 7].

18.20.080 Method of assessment and alternative methods of financing.

A. The council, in adopting a method of assessing the cost of the improvement, may:

1. Use any just and reasonable method to determine the extent of an improvement district consistent with the benefits derived.
2. Use any just and reasonable method of apportioning the sum to be assessed among the benefited properties.
3. Authorize payment by the city of all or part of the cost of an improvement when in the opinion of the council the topographical or physical conditions, unusual or excessive public travel, or other character of the work involved warrants only partial payment or no payment of the cost by the benefited property.

B. Nothing contained in this section shall preclude the council from using other means of financing improvements, including federal and state grants-in-aid, sewer charges or fees, revenue bonds, general obligation bonds, or other legal means of finance. If other means of financing are used, the council may levy special assessments according to benefits derived to cover any remaining part of the cost. [Ord. 84-417-O § 8].

18.20.090 Assessment ordinance.

A. If the council determines the public improvement shall be made, when the estimated cost is ascertained on the basis of the contract award or city departmental cost, or after the work is done and the cost has been actually determined, the council shall determine whether the benefited property shall bear all or a portion of the cost. The recorder or other person designated by the council shall prepare the proposed assessment for each lot within the assessment district and file the assessments in the recorder's office.

B. Notice of the proposed assessment shall be mailed to the owner of each lot proposed to be assessed at the address shown on the Jackson County tax assessor's rolls. The notice shall state the amount of assessment proposed on the property and fix a date by which time objections shall be filed with the recorder and the date and time set for the public hearing at which the council will hear objections. An objection shall state the grounds for the objection.

C. At the hearing the council shall:

1. Consider the objections and may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to it from the improvement.
2. By ordinance spread the assessment. [Ord. 84-417-O § 9].

18.20.100 Notice of assessment.

A. Within 10 days after the ordinance levying assessments has been passed, the recorder shall send a notice of assessment to the owner of the assessed property by registered or certified mail and publish notice of the assessment twice in a newspaper of general circulation in the city. The first publication of notice shall be not later than 20 days after the date of the assessment ordinance.

B. The notice of assessment shall include the name of the property owner, a description of the assessed property, the amount of the assessment, and the date of the assessment ordinance and shall state the interest will begin to run on the assessment and the property will be subject to foreclosure unless the owner either makes application to pay the assessment in installments within 10 days after the date of the first publication of notice or pays the assessment in full within 30 days after the date of the assessment ordinance. [Ord. 84-417-O § 10].

18.20.110 Lien record and foreclosure proceedings.

A. After passage of the assessment ordinance, the recorder shall enter into the docket of liens a statement of the amount assessed on each lot, parcel of land or portion of land, a description of the improvement, names of property owners, and the date of the assessment ordinance. On entry in the lien docket, the amounts shall become liens and charges on the lots, parcels of land or portions of land that have been assessed for improvement.

B. Assessment liens of the city shall be superior and prior to all other liens or encumbrances on property insofar as state law permits.

C. Thirty days after the date of the assessment ordinance, interest shall begin to be charged at a rate not to exceed 18 percent per annum on all unpaid amounts, and the city may foreclose or enforce collection of assessment liens in the manner provided by state law.

D. The city may enter a bid on property being offered at a foreclosure sale. The city's bid shall be prior to all bids except those made by persons who would be entitled under state law to redeem the property. [Ord. 84-417-O § 11].

18.20.120 Errors in assessment calculations.

Claimed errors in the calculation of assessments shall be called to the attention of the recorder, who shall determine whether there has been an error. If there has been an error, the recorder shall recommend to the council an amendment to the assessment ordinance to correct the error. On enactment of the amendment, the recorder shall make the necessary correction in the docket of liens and send a corrected notice of assessment by registered or certified mail. [Ord. 84-417-O § 12].

18.20.130 Supplemental assessments.

If an assessment is made before the total cost of the improvement is ascertained, and if the amount of the assessment is insufficient to defray expenses of the improvement, the council may declare the insufficiency by motion and prepare a proposed supplemental assessment.

The council shall set a time for hearing objections to the supplemental assessment and direct the city recorder to publish one notice in a newspaper of general circulation in the city. After the hearing, the council shall make a just and equitable supplemental assessment by ordinance, which shall be entered in the docket of liens as provided by RRMC 18.20.110. Notice of the supplemental assessment shall be published and mailed, and collection of the assessment shall be made in accordance with RRMC 18.20.100 and 18.20.110. [Ord. 84-417-O § 13].

18.20.140 Rebates.

On completion of the improvement project, if the assessment previously levied on property is found to be more than sufficient to pay the cost of the improvement, the council shall ascertain and declare the excess by ordinance. When declared, the excess amount must be entered on the lien docket as a credit on the appropriate assessment. If an assessment has been paid, the person who paid it or that person's legal representative shall be entitled to payment of the rebate credit. [Ord. 84-417-O § 14].

18.20.150 Remedies.

Subject to curative provisions of RRMC 18.20.170 and rights of the city to reassess as provided in RRMC 18.20.180, proceedings for writs of review and other appropriate equitable or legal relief may be filed as provided by state law. [Ord. 84-417-O § 15].

18.20.160 Abandonment of proceedings.

The council may abandon proceedings for improvements made under this chapter at any time before final completion of the improvements. If liens have been placed on property under this procedure, they shall be canceled, and payments made on assessments shall be refunded to the person who paid them or to that person's legal representatives. [Ord. 84-417-O § 16].

18.20.170 Curative provisions.

A. An improvement assessment shall not be rendered invalid by reason of:

1. Failure of the public works director's report to contain all information required by RRMC 18.20.020.
2. Failure to have all information required in the improvement resolution, assessment ordinance, lien docket, or notices required to be published and mailed.
3. Failure to list the name of or mail notice to an owner of property as required by this chapter.
4. Any other error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, in the proceedings or steps specified, unless it appears that the assessment is unfair or unjust in its effect on the person complaining.

B. The council shall have authority to remedy and correct all matters by suitable action and proceedings. [Ord. 84-417-O § 17].

18.20.180 Reassessment.

When an assessment, supplemental assessment, or reassessment for an improvement made by the city has been set aside, annulled, declared void, or its enforcement restrained by a court of this state or by a federal court having jurisdiction, or when the council doubts the validity of the assessment, supplemental assessment, rebate, or any part of it, the council may make a reassessment in the manner provided by state law. [Ord. 84-417-O § 18].

Ordinance Table

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. “Not codified” indicates that the ordinance could have been codified but was not for some reason (superseded by a later ordinance, codified in a separate publication). “Special” means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy, street vacation).

1	Municipal council meeting place (Repealed by 78)
2	(Repealed by 78)
3	(Number not used)
4	Council elections (Repealed by 85-107-O)
5	Liquor regulations (Repealed by 78)
6	Gambling and gambling houses (Repealed by 78)
7	Amusement, auctioneer and peddler licenses (Repealed by 78)
8	Amusement licenses (Repealed by 78)
9	Town recorder fees (Repealed by 85-107-O)
10	Beggars, vagrants, and undesirable persons (Repealed by 78)
11O	Running at large of domestic animals (Repealed by 78)
11R	Resolution adopting planning commission report on urban growth boundary (Special)
12	Dog licenses and taxes (Repealed by 78)
13	Card games in public places on Sundays (Repealed by 78)
14	Amusement opening and closing times (Repealed by 78)
15	Establishes health and sanitary committee (Repealed by 85-107-O)
16	Cesspools and privies (Repealed by 85-107-O)
17	Storage and transport of explosives (Repealed by 78)
18	Metal stovepipes and brick flues (Repealed by 78)
19	Street obstruction by trains (Repealed by 85-107-O)
20	(Repealed by 78)
21	(Repealed by 78)
22	(Repealed by 78)
23	(Repealed by 101)
24	(Repealed by 101)
25	(Repealed by 78)
26	Charter amendments (Special)
27	(Repealed by 78)
28	(Repealed by 78)
29	(Repealed by 78)
30	(Repealed by 132)
31	Water works regulations (Repealed by 85-107-O)
32	Minors’ curfew (Repealed by 78)

33	Amends Ord. 31, water works regulations (Repealed by 85-107-O)
34	Skating or vehicles on sidewalks (Repealed by 78)
35	Amends Ord. 33, water works regulations (Repealed by 78)
36	Amends Ords. 31 and 33, water works regulations (Repealed by 78)
37	Amends Ord. 11, livestock impounding fees (Repealed by 78)
38	(Number not used)
39	Speed limit (Repealed by 78)
40	Running at large of poultry (Repealed by 78)
41	Public dances (Repealed by 46 and 78)
42	Charter amendments (Special)
43	City seal (1.10)
44	Amends Ord. 1, council meetings (Repealed by 78)
45	Prohibits possessing, transporting or distributing liquor (Repealed by 78)
46	Public dances (Repealed by 78)
47	Infectious animal diseases (Repealed by 78)
48	(Missing)
49	Amends Ord. 46, public dances (Repealed by 78)
50	(Missing)
51	Amends Ord. 16, cesspools (Repealed by 78)
52	Public improvements (Special)
53	(Repealed by 78)
54	(Repealed by 78)
55	Bond issuance (Special)
56	Public improvements (Special)
57	Public improvements (Special)
58	(Repealed)
59	(Repealed by 78)
60	(Repealed by 78)
61	Water (Repealed by 226)
62	Dead grass on vacant lots (Repealed by 78)
63	Town liability for injuries in public places (Repealed by 376)
64	Dog restrictions during growing season (Repealed by 78)
65	Disorderly conduct (Repealed by 78)
66	Sanitary building regulations (Repealed by 376)
67	(Repealed by 78)
68	Public ways (Special)
69	Public ways (Special)
70	Street opening and dedication (Repealed by 376)
71	Nuisances (Repealed by 85-107-O)

72	Business licenses and taxes (Repealed by 197)
73	Traffic (Repealed by 376)
74	Tax levies (Special)
75	(Number not used)
76	Property transactions (Special)
77	Fireworks (Repealed by 376)
78	Repeals various ordinances (Repealer)
79	Miscellaneous (Special)
80	(Superseded by 381)
81	Initiatives and referenda (Repealed by 124)
82	Council vacancies (Repealed by 376)
83	Bicycles (Repealed by 376)
84	Livestock in streets (Repealed by 376)
85	Disorderly conduct in council chamber (Repealed by 376)
86	Concealed weapons (Repealed by 376)
87	Advertising in public places (Repealed by 376)
88	Minors' curfew (Repealed by 173)
89	Irrigation in city limits (Repealed by 376)
90	Franchises (Special)
91	Property transactions (Special)
92	Franchises (Special)
93	Fire code (Repealed by 376)
94	Fire code (Repealed by 376)
95	Keeping of gunpowder and explosives (Repealed by 376)
96	Gasoline storage and handling (Repealed by 376)
97	Interference with and assistance to fire department (Repealed by 376)
98	Trespassing by peddlers (Repealed by 174 and 85-107-O)
99	Amusements (Repealed by 376)
100	Offenses against public welfare (Repealed by 376)
101	California Oregon Power Co. franchise (Repealed by 194)
101-A	Amends Ord. 101, California Oregon Power Co. franchise (Repealed by 194)
102	Public ways (Special)
103	Franchises (Special)
104	Public ways (Special)
105	Public ways (Special)
106	Amends penalty provisions of Ords. 61, 71, 72, 73, 77, 81, 83, 84, 85, 86, 93, 94, 95, 97, 98, 99 and 100 (Repealed by 376)
107	Elections procedure (Repealed by 376)
108	(Repealed)
109	Business licenses and taxes (Repealed by 197 and 343)

110	Amends Ord. 61, water (Repealed by 226)
111	Livestock in business district (Repealed by 376)
112	Public ways (Special)
113	Offenses against public welfare (Repealed by 376)
114	Offenses against public welfare (Repealed by 376)
115	Public ways (Special)
116	Prohibits surface toilets and privies (Repealed by 376)
117	Possession of liquor by minors (Repealed by 376)
118	Amends Ord. 109, business licenses and taxes (Repealed by 197)
119	Bond issuance (Special)
120	Public ways (Special)
121	Public ways (Special)
122	Bond issuance (Special)
123	Amends Ord. 96, gasoline storage and handling (Repealed by 376)
124	Repeals various ordinances (Repealer)
125	Charter amendments (Special)
126	Charter amendments (Special)
127	Franchises (Special)
128	Property transactions (Special)
129	Property transactions (Special)
130	(Missing)
131	Fire code (Repealed by 376)
132	Franchises (Special)
133	Establishes planning commission (Repealed by 274)
134	Amends Ord. 109, business licenses and taxes (Repealed by 197 and 343)
135	Annexation (Special)
136	Annexation (Special)
137	Charter amendments (Special)
138	Charter amendments (Special)
139	(No ordinance)
140	Annexation (Special)
141	Amends Ord. 73, traffic (Repealed by 376)
142	Amends Ord. 110, water (Repealed by 226)
143	Annexation (Special)
144	Amends Ord. 110, water (Repealed by 226)
145	Charter amendments (Special)
146	Annexation (Special)
147	Vagrancy (Repealed by 376)
148	Larceny (Repealed by 376)

149	California-Pacific Utilities Co. franchise (Special)
149A	Amends Ord. 149, California-Pacific Utilities Co. franchise (Repealed by 209)
150	Annexation (Special)
151	Annexation (Special)
152	Amends Ord. 97, fire department (Repealed by 376)
153	(Repealed by 180)
154	Jury trial procedure (Repealed by 376)
155	Charter amendments (Special)
156	Annexation (Special)
157	Mobile homes (Repealed by special election, 2/10/64)
158	Charter amendments (Special)
159	Mobile home parks (Repealed by 85-112-O)
160	Amends Ord. 157, mobile homes (Repealed by 376)
161	Amends Ord. 144, water (Repealed by 226)
162	Amends Ord. 111, livestock in business district (Repealed by 376)
163	Sign code (Repealed by 198)
164	Tax levies (Special)
165	Public ways (Special)
166	Public ways (Special)
167	Mobile homes (Repealed by 376)
168	Amends Ord. 130, mobile homes (Repealed by 169)
169	Repeals various ordinances (Repealer)
170	Sewage (Repealed by 376)
171	Amends Ord. 163, sign code (Repealed by 198)
172	Amends Ords. 142 and 161, water (Repealed by 226)
173	Minors' curfew (Repealed by 376)
174	Trespassing by peddlers (Repealed by 376)
175	Abandoned vehicles (Repealed by 262 and 376)
176	Adopts building code (Repealed by 376)
177	Adopts fire code (Repealed by 85-107-O)
178	Charter amendments (Special)
179	Charter amendments (Special)
180	Subdivisions, repeals Ord. 153 (Repealed by 180-A)
180-A	Repeals Ord. 180, subdivisions (Repealed by 379)
181	Public ways (Special)
182	Charter amendment by election (Repealed by 187)
183	Charter amendment by election (Repealed by 187)
184	Prohibits weeds, brush, rubbish and debris (Repealed by 376)
185	Initiatives and referenda (Repealed by 376)

186	Personnel merit system (Repealed by 87-158-O)
187	Repeals various ordinances (Repealer)
188	Charter amendments (Special)
189	Charter amendments (Special)
190	Amends Ord. 167, mobile homes (Repealed by 376)
191	Amends Ords. 142, 144 and 172, water (Repealed by 226)
191-1/2	Zoning (Repealed by 373)
191-1/2A	Amends Ord. 191-1/2, zoning (Repealed by 373)
192	Amends Ords. 109, 118 and 134, business licenses and taxes (Repealed by 234)
193	Public ways (Special)
194	Pacific Power & Light Co. franchise (Repealed by 328)
195	Special election on appointment of recorder-treasurer and councilmembers' terms (Vetoed)
196	Nuisances (Repealed by 376)
197	Repeals Ord. 109, business licenses and taxes (Repealed by 234)
198	Repeals and replaces Ord. 163, sign code (Repealed by 91-207-O)
199	Amends Ord. 191, water (Repealed by 226)
200	Offenses against public welfare (Repealed by 85-107-O)
201	Traffic (Repealed by 84-396-O)
202	Calls for election, charter amendment (Special)
203	Telecommunications franchise (Special)
204	Calls for election, sewer system construction (Special)
205	Sewage (Repealed by 94-242-O)
205-A	Amends Ord. 205, sewage (Repealed by 94-242-O)
206	Submits question of sewer system construction to voters (Special)
207	Calls for election, sewer construction and bond issuance (Special)
208	General obligation sewer bonds (Special)
209	Repeals and replaces Ord. 149A, California-Pacific Utilities Co. franchise (Repealed by 93-230-O)
210	General obligation sewer bonds (Special)
211	General obligation promissory notes (Special)
212	Amends Ord. 210, general obligation sewer bonds (Special)
213	(Number not used)
214	Hearing on annexation (Special)
215	Hearing on annexation (Special)
216	Hearing on annexation (Special)
217	Annexation (Special)
218	Amends Ord. 211, general obligation promissory notes (Special)
219	Amends Ord. 109, social gambling (Repealed by 343)
220	Calls for election, charter amendment (Special)

221	Rezone (Special)
222	Rezone (Special)
223	Annexation (Special)
224	Amends Ords. 210 and 212, general obligation sewer bonds (Special)
225	Amends Ords. 109 and 219, social gambling (Repealed by 343)
225-A	Amends Ord. 225, social gambling (Repealed by 343)
226	Repeals and replaces Ords. 61, 110, 142, 161, 172, 191 and 199, water (Repealed by 353)
226-A	Amends Ord. 226, water (Repealed by 353)
227	Amends Ord. 205, sewage (Repealed by 94-202-O)
228	Amends Ord. 205, sewage (Repealed by 94-202-O)
229	Amends Ord. 191-1/2, zoning (Repealed by 373)
230	Amends Ord. 191-1/2, zoning (Repealed by 373)
231	Planned unit developments (Repealed by 373)
232	Development plans (Repealed by 270)
233	Parking on certain streets (Repealed by 84-396-O)
234	Repeals and replaces Ords. 192 and 197, business licenses and taxes (Repealed by 300)
235	Encroachment permits (12.15)
236	Curb ramps at crosswalks (Repealed by 376)
237	Fees for lien search (Special)
238	Rezone (Special)
239	Designates local contract review board (Repealed by 361 and 362)
240	Streetlights in new subdivisions (Repealed by 85-107-O)
241	Dogs (Repealed by 376)
242	Uncontrolled vegetation growth (Repealed by 84-399-O)
243	Water department design and construction standards (13.05)
244	Nuisances (Repealed by 84-399-O)
245	Calls for election, charter amendment (Special)
246	Calls for election, new tax base (Special)
247	Hearing on annexation (Special)
248	Amends Ord. 191-1/2, zoning (Repealed by 373)
249	Annexation (Special)
250	Mobile homes outside parks (Repealed by 85-112-O)
251	Rezone (Special)
252	Rezone (Special)
253	Amends Ord. 191-1/2, zoning (Repealed by 373)
254	Hearing on annexation (Special)
255	Hearing on annexation (Special)
256	Annexation (Special)

257	Annexation (Special)
258	Street vacation (Special)
259	Personnel (Repealed by 87-156-O)
260	House numbering (12.30)
261	Rezone (Special)
262	Development fees; repeals Ord. 175 (Repealed by 368)
263	Amends Ord. 159, mobile home parks (Repealed by 85-112-O)
264	Amends Ord. 226, water (Repealed by 337)
265	Building nuisances (Repealed by 383)
266	Amends Ord. 260, house numbering (12.30)
267	Amends Ord. 205-A, sewage (Repealed by 301)
268	Establishes park and recreation fund (Repealed by 87-153-O)
269	Amends Ord. 180-A, subdivisions (Repealed by 379)
270	Repeals and replaces Ord. 232, development plans (Repealed by 285 and 297)
271	Rogue Valley TV Cable franchise (Repealed by 321)
272	Establishes hearings board (Repealed by 351)
273	Amends Ord. 191-1/2, zoning (Repealed by 373)
274	Repeals and replaces Ord. 133, planning commission (Repealed by 351)
275	Annexation procedures (Repealed by 376)
276	Rezone (Special)
277	Amends Ord. 260, house numbering (Repealed by 293)
278	Amends Ord. 200, offenses (Repealed by 85-107-O)
279	Rezone (Special)
280	Amends Ord. 234, business licenses and taxes (Repealed by 300)
281	Amends Ord. 201, traffic (Repealed by 84-396-O)
282	Election to receive state revenue (Special)
283	Planning (Special)
284	(Missing)
285	Amends Ord. 272, hearings board (Repealed by 351)
286	Amends Ord. 259, personnel (Repealed by 87-156-O)
287	Water system (13.25)
288	Rezone (Special)
289	Street vacation (Special)
290	Rezone (Special)
291	Supplemental zoning map (Special)
292	Supplemental zoning map (Special)
293	Amends Ord. 260, house numbering; repeals Ord. 277 (12.30)
294	Amends Ord. 198, signs (Repealed by 91-207-O)
295	Land use hearings (18.05)

296	Amends Ord. 191-1/2, zoning (Repealed by 373)
297	Repeals and replaces Ord. 270 and Res. 147, development plans (Repealed by 85-112-O)
298	Jurisdiction over county roads (Special)
299	Organizational responsibility of mayor, council (Repealed by 84-398-O and 85-107-O)
300	Repeals and replaces Ord. 234, business licenses and taxes (Repealed by 357)
301	Amends Ord. 205 and repeals Ord. 267, sewage (Repealed by 336)
302	Hearing on annexation (Special)
303	Amends urban growth boundary (Special)
304	Rezone (Tabled)
305	Amends Ord. 219, social gambling (Repealed by 343)
306	Annexation (Special)
307	Election to receive state revenue (Special)
308	Commercial vehicles (10.10)
309	Annexation (Special)
310	Establishes recreational day park (Repealed by special election, 7/17/78)
311	Rezone (Special)
312	Rezone (Special)
313	Rezone (Special)
314	Amends Ord. 226, water (Repealed by 353)
315	Sidewalks (Repealed by 84-399-O)
316	Amends Ord. 268, park and recreation fund (Repealed by 87-153-O)
317	Authorizes initiative petition, social gaming (Special)
318	Hearing on annexation (Special)
319	Calls for election, tax levy, mayor and council (Special)
320	Tax levy by election (Repealed by 323)
321	Repeals and replaces Ord. 271, Rogue Valley TV Cable franchise (Repealed by 369)
322	Annexation (Special)
323	Amends Ord. 319, mayor and council election; repeals Ord. 320 (Special)
324	Rezone (Special)
325	Rezone (Special)
326	Election to receive state revenue (Special)
327	Rezone (Special)
328	Repeals and replaces Ord. 194, Pacific Power & Light Co. franchise (Repealed by 99-289-O)
329	Rezone (Special)
330	Hearing on annexation (Special)
331	Annexation (Special)
332	Connections to utilities (13.05)

333	Hearing on annexation (Special)
334	Annexation (Special)
335	(Missing)
336	Amends Ord. 205 and repeals Ord. 301, sewage (Repealed by 84-408-O)
337	Amends Ord. 226 and repeals Ord. 264, water (Repealed by 353)
338	Telecommunications franchise (Special)
339	Rezone (Special)
339-1/2	Garbage collection franchise (Special)
340	Election to receive state and federal revenue (Special)
341	Calls for election, new tax base, mayor and council (Special)
342	Calls for election, charter amendment (Special)
343	Repeals and replaces Ords. 109, 134, 197, 219, 225 and 225-A, social gambling (Repealed by 85-102-O)
344O	Election for mayor and city council; repeal of tax levy (Special)
344R	Resolution establishing license fees for Ord. 357 (Repealed by 85-109-O)
345	Jurisdiction over county roads (Special)
346	Amends Ord. 343, social gambling (Repealed by 85-102-O)
347	(No ordinance)
348	Flood damage prevention (Repealed by 394)
349	Amends urban growth boundary (Special)
350	Election to receive state and federal revenue (Special)
351	Repeals and replaces Ords. 272 and 274, planning commission (Repealed by 367)
352	Jackson County jail (Repealed by 376)
353	Repeals Ord. 226, water (Repealed by 94-241-O)
354	Amends Ord. 259, personnel (Repealed by 87-156-O)
355	Amends Ord. 321, Rogue Valley TV Cable franchise (Repealed by 369)
356	Amends Ord. 336, sewage (Repealed by 84-408-O)
357	Repeals and replaces Ord. 300, business licenses and taxes (Repealed by 85-109-O)
358	Street location (Special)
359	Amends Ord. 336, sewage (Repealed by 84-408-O)
360	Amends Ord. 259, personnel (Repealed by 87-156-O)
361	Repeals and replaces Ord. 239, local contract review board (Repealed by 362)
362	Repeals and replaces Ords. 239 and 361, local contract review board (Repealed by 05-323-O)
363	Littering and obstruction of public thoroughfares (Repealed by 84-399-O)
364	Adopts comprehensive plan; repeals Ord. 268 (Repealed by 386)
365	Amends Ord. 357, business licenses and taxes (Repealed by 85-109-O)
366	Street trees (12.20)
367	Repeals and replaces Ord. 351, planning commission (Repealed by 90-186-O)
368O	Repeals Ord. 262 and Res. 131 (Repealer)

368R	Land use and development fees (Special)
369	Cable franchise; repeals Ord. 321 (Special)
370	Election to receive state revenue (Special)
371	Amends Ord. 191-1/2, zoning (Repealed by 373)
372	Amends Ord. 357, business licenses and taxes (Repealed by 85-109-O)
373	Zoning ordinance; repeals Ords. 191-1/2 and 231 (17.05, 17.10, 17.15, 17.20, 17.25, 17.30, 17.35, 17.40, 17.45, 17.50, 17.55, 17.60, 17.65, 17.70, 17.75, 17.80, 17.90, 17.95, 17.100, 17.105, 17.110, 17.115, 17.120, 17.125, 17.130)
374	Calls for election, charter amendment (Special)
375	Amends Ord. 343, social gambling (Repealed by 85-102-O)
376	Repeals as obsolete Ords. 63, 66, 70, 73, 77, 82, 83, 84, 85, 86, 87, 89, 93, 94, 95, 96, 97, 99, 100, 106, 107, 111, 113, 114, 116, 117, 123, 131, 141, 147, 148, 152, 154, 160, 162, 167, 170, 173, 174, 175, 176, 184, 185, 190, 196, 236, 241, 275 and 352 (Repealer)
377	Adopts uniform building code (Repealed by 85-104-O)
378	Adopts uniform housing and dangerous buildings codes (Repealed by 85-125-O)
379	Repeals and replaces Ords. 180-A and 269, subdivisions (Repealed by 00-301-O)
380	Dogs (Repealed by 84-399-O)
381	Council meeting procedures (2.10)
382	Amends Ord. 373, zoning (17.05, 17.65)
383	Repeals Ord. 265 (Repealer)
384	Amends Ords. 377 and 378, building codes (Repealed by 85-125-O)
385	Election to receive state revenue (Special)
386	Adopts comprehensive plan; repeals Ord. 364 (Special)
387	Rezone (Special)
388	Rezone (Special)
389	Amends comprehensive plan (Special)
390	Rezone (Special)
391	Street names (Special)
392	Sewer and water hookups within urban growth boundary (13.20)
393	Amends Ord. 373, zoning (17.05, 17.10, 17.15, 17.20, 17.25, 17.55, 17.65, 17.70, 17.100, 17.105, 17.115, 17.120)
394	Repeals and replaces Ord. 348, flood damage prevention (Repealed by 87-152-O)
395	Rezone (Special)
84-396-O	Uniform traffic ordinance; repeals Ords. 201 and 233 (10.05)
84-397-O	Personnel (Repealed by 87-158-O)
84-398-O	Responsibilities of mayor and city council; repeals Ord. 299 (2.05)
84-399-O	Repeals and replaces Ords. 242, 244, 315, 363 and 380, nuisances (Repealed by 85-123-O)
84-400-O	Annexation procedures (Repealed by 85-114-O)
84-401-O	Adopts uniform traffic code and Oregon criminal code (Repealed by 85-126-O)

84-402-O	Rezone, conditional use permit (Special)
84-403-O	Hearing on annexation (Special)
84-404-O	Annexation (Repealed by 84-414-O)
84-405-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
84-406-O	Rezone (Special)
84-407-O	Amends comprehensive plan (Special)
84-408-O	Amends Ord. 205 and repeals Ord. 336, sewage (Repealed by 94-242-O)
84-409-O	Election to receive state revenue (Special)
84-410-O	Hearing on annexation (Special)
84-411-O	Amends comprehensive plan (Special)
84-411-R	Resolution establishing sewer fees for Ord. 205 (Repealed by 94-242-O)
84-412-O	Amends Ord. 373, zoning (17.25)
84-413-O	Amends comprehensive plan (Special)
84-414-O	Annexation; repeals Ord. 84-404-O (Special)
84-415-O	Municipal parking lots (10.15)
84-416-O	Amends Ord. 84-400-O, annexation procedures (Repealed by 85-114-O)
84-417-O	Procedures for local improvements and special assessments (18.20)
84-418-O	Amends Ord. 343, social gambling (Repealed by 85-102-O)
84-418-R	Resolution establishing water fees for Ord. 353 (Repealed by 94-241-O)
84-419-O	Hearing on annexation (Special)
84-420-O	Amends Ord. 373, zoning (17.05, 17.25, 17.70, 17.100, 17.105, 17.110, 17.115, 17.120)
84-421-R	Resolution modifying commercial sewage fees (Repealed by 94-242-O)
85-100-O	Rezone (Special)
85-101-O	Amends Ord. 259, personnel (Repealed by 87-158-O)
85-102-O	Social games; repeals Ord. 343 (5.10)
85-103-O	Amends Ord. 308, streets (10.10)
85-104-O	Adopts state building codes; repeals Ord. 377 (Repealed by 20-407-O)
85-105-O	Construction, alteration and repair of sidewalks (Repealed by 07-343-O)
85-106-O	Amends penalty provisions of Ords. 159, 198, 205, 250, 260, 287, 353 and 357 (Repealed)
85-107-O	Repeals Ords. 4, 9, 15, 16, 19, 31, 33, 71, 98, 177, 200, 240 and 299 (Repealer)
85-108-O	Amends Ord. 84-396-O, traffic (10.05)
85-109-O	Business and occupations tax; repeals Ord. 357 (5.05)
85-110-O	Reception of state revenues (Repealed by 85-115-O)
85-111-O	Rezone (Special)
85-112-O	Amends Ord. 373, zoning; repeals Ords. 159, 250, 263 and 297 (17.05, 17.20, 17.25, 17.65, 17.70, 17.75, 17.100, 17.105, 17.115, 17.125)
85-113-O	Cable franchise (Special)
85-114-O	Repeals and replaces Ords. 84-400-O and 84-416-O, annexation procedures (Repealed by 87-160-O)

85-115-O	Election to receive state revenue; repeals Ord. 85-110-O (Special)
85-116-O	Amends Ord. 367, planning commission (Repealed by 90-186-O)
85-117-O	Hearing on annexation (Special)
85-118-O	Amends Ord. 381, council meetings (2.10)
85-119-O	Rezone (Special)
85-120-O	Annexation (Special)
85-121-O	Amends Ord. 84-398-O, mayor and city council (2.05)
85-122-O	Amends Ord. 362, local contract review board (Repealed by 05-323-O)
85-123-O	Nuisances (Repealed by 04-322-O)
85-124-O	Abandoned vehicles (10.20)
85-125-O	Abatement of dangerous buildings; repeals Ords. 378 and 384 (15.10)
85-126-O	Repeals Ord. 84-401-O (Repealer)
85-127-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25, 17.65, 17.75, 17.105, 17.130)
86-128-O	Hearing on annexation (Special)
86-129-O	Jurisdiction over county roads (Special)
86-130-O	Hearing on annexation (Special)
86-131-O	Annexation (Special)
86-132-O	Amends Ord. 373, zoning (17.65)
86-133-O	Annexation (Special)
86-134-O	Amends Ord. 86-133-O, annexation (Special)
86-135-O	Hearing on annexation (Special)
86-136-O	Election to receive state revenue (Special)
86-137-O	Amends Ord. 85-105-O, sidewalks (Repealed by 07-343-O)
86-138-O	Amends Ord. 243, water system (13.05)
86-139-O	Transient room tax (3.05)
86-140-O	Amends Ord. 84-415-O, municipal parking lots (10.15)
86-141-O	Annexation (Special)
86-142-O	Hearing on annexation (Special)
86-143-O	Rezone (Special)
86-144-O	Annexation (Special)
86-145-O	Hearing on annexation (Special)
86-146-O	Calls for election, mayor and council (Special)
86-147-O	Annexation (Special)
87-148-O	Street vacation (Special)
87-149-O	Park regulations (12.25)
87-150-O	Renames portions of street (Special)
87-151-O	Amends Ord. 367, planning commission (Repealed by 90-186-O)
87-152-O	Flood damage prevention; repeals Ord. 394 (Repealed by 11-372-O)
87-153-O	Repeals and replaces Ords. 268 and 316, park and recreation fund (Repealed by 90-190-O)

87-154-O	Election to receive state revenue (Special)
87-155-O	Amends Ord. 366, street trees (12.20)
87-156-O	Repeals and replaces Ords. 259, 286, 354 and 360, personnel (Repealed by 93-233-O)
87-157-O	Amends Ord. 235, encroachment permits (12.15)
87-158-O	Amends Ord. 87-156-O and repeals Ords. 186, 84-397-O and 85-101-O, personnel (Repealed by 93-233-O)
87-159-O	Amends Ord. 373, zoning (17.05, 17.10, 17.15, 17.20, 17.25, 17.55, 17.65, 17.70, 17.75, 17.100, 17.105, 17.115)
87-160-O	Repeals and replaces Ord. 85-114-O, annexation procedures (Repealed by 99-287-O)
87-161-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-162-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
88-163-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-164-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-165-O	Amends comprehensive plan, zoning map (Special)
88-166-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-167-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-168-O	Election to receive state revenue (Special)
88-169-O	Amends Ord. 308, commercial vehicles (10.10)
88-170-O	Establishes Ponderosa Memorial Tree Park (Special)
88-171-O	Calls for election, mayor and council (Special)
88-172-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
88-173-O	Amends urban growth boundary (Special)
89-174-O	Liquor license procedures (5.15)
89-175-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25, 17.65, 17.70)
89-176-O	Election to receive state revenue (Special)
89-177-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
89-178-O	Amends Ord. 367, planning commission and hearings board (Repealed by 90-186-O)
89-179-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
89-180-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
89-181-O	TCI Cablevision of Oregon franchise (Repealed by 01-305-O)
89-182-O	Amends Ord. 87-147-O, park regulations (12.25)
89-183-O	Amends Ord. 85-123-O, nuisances (Repealed by Res. 04-322-R)
89-184-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
90-185-O	Amends Ord. 85-113-O, cable franchise (Repealed by 01-305-O)
90-186-O	Planning commission and hearings board; repeals Ord. 367 (Repealed by 98-277-O and 07-347-O)
90-187-O	(No ordinance)
90-188-O	Amends Ord. 90-186-O, planning commission (Repealed by 98-277-O)
90-189-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
90-190-O	Closes park fund; establishes park development fee; repeals Ord. 87-153-O (Special)

90-191-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
90-192-O	Amends Ord. 338, telecommunications franchise (Special)
90-193-O	Election to receive state revenue (Special)
90-194-O	Amends Ord. 373, zoning (17.05, 17.10, 17.15, 17.20, 17.25, 17.60, 17.65, 17.70, 17.75, 17.100, 17.105, 17.115, 17.120, 17.130)
90-195-O	Amends Ord. 295, land use hearings (18.05)
90-196-O	Amends Ord. 90-186-O, planning commission (Repealed by 98-277-O)
90-197-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
91-198-O	Calls for election, mayor and council (Special)
91-199-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
91-200-O	Amends Ord. 84-396-O, traffic (10.05)
91-201-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
91-202-O	Amends Ord. 373, zoning (17.75)
91-203-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
91-204-O	Amends Ord. 87-156-O, personnel (Repealed by 93-233-O)
91-205-O	Election to receive state revenue (Special)
91-206-O	Amends Ord. 373, zoning (17.25, 17.100)
91-207-O	Sign regulations; repeals Ord. 198 (Repealed by 93-229-O)
91-208-O	Systems development charges (18.15)
91-209-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
91-210-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
92-211-O	Open burning regulations (8.10)
92-212-O	Calls for election, municipal bond and charter amendment measures (Special)
92-213-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
92-214-O	(Number not used)
92-215-O	Amends Ord. 373, zoning (17.05, 17.10, 17.20, 17.25, 17.60, 17.65, 17.70, 17.75, 17.100, 17.105, 17.110, 17.115)
92-216-O	Election to receive state revenue (Special)
92-217-O	Amends Ord. 90-186-O, planning commission (Repealed by 98-277-O)
92-218-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25, 17.65, 17.70)
92-219-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
92-220-O	Amends Ord. 353, water system (Repealed by 94-241-O)
92-221-O	Calls for election, mayor and council (Special)
92-222-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
92-223-O	Amends Ord. 353, water system (Repealed by 94-241-O)
93-224-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
93-225-O	Curfew for minors (9.05)
93-226-O	Yard sales and garage sales (5.20)
93-227-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
93-228-O	Election to receive state revenue (Special)

93-229-O	Sign regulations; repeals Ord. 91-207-O (17.85)
93-230-O	Natural gas franchise (Special)
93-231-O	Amends Ord. 373, zoning (17.05, 17.20, 17.25, 17.110, 17.130)
93-232-O	Amends Ord. 91-208-O, systems development charges (18.15)
93-233-O	Repeals Ord. 87-156-O and all amendments thereto (Repealer)
93-234-O	Amends Ord. 93-229-O, signs (17.85)
93-235-O	Amends Ord. 85-124-O, abandoned vehicles (10.20)
94-236-O	Amends Ord. 373, zoning (17.05, 17.10, 17.15, 17.20, 17.25, 17.65)
94-237-O	Prohibits use of wood roofing (15.05)
94-238-O	Amends Ord. 87-149-O, park regulations (12.25)
94-239-O	Calls for election, new tax base (Special)
94-240-O	Election to receive state revenue (Special)
94-241-O	Water system; repeals Ord. 353 (13.15)
94-242-O	Sewer system; repeals Ord. 205 (Repealed by 98-275-O)
94-243-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
94-244-O	Planning commission (Not codified)
94-245-O	Issuance and sale of water bonds (Special)
94-246-O	Amends Ord. 94-245-O, water bonds (Special)
94-247-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
95-248-O	Amends Ord. 373, zoning (17.05, 17.75, 17.80, 17.100, 17.105, 17.115, 17.120, 17.125, 17.130)
95-249-O	Amends Ord. 84-398-O, mayor and city council (2.05)
95-250-O	Amends Ord. 287, water use (13.25)
95-251-O	Amends Ord. 84-396-O, traffic (10.05)
95-252-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
95-253-O	Election to receive state revenue (Special)
95-254-O	Amends Ord. 373, zoning (17.60, 17.65)
95-255-O	Amends Ord. 90-186-O, planning commission (Repealed by 98-277-O)
95-256-O	Annexation and rezone (Special)
95-257-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
95-258-O	(Missing)
96-259-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25, 17.60, 17.65, 17.75, 17.80, 17.100, 17.115)
96-260-O	Adopts water system construction standards (13.05)
96-261-O	Adopts sewer system construction standards (13.05)
96-262-O	Adopts street construction standards (12.05)
96-263-O	Amends Ord. 93-229-O, signs (17.85)
96-264-O	Amends Ord. 94-241-O, water system (13.15)
96-265-O	(No ordinance)
96-266-O	Election to receive state revenue (Special)

96-267-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
96-268-O	Emergency construction moratorium; rescinds Res. 96-856-R (Repealed by 97-269A-O)
97-269-O	Amends Ord. 94-242-O, sewer system (Repealed by 98-275-O)
97-269A-O	Emergency construction moratorium; rescinds Ord. 96-268-O (Repealed by 98-274-O)
97-270-O	Motor vehicle impoundment (Repealed by 97-273-O)
97-271-O	Amends Ord. 85-104-O, building codes (Repealed by 20-407-O)
97-272-O	Election to receive state revenue (Special)
97-273-O	Repeals Ord. 97-270-O (Repealer)
98-274-O	Repeals Ord. 97-269A-O (Repealer)
98-275-O	Sewer system; repeals Ord. 94-242-O (13.10)
98-276-O	Amends Ord. 373, zoning (17.05)
98-276A-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25)
98-277-O	Planning commission; repeals Ord. 90-186-O (2.15)
98-278-O	Amends Ord. 89-181-O, cable franchise (Repealed by 00-298-O)
98-279-O	Election to receive state revenue (Special)
98-280-O	Amends Ord. 235, encroachment permits (12.15)
98-281-O	Amends Ord. 381, council meetings (2.10)
99-282-O	Amends Ord. 84-398-O, mayor and city council (2.05)
99-282A-O	Calls for election, charter amendment (Special)
99-283-O	Amends Ord. 373, zoning (17.05, 17.60, 17.70, 17.75, 17.80, 17.100, 17.105, 17.110, 17.115, 17.120)
99-284-O	Amends Ord. 373, zoning (17.10, 17.15, 17.20, 17.25, 17.65, 17.75, 17.100)
99-285-O	Amends Ord. 373, zoning (17.05, 17.65, 17.75, 17.80, 17.100, 17.105, 17.110, 17.115, 17.120, 17.130)
99-286-O	Amends Ord. 373, zoning (17.125)
99-287-O	Annexation procedures; repeals Ord. 87-160-O (18.10)
99-288-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
99-289-O	Electricity franchise (Special)
99-290-O	Amends Ord. 381, city council meetings (2.10)
99-291-O	Amends Ord. 87-152-O, flood damage prevention (Repealed by 11-372-O)
99-292-O	Election to receive state revenue (Special)
99-293-O	Amends Ord. 84-398-O, city council (2.05)
99-294-O	Emergency management plan (2.20, 17.65)
00-295-O	Amends Ord. 308, commercial vehicles (Repealed by 00-299-O)
00-296-O	Amends Ord. 85-123-O, nuisances (Repealed by 04-322-R)
00-297-O	Amends Ord. 379, subdivisions (Repealed by 00-301-O)
00-298-O	Amends Ord. 89-181-O, cable franchise; repeals Ord. 98-278-O (Special)
00-299-O	Amends Ord. 308, commercial vehicles; repeals Ord. 00-295-O (10.10)
00-300-O	Election to receive state revenues (Special)

00-301-O	Subdivisions; amends Ord. 373; repeals Ord. 379 (Repealed by 11-373-O)
00-302-O	Telecommunications franchise (Special)
00-303-O	Garbage collection franchise (Special)
00-304-O	Intoxicants and paraphernalia (9.10)
01-305-O	Repeals Ords. 89-181-O and 90-185-O (Repealer)
01-306-O	Annexation and rezone (Special)
01-307-O	Amends Ord. 98-277-O, planning commission (2.15)
01-308-O	Amends Ord. 43, city seal (1.10)
01-309-O	Amends Ord. 84-415-O, municipal parking lots (10.15)
01-310-O	Amends Ord. 93-225-O, curfew for minors (9.05)
02-311-O	Amends Ord. 85-113-O, cable franchise (Repealed by 04-321-O)
03-312-O	Gas franchise (Special)
03-313-O	Annexation and rezone (Special)
03-314-O	Amends comprehensive plan (Repealed by 21-441-O)
03-315-O	Adopts stormwater master and management plans (Special)
03-316-O	Amends Ord. 373, zoning (17.05, 17.55, 17.65, 17.90, 17.95, 17.110, 17.115)
03-317-O	Amends Ord. 03-301-O, subdivisions (Repealed by 11-373-O)
03-318-O	Emergency management plan (Repealed by 12-376-O)
04-319-O	Amends Ord. 373, zoning (Repealed by 09-361-O)
04-320-O	Amends Ord. 99-289-O, electricity franchise (Special)
04-321-O	Amends Ord. 85-113-O, cable franchise; repeals Ord. 02-311-O (Special)
04-322-O	Nuisances; repeals Ord. 85-123-O (8.05)
05-323-O	Local contract review board; repeals Ord. 362 (3.10)
05-324-O	Amends Ord. 04-322-O, nuisances (8.05)
05-325-O	Amends Ord. 98-277-O, planning commission (2.15)
05-326-O	Amends comprehensive plan (Special)
05-327-O	Calls for election, local option tax measure (Special)
05-328-O	Amends Ord. 373, zoning (17.20, 17.25, 17.65, 17.70, 17.115)
05-329-O	Amends Ord. 00-301-O, subdivisions (Repealed by 11-373-O)
05-330-O	Parental responsibility for minors (9.05)
06-331-O	Amends Ord. 05-330-O, parental responsibility (9.05)
06-332-O	Amends Ord. 373, zoning (17.05, 17.15, 17.20, 17.25, 17.55)
06-333-O	Amends Ord. 00-301-O, subdivisions (Repealed by 11-373-O)
06-334-O	Amends Ord. 373, zoning (17.05, 17.10, 17.65, 17.80, 17.95)
07-335-O	Amends Ord. 93-229-O, signs (17.85)
07-336-O	Skateboards, skates, scooters and similar devices on city-owned property (10.25)
07-337-O	Street maintenance and repair (12.05)
07-338-O	Amends Ord. 373, zoning (17.65)
07-339-O	Amends Ord. 373, zoning (17.70)

07-340-O	Rezone (Special)
07-341-O	Amends Ord. 07-337-O, street maintenance (12.05)
07-342-O	Parks naming policy (12.25)
07-343-O	Sidewalks; repeals Ords. 85-105-O and 86-137-O (12.10)
07-344-O	Amends Ord. 93-229-O, signs (17.85)
07-345-O	Amends Ord. 84-396-O, traffic (10.05)
07-346-O	Amends Ord. 84-415-O, municipal parking lots (10.15)
07-347-O	Amends Ord. 98-277-O, planning commission; repeals Ord. 90-186-O (2.15)
08-348-O	Rezone (Special)
08-349-O	Rezone (Special)
08-350-O	(No ordinance)
08-351-O	Amends Ord. 07-336-O, motor assisted scooters (10.25)
08-352-O	Garbage collection franchise (Special)
08-353-O	Alarm systems (8.15)
08-354-O	Amends Ord. 373, zoning (Repealed by 09-360-O)
08-355-O	Amends Ord. 373, zoning (17.10, 17.65)
08-356-O	Amends Ord. 93-226-O, yard sales and garage sales (5.20)
08-357-O	Amends Ord. 89-174-O, liquor licenses (5.15)
08-358-O	Novelty lighters (8.20)
09-359-O	Amends Ord. 85-113-O, cable franchise (Special)
09-360-O	Amends Ord. 373, zoning (17.30)
09-361-O	Amends Ord. 373, zoning (17.50)
09-362-O	Amends Ord. 373, zoning (17.35)
09-363-O	Amends Ord. 373, zoning (17.40)
09-364-O	Amends Ord. 373, zoning (17.45)
09-365-O	Telecommunications franchise (Repealed by 14-388-O)
09-366-O	Amends Ord. 373, zoning (17.105)
09-367-O	Amends Ord. 93-229-O, signs (17.85)
10-368-O	Amends Ord. 373, zoning (17.05, 17.30, 17.35, 17.40, 17.45, 17.50, 17.105)
10-369-O	Sanitation franchise (Special)
10-370-O	Amends Ord. 89-174-O, liquor licenses (5.15)
11-371-O	Rezone (Special)
11-372-O	Repeals and replaces Ord. 87-152-O, flood damage prevention (Repealed by 21-409-O)
11-373-O	Repeals and replaces Ord. 00-301-O, subdivisions (16.05, 16.10, 16.15, 16.20, 16.25, 16.30, 16.35, 16.40, 16.45, 16.50, 16.55)
12-374-O	Sanitation franchise (Special)
12-375-O	Code adoption (1.01)
12-376-O	Repeals Ord. 03-318-O, emergency management (Repealer)

13-377-O	Adds § 17.105.035; amends §§ 17.105.010, 17.105.030, 17.105.040, 17.105.050, 17.105.060, 17.105.070, 17.105.080 and 17.105.100, variances (17.105)
13-378-O	Amends §§ 12.05.100(E) and (F), street impact fee (12.05)
13-379-O	Amends § 5.05.010(C), business and occupations tax (5.05)
13-380-O	Amends §§ 5.15.020 and 5.15.030, liquor licenses (5.15)
13-381-O	Amends § 12.25.020(Y), park rules and regulations (12.25)
13-382-O	Amends §§ 17.05.030 and 17.30.020(H), mobile food vending (17.05, 17.30)
14-383-O	Gas franchise (Special)
14-384-O	Medical marijuana moratorium (Special)
14-385-O	Amends Ord. 99-289-O, electricity franchise (Special)
14-386-O	Amends §§ 2.05.030 and 2.05.040, responsibilities of mayor and city council (2.05)
14-387-O	Rezone (Special)
14-388-O	Telecommunications franchise; repeals Ord. 09-365-O (Special)
14-389-O	Adds Ch. 3.15, marijuana and marijuana-infused product tax (3.15)
15-390-O	Adds Ch. 12.35, unlawful transfer on any vehicular portion of a highway, road or street (12.35)
15-391-O	Adds Ch. 5.30, regulating medical marijuana dispensaries (5.30)
15-392-O	Adds Ch. 13.30, public safety fee (13.30)
16-393-O	Amends Ch. 5.30, regulating medical marijuana dispensaries (5.30)
16-394-O	Adds § 10.05.140 [10.05.135]; amends §§ 10.05.135 [10.05.130] and 10.05.140, storage of motor vehicles (10.05)
16-395-O	Adds Ch. 5.40, regulating recreational marijuana sales (5.30)
16-396-O	Amends §§ 17.85.030 and 17.85.090, signs (17.85)
16-397-O	Amends §§ 17.30.040 and 17.50.030, marijuana type businesses (17.30, 17.50)
16-398-O	Cable system franchise (Special)
17-399-O	Amends Ord. 93-226-O, yard sales (5.20)
17-400-O	Adds §§ 8.05.400 through 8.05.510, chronic disorderly properties (8.05)
18-401-O	Amends § 2.10.010, council meetings (2.10)
18-402-O	Amends §§ 17.15.060, 17.20.050, 17.25.080 and 17.70.020(B)(1)(4), garages (17.15, 17.20, 17.25, 17.70)
18-403-O	Amends Ch. 5.30, marijuana facilities (5.30)
19-404-O	Adds public urination provision to Ch. 9.10; amends § 9.10.240, intoxicants and paraphernalia (9.10)
19-405-O	Adds public urination provision to Ch. 8.05, nuisances (8.05)
19-406-O	Rezone (Special)
20-407-O	Establishes building code administration program; repeals Ords. 85-104-O and 97-271-O (15.05)
21-408-O	Adds §§ 17.20.020(B)(1) and (K), 17.30.030(B), 17.30.040(W) [17.30.040(V)], 17.35.030(F), 17.35.040(D), 17.40.030(C), 17.40.040(E), 17.45.030(D) and 17.65.020(F), zoning (17.20, 17.30, 17.35, 17.40, 17.45, 17.65)
21-409-O	Repeals and replaces Ch. 15.15; repeals Ord. 11-372-O, flood damage prevention (15.15)

21-410-O	Amends §§ 18.10.010, 18.10.020, 18.10.030, 18.10.090, 18.10.100, 18.10.110, 18.10.150 and 18.10.160; repeals § 18.10.040, annexation procedures (18.10)
21-411-O	Amends comprehensive plan; repeals Ord. 03-314-O (Special)
21-412-O	Adopts riparian protection requirements (17.135)
21-413-O	Adopts landscaping standards; amends §§ 17.05.030, 17.20.070, 17.65.030 and 17.70.030(C), landscaping standards (17.05, 17.20, 17.65, 17.70)