



# CITY OF ROGUE RIVER

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## REGULAR COUNCIL MEETING THURSDAY, SEPTEMBER 25, 2025 6:00 P.M.

This meeting is also available for attendance by phone or internet via <https://join.freeconferencecall.com/rogueriver>:

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### INVOCATION – Pastor Austin Abbott, River Valley Church Rogue River

### ROLL CALL

## AGENDA

### APPROVAL OF MINUTES:

August 28, 2025

### COMMITTEE REPORTS:

Community Relations: Chamber of Commerce Liaison  
Community Relations: Community Center Representative  
Emergency Communications of Southern Oregon  
Finance Committee  
Planning Commission Liaison  
Rogue Valley Area Commission on Transportation  
Rogue Valley Council of Governments  
Rogue Valley Metropolitan Planning Organization

(City Councilor Barb Hilty)  
(City Councilor Barb Gregory)  
(City Administrator Ryan Nolan)  
(City Councilor Sherrie Moss)  
(City Councilor Barb Gregory)  
(City Councilor Sharie Davis)  
(Mayor Pam VanArsdale)  
(Mayor Pam VanArsdale)

### PUBLIC INPUT: *Speakers will be allowed three (3) minutes*

### NEW BUSINESS:

- 1 **Resolution** Consider approving Resolution 25-1461-R, a Resolution approving membership with Mayors for Peace.
- 2 **Ordinance** Consider adopting Ordinance 25-441-O, an Ordinance adopting the Rogue River Greenway Plan as a reference document in the City of Rogue River Transportation System Plan.
- 3 **Ordinance** Consider adopting Ordinance 25-442-O, an Ordinance revising Planned Unit Development standards within the City of Rogue River.



- 4 **Ordinance** Continued consideration of adopting Ordinance 24-433-O, an Ordinance adopting FEMA BiOp standards in the City's Development Standards.
- 5 **Committee** Consider accepting the September 11<sup>th</sup>, Tree City Committee Minutes.
- 6 **CUP 25-01** Hold a Public Hearing to consider the Planning Commission's Recommendation to deny CUP 25-01 an application to expand an existing manufactured home park at 515 E. Main Street.

**OTHER BUSINESS:**

**ADJOURN**

**Public Participation:** *Members of the public are welcome to attend Council meetings unless otherwise noted. Public participation by testimony or comment is only permitted on certain matters, the order and length of which shall be regulated by the Council's presiding officer. Any member of the public who fails to comply with the Council's rules of conduct or who causes a disturbance shall be asked to leave, and upon failure to do so, becomes a trespasser. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted.*

**Access Assistance:** *City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for the other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Administrator, Ryan Nolan, in person, Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at [rnolan@cityofrogueriver.org](mailto:rnolan@cityofrogueriver.org).*

**Meeting Violation:** *Written grievances regarding violations of provisions of Public Meeting Law (ORS 192.610 to 192.705) may be submitted to City Administrator, Ryan Nolan, in person Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at [rnolan@cityofrogueriver.org](mailto:rnolan@cityofrogueriver.org).*

**Invocation Policy:** *Any invocation that may be offered before the official start of the City Council meeting is the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution No. 23-1408-R. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief of the City Council or the City of Rogue River. No person in attendance at this meeting is or shall be required to participate in any invocation, and the decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.*

**If you wish to speak regarding an agenda item, please sign in before the start of the meeting.**

## **REGULAR COUNCIL MEETING MINUTES**

**THURSDAY, AUGUST 28, 2025**

**6:00 P.M.**

**CALL TO ORDER: 6:00PM**

**PLEDGE OF ALLEGIANCE**

**INVOCATION – Pastor Richard Wheeler, Foots Creek Chapel**

**ROLL CALL:** Councilor Gregory, Councilor Moss, Councilor Hilty, Councilor Minegar, Councilor Howell, Councilor Davis, and Mayor Pam VanArsdale.

**STAFF:** City Administrator Ryan Nolan, Onnie Heater, RVCOG Land Use Planner, Police Chief Dave Rash, and Diane Oliver, Recorder

**PRESS:** Brian Mortensen with the Rogue River Press

### **AGENDA**

**APPROVAL OF MINUTES:** Move to approve July 24, 2025, City Council minutes, motion by Councilor Hilty, second by Councilor Howell

**Vote:** all ayes, none opposed, minutes of July 24, 2025, are approved

### **COMMITTEE REPORTS:**

**Community Relations: Chamber of Commerce Liaison City Councilor Barb Hilty** reports that meeting was August 21<sup>st</sup>. The September mixer will be September 4<sup>th</sup> at the Grange, sponsored by the library. October 8<sup>th</sup> will be brunch and tea at the Grange. December 6<sup>th</sup> is December Winter land, they're hoping to get Santa involved with the tree lighting and singing with the kids. They have extra lights for the tree when the city is ready to put them up. August 31<sup>st</sup> we will celebrate a one year anniversary for the Growers Market which will include live music. They have approximately 17-18 booths, three offering fresh fruits and produce. They also accept SNAP benefits. The new food truck is opening soon called "The Dirty Dog" serving gourmet hotdogs, including a vegetarian menu.

**Community Relations: Community Center Representative City Councilor Barb Gregory** reports that bingo has been discontinued. There will be no dinners until September. Easter Seals funds ceased so Sherrill is volunteering her time as Director so Lee and Scott can be paid positions. The Planning Commission has a meeting Tuesday evening, and they are very close to completing the PUD rules so that the Council can vote.

**Emergency Communications of Southern Oregon: City Administrator Ryan Nolan** reports no new news, however Dave Rash reports that the new radios in our police cars got pushed out to September. We go live in May of 2026, and the towers are getting done as well. With 911 dispatchers retiring, they will be hiring soon if you know anyone.

**Finance Committee: City Councilor Sherrie Moss** reports that between July 19<sup>th</sup> and August 21<sup>st</sup>, 2025 the finance committee met 5 times, issuing a total of 97 checks, 3 electronic payments totaling \$ 337, 095.46.

**Planning Commission Liaison City Councilor Barb Gregory** reports there was a public hearing with the Planning Commission that she did not attend the other night. The commission is almost ready to present the new Planned Unit Development new rules to the Council soon. Ryan Nolan did report that the planning commission public hearing approved one application, and the other application was denied, and the Planning Commission recommends that the City Council hears the application.

**Rogue Valley Area Commission on Transportation City Councilor Sharie Davis** reports that there was no meeting.

**Rogue Valley Council of Governments: Mayor Pam VanArsdale** reports their meeting included a presentation/update on the alert west wildfire 12 cameras that Eagle Point, Central Point, Jacksonville, and Phoenix cameras are installed. This will take three years for the entire to be complete. Rogue River is slated for year two. They have not come up with a great spot to put our cameras at yet, so they will rely on staff to give them that answer. The board passed a resolution to purchase the former Central Point's Public Works building for the Food and Friends' kitchen.

**Middle Rogue Metropolitan Planning Organization: Mayor Pam VanArsdale** reports that the funds we are getting through ODOT's gas tax should be arriving soon, maybe in October. There was an amendment to the 2024-27 TIP (the transportation improvement program) Also there was a discussion about sending a letter to the Oregon Legislature about the upcoming special session.

**PUBLIC INPUT:** *A representative from the group called "tool team" voiced their desires for Rogue River to have a dog park. They went around and collected information on how to make this happen within city limits.*

**NEW BUSINESS:**

**Funding Request** Move to approve a request from the Rogue River Community Center to sponsor a 3<sup>rd</sup> Friday Dinner in the amount of \$250.00. Motion by Councilor Barb Gregory, seconded by Councilor Sherrie Moss

*Discussion on the motion*

**Vote:** All ayes, none opposed, motion carries

**Park Request** Move to approve the request from Rogue Valley Council of Governments to hold Salmon Watch in Palmerton Park on September 24th, 2025. Motion by Councilor Sherrie Moss, seconded by Councilor Barb Gregory

*Discussion on the motion*

**Vote:** All ayes, none opposed, motion carries

**Ordinance** Move to adopt the Ordinance 25-440-O, an Ordinance revising sign rules and regulations within the City. Motion by Barb Hilty, seconded by Grace Howell

*Discussion on the motion, the mayor thanked Onnie Heater for all the hard work she did.*

**Roll Call Vote:** Minegar, yes, Gregory, yes, Moss, yes, Hilty, yes, Howell, yes, Davis, yes motion carries

**Resolution** Move to approve Resolution 25-1459-R, a Resolution identifying a voting delegate Pam VanArsdale, and one alternate voting delegate, Barb Gregory, to represent the city at the League of Oregon Cities 2025 annual business meeting. Motion by, Councilor Sherrie Moss, seconded by Councilor Barb Gregory

*No discussion on the motion*

**Roll Call Vote:** Minegar, yes, Gregory, yes, Moss, yes, Hilty, yes, Howell, yes, Davis, yes motion carries

**Resolution** Move to approve Resolution 25-1460-R, a Resolution updating the job descriptions of the city. Motion by Councilor Barb Hilty, seconded by Councilor Mark Minegar

*Discussion on the motion*

**Roll Call Vote:** Minegar, yes, Gregory, yes, Moss, yes, Hilty, yes, Howell, yes, Davis, yes motion Carries

**Salary Schedule** Move to approve amending the City's adopted Salary Schedule for employees. Motion by Councilor Moss, seconded by Councilor Howell

*No discussion on the motion*

**Roll Call Vote:** Minegar, yes, Gregory, yes, Moss, yes, Hilty, yes, Howell, yes, Davis, yes motion Carries

**Support** Move to approve a letter of support for a Rogue River Rural Fire Protection District (Jackson County Fire District #1) solar grant application. Motion by Councilor Barb Hilty, seconded by Councilor Grace Howell

*Discussion on the motion*

**Vote:** All ayes, none opposed, motion carries

**Committee** Move to accept August 14<sup>th</sup>, 2025, Tree City Committee Minutes. Motion by Councilor Hilty, seconded by Councilor Minegar

*No discussion on the motion*

**Vote:** All ayes, none opposed, motion carries

*The mayor recognizes County Commissioner Colleen Roberts in the audience and welcomed her.*

**OTHER BUSINESS:** Councilor Moss is often asked the question while out in public when the speed signs will go up on Pine and Broadway Street, especially now that school is starting.

Per the city administrator Nolan, we do have the equipment, but the date is not known yet as to when it will be installed. He is also working with RVCOG to update our mapping, which will help us to decide where the signs will go. Nolan also answered questions regarding all of the work being done on Main Street.

Move to adjourn this public meeting, motion by Councilor Gregory, seconded by Councilor Howell

**Vote:** All ayes, none opposed, motion carries, meeting adjourned

**ADJOURN 6:45 PM**

**ATTEST:**

Mayor Pam VanArsdale\_\_\_\_\_ Date\_\_\_\_\_

Diane Oliver, City Recorder\_\_\_\_\_

## **RESOLUTION NO. 25-1461-R**

### **A RESOLUTION SUPPORTING MEMBERSHIP IN ‘MAYORS FOR PEACE’.**

**WHEREAS**, the City Council finds that nuclear weapons are the greatest threat to the safety and security of citizens’ lives. We join Mayors for Peace in urging global leaders to effect peace-oriented policy changes by calling on the UN and national governments, especially the nuclear-armed states and their allies, to take concrete action for the total elimination of nuclear weapons; and

**WHEREAS**, in pursuit of ensuring citizens’ safety and security, we join with Mayors for Peace in striving to address and solve a diverse range of issues distinctive to each member’s region that are threatening the coexistence of the human race such as starvation, poverty, the plight of refugees, human rights abuses, and environmental degradation; and

**WHEREAS**, Mayors for Peace seeks to both create an environment that urges policymakers to demonstrate decisive leadership to effect peace-oriented policy changes that facilitate the abolition of nuclear weapons, and to establish a civil society in which citizens act with a strong sense of solidarity for the realization of peaceful coexistence between the whole of humanity.

### **BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER, OREGON:**

The City Council hereby expresses the City of Rogue River’s support for the abolition of nuclear weapons and desire to join Mayors for Peace.

**PASSED** by the Common Council of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

**SUBMITTED TO AND APPROVED** by the Mayor of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

\_\_\_\_\_  
Pam VanArsdale  
Mayor

**ATTEST:**

\_\_\_\_\_  
Diane Oliver  
City Recorder

## **ORDINANCE NO. 25-441-O**

**AN ORDINANCE APPROVING AMENDMENTS TO THE ROGUE RIVER TRANSPORTATION SYSTEM PLAN FOR THE CITY OF ROGUE RIVER, OREGON BY ADDING THE ROGUE RIVER GREENWAY MULTIMODAL PLAN AS A REFERENCE DOCUMENT.**

**WHEREAS**, the Rogue River City Council seeks to update the recently adopted Transportation System Plan; and,

**WHEREAS**, the consultant advertised in the local newspaper and provided for citizen input into the update process through several workshops that were held over a period of several months; and,

**WHEREAS**, the consultant conducted public hearings and considered public testimony offered during such hearings, including within the City of Rogue River. And the City employed an open public process which provided opportunity for diverse input; and,

**WHEREAS**, the Greenway Multimodal Plan attached as Exhibit “A”, is consistent with the requirements of the Transportation Planning Rule; and,

**WHEREAS**, the City Council finds that the Transportation System Plan as amended is in compliance with state law and the Rogue River Comprehensive Plan Goal 12, as stated in the Findings of Fact and Conclusion of Law, as adopted.

**WHEREAS**, the City of Rogue River worked with Josephine County, the City of Grants Pass, Jackson County, and ODOT to complete this planning project funded by ODOT; and,

**WHEREAS**, the City Council seeks to amend the existing Transportation System Plan by adding the Rogue River Greenway Multimodal Plan as a reference document outlining a planned route for the Greenway extension.

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

**SECTION 1.** The City of Rogue River Transportation System Plan is amended by adding the Greenway Multimodal Plan attached as Exhibit ‘A’ as a reference document.

**SECTION 2. Effective Date Clause.** This Ordinance shall go into effect on October 25, 2025.

**SECTION 3. Severability Clause.** If any portion of this Ordinance is for any Ordinance No. 25-441-O Effective Date: October 25, 2025



reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

**ADOPTED** by the Common Council of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

**SUBMITTED TO AND APPROVED** by the Mayor of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

\_\_\_\_\_  
Pam VanArsdale  
Mayor

**ATTEST:**

\_\_\_\_\_  
Diane Oliver  
City Recorder

## **ORDINANCE NO. 25-442-O**

**AN ORDINANCE AMENDING ROGUE RIVER MUNICIPAL CODE CHAPTER 16.35, REVISING PLANNED UNIT DEVELOPMENT STANDARDS WITHIN THE CITY OF ROGUE RIVER.**

**WHEREAS**, the City Council of the City of Rogue River strives to provide citizens with a safe, comfortable, and livable community; and

**WHEREAS**, the City Council of the City of Rogue River wish to maintain development standards that provide these livable conditions for current and future citizens; and,

**WHEREAS**, the City Council of the City of Rogue River seeks to update the City's Planned Unit Development Standards so that they may be clearer and more objective and so that they might provide development patterns that provide greater protection of the livability of the City.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 16.35 of the Rogue River Municipal Code shall be replaced in its entirety as follows:

### **Chapter 16.35**

#### **PLANNED UNIT DEVELOPMENT (PUD)**

##### Sections:

- 16.35.010 Purpose.
- 16.35.020 Effect.
- 16.35.030 Permitted uses.
- 16.35.040 Subdivisions concurrent with PUD.
- 16.35.050 Applicability.
- 16.35.060 Tentative plan required.
- 16.35.070 Tentative plan submittal requirements.
- 16.35.080 Criteria for PUD tentative plan approval.
- 16.35.090 Special review standards and criteria.
- 16.35.100 PUD phased development.
- 16.35.110 Tentative plan review – Purpose.
- 16.35.120 Development conditions.
- 16.35.130 Tentative plan review procedures.
- 16.35.140 Expiration of approved tentative plan.
- 16.35.150 Revised tentative plan to comply with development conditions.
- 16.35.160 Construction document review.
- 16.35.170 Final plat review – Purpose.
- 16.35.180 Final plat review procedures.
- 16.35.190 Substantial conformance.

- 16.35.200 Final plat review process.
- 16.35.210 Final plat map requirements.
- 16.35.220 Final plat signatures required.
- 16.35.230 Filing an approved final plat.
- 16.35.240 Expiration of approved final plat.
- 16.35.250 Replatting previously recorded plats.

**16.35.010 Purpose.**

The development standards of the zoning districts, of RRM Title 17, and the base lot standards of Chapter 16.20 RRM represent the historic method of ensuring a safe, livable and economic community. The planned unit development process is intended to permit development using alternative standards to occur, and yet maintain the safety, livability and economy of the community. the purpose of the planned unit development process is as follows:

- A.To provide an alternative to the zoning district lot standards for the zoning districts set forth in RRM Title 17 and the base lot standards set forth in Chapter 16.20 RRM.
- B.To encourage land use and development based upon the unique physical opportunities and constraints of each particular site, with the result that the overall appearance and livability of the community is enhanced.
- C. To encourage diversity in building types, site arrangement and ownership of real property.
- D.To encourage the greatest economic use of the land and to lower unit development cost, in exchange for better use of open space, more recreational facilities, and greater resource conservation when possible using the base standards of RRM Title 17 or Chapter 16.20 RRM.
- E. To provide a development project equal to or superior to that possible under the base zoning district standards of RRM Title 17 or the base lot standards of Chapter 16.20 RRM.
- F. To recognize the need to protect and buffer dissimilar development in the established districts, and to set a good precedent for future development in newly developing districts.

**16.35.020 Effect.**

An approved planned unit development (PUD), as finally approved, shall have the effect of varying the zoning district lot standards of RRM Title 17 and the base lot standards of Chapter 16.20 RRM, without need of other variance procedures. All other provisions of RRM Title 17 and of this title shall apply, and as well as all other provisions of other city ordinances and standards.

**16.35.030 Permitted uses.**

A.Residential PUD. Uses are permitted consistent with the applicable zoning district. In addition, open space, playgrounds, bike and pedestrian trails, recreation facilities and community centers are also permitted unless prohibited in the applicable zoning district. Building types may vary from those specified in the applicable zoning district.

B. Commercial or Industrial PUD. Uses are permitted consistent with the applicable zoning district.

C. Mixed-Use Residential/Commercial PUD. Uses are permitted consistent with the applicable zoning district.

D. ORT or Office, Research and Technology Commercial District PUD. Uses are permitted consistent with the applicable zoning district.

E. T&R or Travel and Recreation Business District PUD. Uses are permitted consistent with the applicable zoning district.

F. LI or Light Industrial District PUD. Uses are permitted consistent with the applicable zoning district.

**16.35.040 Subdivisions concurrent with PUD.**

A. Requirement. A partition tentative plan and final plat or a subdivision tentative plan and final plat shall be prepared as provided in Chapter 16.15 RRM for PUD requests involving partitioning or subdividing of land, interests in land, unit ownership, or involving tax lot segregation.

B. Combined Map or Plat. Where practical, the partition or subdivision plans and plats required by Chapter 16.15 RRM may be combined with the PUD tentative plan and final plat as required by this chapter; provided, that all of the submittal requirements for each chapter are satisfied.

C. Procedure Type. A concurrent subdivision or partition and PUD application shall be processed as a PUD, as provided in the land division procedure schedule, RRM 16.10.040, except that the procedure type utilized shall be the highest type required by Chapter 16.15 RRM, Subdivision, this chapter, or Chapter 16.40 RRM, Partition.

D. Criteria. For a concurrent application, the approval, approval with conditions, or denial of the PUD plan shall be based upon the criteria for a PUD, where all the approval, approval with conditions, or denial of the partition or subdivision plat shall be based upon the criteria for a partition or subdivision, excepting only lot area, width, yard requirements, and internal setback requirements of RRM Title 17 and Chapter 16.20 RRM. All provisions relating to streets and utilities shall be in full effect and are not subject to variance through the PUD procedure.

**16.35.050 Applicability.**

The provisions of this section apply to all land within the city limits or proposed for annexation to the city. For all planned unit developments, no land, interest in land, unit ownership or tax segregation shall be created for sale prior to final approval of the PUD. For those PUDs that include the subdivision or partition of lands, no land, interest in land, unit ownership or tax segregation shall be created for sale prior to final approval of both the PUD and the subdivision or partition.

**16.35.060 Tentative plan required.**

No PUD final plat may be considered for approval until the PUD tentative plan is approved. No PUD final plat that includes a subdivision plat may be considered for approval until the subdivision tentative plan is also approved.

**16.35.070 Tentative plan submittal requirements.**

The applicant shall submit four copies, two full size, one scaled for eight and one-half inch by 11 inches, and one in the preferred digital format, of a PUD tentative plan and supporting materials to the city administrator. The following shall be included:

A. Signed Application Form. A completed application form as provided by the city administrator, signed by the property owner, the applicant, and the applicant's agent, if any. To initiate the application, the applicant or the applicant's agent, if other than the property owner, must have written, notarized authorization, on a form provided by the city, from the property owner, to represent the owner in the requested PUD review.

B. Application Fee. Application fee is determined by the city council application fee schedule in effect on the date of the application.

C. Tentative Plan Map. A subdivision tentative plan map meeting all the requirements of RRMC 16.15.040(C) shall be provided, including the following:

1. Buildings and Structures. Location and floor area, size of all existing and proposed structures and other features including maximum heights, types of dwelling units and nonresidential structures, renderings and elevations of typical structures.

2. Public Areas. The location and approximate size of all areas to be dedicated for general public ownership and use.

3. Open Space – Public, Private and Common. The location and size of all outdoor open space areas shall be delineated on the plan map, differentiating between privately owned areas, easements and commonly owned areas.

4. Landscaping. A general landscape plan indicating location, areas to be landscaped and general landscape material to be used.

5. PUD Perimeter Buffering. Show proposed treatment of the PUD perimeter, including vegetative screens, fences, setbacks, windows and walls.

6. Statement of Proposed Financing. A general statement showing commitment of lender's or applicant's ability to finance the project through to completion.

7. Project Intent. A statement describing the objectives to be achieved through the PUD process that cannot be achieved through the conventional land development process. The statement shall include a description of the character of the proposed project and some of the rationale in choosing the development concept, and shall include a statement of intention to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

8. Development Schedule. A statement indicating the approximate construction dates for beginning and ending the project, including any proposed phases or

stages of development.

9. Land Use Data. Quantitative description in table form of the following:

- a. Total acres of the site.
- b. Acres dedicated to public right-of-way.
- c. Usable acres of the site (subsection (C)(9)(a) of this section minus subsection (C)(9)(b) of this section).
- d. Density factors used (dwelling units per acre). Maximum allowable dwelling units (subsection (C)(9)(c) of this section times subsection (C)(9)(d) of this section).
- e. Actual dwelling units (dwelling units proposed).
- f. Area of recreation open space (number of acres and percent of the usable site area).
- g. Side-by-side matrix (of similar objective analysis) comparing PUD outcomes to by-right development, documenting where and how superior outcomes are achieved (housing variety, open space, connectivity, hazard avoidance, et.). This improves clarity for review bodies and applicants and ensures the PUD process provides genuine community benefit.

D. Conceptual Utility Plan. A conceptual utility plan meeting all the requirements of a subdivision conceptual utility plan per RRM 16.15.040(F).

E. Fire Prevention Plan. A fire prevention plan identifying compliance with both the Uniform Building Code and Uniform Fire Code shall be included with the tentative plan.

F. Master Plan. A master plan, if needed, meeting all the requirements of a subdivision master plan per RRM 16.15.040(E).

G. A Traffic Impact Analysis (TIA) shall be prepared by a traffic engineer or civil engineer licensed to practice in the State of Oregon, with specialized training and experience in traffic engineering. The analysis must be conducted in accordance with the Public Works Department's document titled *Traffic Impact Analysis*. Coordination with the Oregon Department of Transportation (ODOT) is required when ODOT is the road authority, and the analysis must comply with OAR 734-051-180 and OAR 660-012.

1. A TIA or simplified transportation review is required based on the following thresholds:

- a. If the proposed development is projected to generate more than 100 average daily trips (ADT), a simplified transportation impact letter or report

may be submitted in lieu of a full TIA.

b. The City Engineer may require a full TIA if one or more of the following conditions apply:

- i. The development is expected to increase traffic volumes on a local residential street to more than 200 average daily trips (ADT) or raise the 85th percentile speed above 28 mph.
- ii. The development is anticipated to affect geometrically constrained access points, intersections with a known safety history, or intersections/roadways operating near capacity.

## 2. Simplified Letter:

a. Content.

- i. Weekday AM/PM peak hour and daily trip generation estimate.
- ii. Sight distance verification at project access points (by registered Oregon Traffic or Civil Engineer).
- iii. Safety evaluation within 1/4 mile of project frontage (road geometry, sight distance, high collision locations, access spacing, street lighting/visibility).
- iv. Evaluation of on-site circulation and connectivity to adjacent parcels.
- v. Discussion of pedestrian and bicycle facilities, including nearest routes and potential connections.
- vi. Description of safe walking routes to schools within 1/2 mile.
- vii. City discretion to require additional analysis beyond the above.

b. Mitigation Measures. Where the TIA demonstrates that performance standards will be exceeded, the applicant shall propose mitigation measures, which may include but are not limited to:

- i. Intersection improvements, such as added turn lanes or signal timing changes.
- ii. Roadway capacity enhancements, such as widening or realignment.
- iii. Pedestrian and bicycle infrastructure, including sidewalks, crossings, and bike lanes.

iv. Transit access improvements or implementation of Transportation Demand Management (TDM) strategies.

v. Off-site improvements required to mitigate impacts beyond the site frontage.

### 3. Traffic Impact Study

#### a. Content.

i. The TIA shall provide adequate information to demonstrate that the level of impact to the street system will not exceed a volume over capacity (V/C) ratio of 0.80. Whenever performance standards of local, arterial or collector roads are determined to be above 0.80 V/C and transportation improvements are not planned within the planning horizon to bring the performance standards below 0.80 V/C, the TIA shall demonstrate that the level of impact to the street system will not exceed a 0.80 V/C ratio. The road system shall provide adequate access to buildings for residents, visitors, customers, deliveries, emergency vehicles, and garbage collection.

#### **16.35.080 Criteria for PUD tentative plan approval.**

The review body shall approve, approve with conditions, or deny the request based upon all of the following criteria:

A. The plan conforms to the requirements of the city's floodway and floodplain requirements and restrictions, and conforms to the requirements of any applicable overlay district.

B. Utility and transportation plans must address current and projected future capacity, utilize resilient/low-impact design where feasible, and demonstrate coordination with city and regional system plans.

C. Cuts, fills and retaining walls shall comply with the standards in RRMC 17.95.090, Hillside protection.

D. The proposed plan complies with the applicable portion of the city's comprehensive land use plan, this title and other city ordinances, state statute and federal law.

E. The planned unit development proposal shall result in an equal or superior development, compared to what would be provided under standard zoning and subdivision requirements, by providing a balanced exchange of benefits between the developer and the community. This exchange shall be demonstrated as follows:

1. Enhanced protection, restoration, and permanent preservation of environmental resources, including but not limited to native vegetation, wildlife habitat, wetlands, watercourses, and natural landforms. Such protection shall be secured through



conservation easements or other perpetual legal mechanisms. The proposal shall also provide publicly accessible open space and recreational facilities beyond those minimally required by code, ensuring significant long-term community benefit and ecological integrity;

2. Improved transportation connectivity: The development shall enhance transportation linkages, with particular emphasis on pedestrian, bicycle, RV, and electric vehicle infrastructure. All facilities and connections must exceed minimum base code requirements, be consistent with the City's adopted transportation plans, and be designed to maximize safety, convenience, and community integration;

3. Any other benefit, as deemed in line with the purpose statement of this section, as stated in RRM 16.35.010.

F. Phased PUDs shall require submission of a phasing schedule, and city-approved performance bonds or comparable security for public or common improvements.

G. All required common open space and conservation areas shall be permanently protected by a recorded conservation easement, deed restriction, or similar legal instrument approved by the City Attorney, ensuring that such areas remain undeveloped and are dedicated to recreational, open space, or environmental purposes in perpetuity.

H. The applicant shall provide demonstrable evidence that all utility and service needs for the proposed development will be met, not solely by conformance to master plans but by meeting or exceeding the following standards:

1. Will-Serve Letters and Capacity Analysis

a. The applicant shall submit current will-serve letters from all relevant utility providers—including domestic water, sanitary sewer, electricity, gas, stormwater management, and telecommunications—affirming their ability and commitment to serve the proposed development as designed.

b. Each provider's letter must include confirmation that the existing or planned infrastructure has adequate available capacity to serve the projected demand of the completed development, taking into account current and committed loads.

2. Adequacy of Water Supply

a. The applicant shall submit an engineering report demonstrating that the anticipated potable water demand can be met under both average and peak conditions.

b. The report must address:

- i. Available system pressures and compliance with Oregon Health Authority minimums.
- ii. A calculation of fire flow availability meeting applicable Fire Code requirements for the proposed building types and density.
- iii. Identification and locations of required fire hydrants.

### 3. Sanitary Sewer

- a. Submit a sanitary sewer analysis prepared by a licensed engineer showing that the public system has sufficient capacity for both normal and peak wastewater flows from the project.
- b. If upgrades/extensions are needed, provide stamped civil plans and a schedule for completion, subject to City Engineer approval.

### 4. Stormwater Management

- a. Submit a detailed stormwater management plan prepared by a qualified engineer.
- b. The plan must:
  - i. Document compliance with city stormwater and drainage regulations.
  - ii. Demonstrate sufficient public and/or private infrastructure to manage quantity and quality of runoff resulting from the proposed impervious surfaces.
  - iii. Identify any needed upgrades or new facilities.

### 5. Fire Flow

- a. Provide documentation from the local fire authority confirming that fire flow and hydrant siting requirements for the proposed land uses and building sizes will be met upon project completion.
- b. Where fire flow is insufficient, the applicant must identify and commit to the necessary system upgrades or additional fire protection measures.

### 6. Plan for Upgrades and Extensions (if applicable)

- a. If any utility provider identifies existing infrastructure as inadequate, the applicant must submit:
  - i. Detailed plans for all required upgrades, extensions, or new facilities.
  - ii. Evidence of financial and schedule commitments for all needed improvements.

iii. Written concurrence from the City Engineer that the proposed improvements will resolve all deficiencies before building occupancy.

¶I. The applicant has demonstrated the ability to finance the project through to final completion.

**16.35.090 Special review standards and criteria.**

A. In addition to all the other requirements made applicable by this title, the Review Body may authorize a planned unit development subdivision within a residential zone only when all of the following requirements are met:

1. The density of land use shall be no more than 20 percent higher than allowed in the zoning district. Incentives such as increased density of 30 percent may be granted for providing deed-restricted affordable housing or for developments with enhanced Americans with Disabilities Act (ADA)-compliant accessibility features. The Review Body may also grant increased density allowances based on a combination of these two criteria.

2. The common open spaces comprise at least 20 percent of the land area contained in the development exclusive of streets, and at least 80 percent of the common open space shall be located on slopes with less than 15 percent grades. Common open spaces shall be used for recreational, park or environmental purposes, such as watershed management, wildlife or special plant habitat, wetland protection or other similar purposes.

3. All parking spaces for a PUD shall be located on-site and shall meet the following minimum standards:

a. One parking space is required per dwelling unit, unless a reduction is approved based on the inclusion of electric vehicle (EV) charging infrastructure.

b. Parking may be located within an enclosed garage, carport, unenclosed parking space, or shared parking facilities.

c. When on-street parking is either impractical or restricted due to street design limitations, 1.5 off-street parking spaces per dwelling unit must be provided, in addition to the standard off-street parking requirements. This requirement may be reduced if the applicant demonstrates that one or more of the reduction criteria outlined in Chapter 17.70.020(J) are met.

4. Improved transportation connectivity shall include one of the following:

a. Multi-Modal Transportation Connectivity—Pedestrian/Bicycle Infrastructure: The development must incorporate a network of bicycle and pedestrian pathways within the Planned Unit Development (PUD) and ensure future connectivity. As required by the city, the owner shall record a guarantee for future improvements or similar legal instrument approved by

the City Attorney.

b. RV storage parking: For developments exceeding 20 units, 20 percent of parking shall be dedicated to recreational vehicle (RV) parking. These spaces must be located in a designated area accessible to all residents or arranged as approved by the Review Body.

c. Electric Vehicle parking: For developments exceeding 20 units, electrical infrastructure shall be provided to support Level 2 electric vehicle (EV) charging station-ready parking spaces for at least 20 percent of the total parking spaces (rounded up).

**16.35.100 PUD phased development.**

Phased development for a proposed PUD shall meet all the requirements of RRM 16.15.070.

**16.35.110 Tentative plan review – Purpose.**

The purpose of tentative plan review is to provide sufficient opportunity for the public and the review body to address the critical and material land use issues. The applicant must provide substantial evidence of compliance with the mapping and approval criteria, as well as other city standards.

**16.35.120 Development conditions.**

Tentative plan review is the most critical stage in the PUD process. It is at this stage that discretion is applied to evaluate compliance with criteria for approval, the extent of deviation from city ordinance standards, and to address impacts of the proposed development. For this reason, additional detail may be required from the applicant, and development conditions may be imposed upon the project by the review body.

**16.35.130 Tentative plan review procedures.**

Tentative plan review shall be conducted in accordance to type III procedure, conforming to Chapter 16.10 RRM procedures

**16.35.140 Expiration of approved tentative plan.**

Within 18 months following the effective date of the approved tentative plan, the final plat shall be submitted to the city planner with all conditions of tentative plan approval fulfilled. The city planner may, upon written request by the applicant, grant a 12-month extension of the expiration date. Upon granting an extension, the city planner shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and that no other subsequent development approval will be affected.

**16.35.150 Revised tentative plan to comply with development conditions.**

Prior to submitting construction documents for city review, the applicant shall submit a revised tentative plan demonstrating compliance with the conditions of approval. The city planner may waive this requirement if no significant modifications are required in order to comply with these conditions.

#### **16.35.160 Construction document review.**

A. Sanitary sewer, potable and fire flow water, storm drainage, grading and erosion control, and other utility plans must be reviewed and approved by the city engineer and the public works director.

B. Fire lines and fire hydrants including placement, size and type, and proposed water pressure shall be reviewed and approved by the Rogue River rural fire marshal.

C. Water system design shall conform to the adopted water plan, official water system map, and the city of Rogue River water standards.

D. Sewer system design shall conform to the adopted sewer plan, official sewer system map, and shall be approved by the Department of Environmental Quality.

E. Storm drain and drainway design shall be consistent with the city's master storm drainage facilities plan and official storm drainage map, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the use or development, and to allow extension of the system outside the use or development.

F. Grants Pass Irrigation District and/or Gold Hill Irrigation District shall be consulted regarding any improvements on the property in which they have an interest.

G. All utilities shall be placed underground. The applicant shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of underground lines and facilities.

H. Construction document submittal and review, construction acceptance and bonding for completion and maintenance, fees, assessments and system development charges shall be per Chapter 16.25 RRM.

#### **16.35.170 Final plat review – Purpose.**

Approval of the tentative plan does not constitute final acceptance of the final plat, although such approval is binding for purposes of the preparation of the final plat. As a result of final plat review, the city may require changes in the final plat as are necessary for compliance with the terms of the city approval of the tentative plan. This provision allows the subdivider to proceed with the project including final plat preparation and actual construction with some assurance and gives assurance to the city that the final plat will be in substantial conformance with the approved tentative plan and with the development conditions of approval.

#### **16.35.180 Final plat review procedures.**

Final plat review shall be in accordance to type II procedure as provided in RRM 16.10.040, Procedure schedule. PUD final plats shall require a preapplication conference per Article III of Chapter 16.10 RRM and a complete application determination per Article IV of Chapter 16.10 RRM prior to proceeding with the

review of the final plat.

**16.35.190 Substantial conformance.**

The final plat must be in substantial conformance with the tentative plan, as defined in this title. Within 14 days of receipt of the final plat, the city administrator shall determine whether the final plat substantially conforms to the approved tentative plan. The 120-day period shall be measured from the date the final plat application is determined to be complete. For this reason, final plats that are in substantial conformance have a lesser degree of review at the final plat stage than the tentative plan stage. The term “substantial conformance” shall mean, in the opinion of the director of public works, at a minimum, that the final plat:

- A. Conforms with the approved tentative plan and the development conditions of approval of the tentative plan by the review body;
- B. Conforms with the city standards of design and construction, or those deviations specifically approved as part of the approved tentative plan, as embodied in the approved construction documents, including those change orders approved in writing by the director of public works;
- C. Conforms with the approved master plan street and utility requirements, if any; and
- D. Has resulted in no additional lots, dwelling units, or buildings created, other than as approved in the tentative plan by the review body.

**16.35.200 Final plat review process.**

Within 120 days of application, the city planner shall determine the final plat's completeness and compliance with the tentative plan approval. An amendment application, including planning commission and city council review, will be required if the final plat does not substantially conform to the approved tentative plan

**16.35.210 Final plat map requirements.**

After receiving the PUD tentative plan approval, the developer shall have prepared a final plat. The final plat shall be prepared by a surveyor, shall be a minimum of 18 inches by 24 inches with a one-inch margin and shall contain:

- A. All requirements of ORS 209.250 and ORS Chapter 92, and any other applicable state or federal regulations.
- B. Any dedications or changes required as part of tentative plan approval.
- C. A future development plan, when required, including a note stating that development of the property is subject to the conditions of such plan.
- D. Any tentative plan notes, restrictions, notices and special conditions that were required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the final plat show graphically any information or requirement that is or may be subject to administrative change or variance.

E. A letter from the responsible engineer stating that the engineer had supervised the grading and the construction of the entire parcel and the individual lots, and stating that the grading and construction were completed according to the approved plans.

F. As a separate document, a land division guarantee from a title company.

**16.35.200 Final plat signatures required.**

The signatures required on a PUD final plat shall be as follows:

A. The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plan.

B. The county surveyor, verifying compliance with applicable survey laws for the state of Oregon.

C. The city administrator, verifying all city financial obligations on the property have been met.

D. The public works director, verifying that the final plat is in conformance with the approved tentative plan, that all tentative plan approval conditions have been met, and that the letter from the responsible engineer certifying grading and construction according to approved plans has been received.

E. The director of any special district shown on the final plat or any official required by law to provide certifications.

F. The Jackson County board of county commissioners' chair.

G. The county assessor, certifying that all taxes on the property have been paid or bonded for in accordance with state law.

**16.35.230 Filing an approved final plat.**

The applicant shall file the approved original PUD final plat as per ORS Chapter 92. After recording, the applicant shall also file one print with the city administrator, bearing the county clerk's received stamp and the recording number.

**16.35.240 Expiration of approved final plat.**

The approved final plat shall become null and void if not filed and recorded with the county clerk within 30 days of final approval by the city. The date of final approval by the city shall be the effective date following the final action by the city review body and the appeal period per Article II of Chapter 16.10 RRMC.

**16.35.250 Replatting previously recorded plats.**

Replatting of previously approved and recorded final plats shall follow the same review procedure as submittal and review of a new PUD tentative plan, per RRMC 16.35.060 through 16.35.140.

**SECTION 2. Severability Clause**

If any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

**ADOPTED** by the Common Council of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

**SUBMITTED TO AND APPROVED** by the Mayor of the City of Rogue River on this 25<sup>th</sup> day of September 2025.

ATTEST:

\_\_\_\_\_  
Pam VanArsdale  
Mayor

\_\_\_\_\_  
Diane Oliver,  
City Recorder





# Memo

**To:** City Council  
**From:** Ryan  
**Date:** September 25, 2025  
**Re:** FEMA BiOp Issue

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Councilors, as we continue to consider the requirements of the FEMA BiOp issue I wanted to share the following:

The Oregonians for Floodplain Protection group have requested that the pending court case (*Oregonians for Floodplain Protection v. Dep't of Commerce et al*, 1:25-CV-00039-JMC) be paused. Joining their request are FEMA Executives and other Federal Agency Heads. It is their sense that the President and Cabinet level officials will administratively resolve the issues created by the pending FEMA Directives to implement Code Changes.

Jackson County Commissioner Roberts has discussed the issue with Federal Authorities directly which may be leading to other amendments, clarifications, or reversal on this issue. I also heard from Commissioner Roberts that Congressman Bentz has been working and meeting with FEMA, urging them to withdraw the biological opinion affecting the ESA, and look for a remedy and fix to this. His office said "Principles" from FEMA are receptive and engaging on this, appearing to be aware of the huge problem this created, and want to stick to emergency relief efforts only. Congressman Bentz staff also recently indicated that top FEMA officials have stated they will be ordering Federal Departments to withdraw the whole program. It is unclear how this may play out and I recommend continuing the item three months until December 18<sup>th</sup> to see what else we might discover.

Ryan Nolan, City Administrator

## **ORDINANCE NO. 24-433-O**

**AN ORDINANCE REPEALING ORDINANCE NO. 21-409-O OF THE CITY OF ROGUE RIVER MUNICIPAL CODE, CHAPTER 15.15, FLOOD DAMAGE PREVENTION, TO COMPLY WITH CURRENT FEMA AND STATE STANDARDS FOR THE CITY OF ROGUE RIVER, OREGON, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Rogue River is a participating community in the National Flood Insurance Program; and

**WHEREAS**, an updated model flood hazard ordinance has been prepared by the Federal Emergency Management Agency. And this model ordinance is based on the 2020 model created by the State of Oregon Department of Land Conservation and Development and has been reviewed and approved by FEMA Region X; and,

**WHEREAS**, on July 15, 2024, the Federal Emergency Management Agency announced changes to the implementation of the National Flood Insurance Program in Oregon to comply with the Endangered Species Act; and,

**WHEREAS**, the Federal Emergency Management Agency has notified affected Oregon jurisdictions (to include the City of Rogue River) that jurisdictions must begin implementing the new standards by December 1<sup>st</sup>, 2024 or risk being considered non-compliant and ineligible for participation in the National Flood Insurance Program; and,

**WHEREAS**, if the City were ineligible for participation in the National Flood Insurance Program property owners within City limits would no longer be eligible for federally backed flood insurance. And these property owners would also be ineligible for federally backed mortgages unless they could secure private insurance meeting Federal Flood Insurance Program requirements within 30 days.

**WHEREAS**, adoption of the new ordinance language will ensure compliance with the minimum standards for participation in the National Flood Insurance Program; and,

**WHEREAS**, the City Council on November 21, 2024, and February 27, 2025 conducted a public hearing, and voted to amend Chapter 15.15 of the City of Rogue River Municipal Code and repeal Ordinance No. 21-409-O.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF ROGUE RIVER ORDAINS AS FOLLOWS:**

**SECTION 1.** Section 15.15 of the Rogue River Municipal Code shall be replaced in it's entirety as follows and Ordinance No. 21-409-O is hereby repealed.

## Chapter 15.55

### FLOOD DAMAGE PREVENTION

#### Sections:

- 15.55.010 Statutory authority, findings of fact, purpose, and methods.
- 15.55.020 Definitions.
- 15.55.030 General provisions.
- 15.55.040 Administration.
- 15.55.050 Provisions for flood hazard reduction.
- 15.55.060 Specific standards for riverine (including all noncoastal) flood zones.

#### **15.55.010 Statutory authority, findings of fact, purpose, and methods.**

A. Statutory Authorization. The state of Oregon has in ORS 197.175 (Cities) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Rogue River does ordain as follows:

#### B. Findings of Fact.

1. The flood hazard areas of the city of Rogue River preserve the natural and beneficial values served by floodplains but are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

C. Statement of Purpose. It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Preserve natural and beneficial floodplain functions;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;

6. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
7. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
8. Notify potential buyers that the property is in a special flood hazard area;
9. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
10. Participate in and maintain eligibility for flood insurance and disaster relief.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.010].
6. Employing a standard of “no net loss” of natural and beneficial floodplain functions.

#### **15.55.020 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage:

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community’s flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, or AR.

“Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawl space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawl space to the top of the crawl space foundation, does not exceed four feet at any point.

“Building.” See “Structure.”

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Fill”. Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered “development.”

“Fish Accessible Space” the volumetric space available to fish to access.

“Fish Egress-able Space” the volumetric space available to fish to exit or leave from.

“Flood” or “Flooding”.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.

- b. The unusual and rapid accumulation or runoff of surface waters from any source.

- c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

“Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

“Flood Insurance Study (FIS)”. See “Flood elevation study.”

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Green Infrastructure”. Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

“Habitat Restoration Activities”. Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

“Hazard Trees”. Standing dead, dying, or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

“Hazardous Material.” The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

1. Hazardous waste as defined in ORS 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and ORS 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under Section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in 40 CFR, Part 302, Table 302.4 (list of hazardous substances and reportable quantities) and amendments;
6. Material regulated as a chemical agent under ORS 465.550;
7. Material used as a weapon of mass destruction, or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

“Hydraulically Equivalent Elevation”. A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

“Hydrologically Connected”. The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

“Impervious Surface”. A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

“Letter of Map Change (LOMC)” means an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps and flood insurance studies. The following are categories of LOMCs:

1. Conditional Letter of Map Amendment (CLOMA). A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (one percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. Conditional Letter of Map Revision (CLOMR). A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. Conditional Letter of Map Revision Based on Fill (CLOMR-F). A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.



4. Letter of Map Amendment (LOMA). An official amendment, by letter, to the flood insurance rate maps (FIRMs) based on technical data showing an existing structure, parcel of land or portion of a parcel of land that is naturally high ground (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.

5. Letter of Map Revision (LOMR). A LOMR is FEMA's modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

6. Letter of Map Revision Based on Fill (LOMR-F). A LOMR-F is FEMA's modification of the special flood hazard area shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

7. PMR. A PMR is FEMA's physical revision and republication of an effective flood insurance rate map (FIRM) or flood insurance study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

"Low Impact Development". An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. Low Impact Development is a subset of green infrastructure.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured dwelling" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

“Manufactured dwelling park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

“Mean Higher-High Water”. The average of the higher-high water height of each tidal day observed over the National Tidal Datum Epoch.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“New Construction”. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the city of Rogue River and includes any subsequent improvements to such structures.

“No Net Loss”. A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, of local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

“Offsite”. Mitigation occurring outside of the project area.

“Onsite”. Mitigation occurring within the project area.

“Ordinary High Water Mark”. The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

“Qualified Professional”. Appropriate subject matter expert that is defined by the community.

“Reach”. A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Riparian”. Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

“Riparian Buffer Zone (RBZ)”. The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or 170 feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

“Riparian Buffer Zone Fringe”. The area outside of the RBZ and floodway but still within the SFHA.

“Silviculture”. The art and science of controlling the establishment, growth composition, health, and quality of forests and woodlands.

“Special Flood Hazard Area”. See “area of special flood hazard” for this definition.

“Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure,” for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured dwelling.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Undeveloped Space”. The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

“Variance” means a grant of relief by the city of Rogue River from the terms of a floodplain management regulation.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.020].

#### **15.55.030 General provisions.**

A. Lands to Which This Chapter Applies. This chapter shall apply to all special flood hazard areas within the jurisdiction of the city of Rogue River.

B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for Jackson County and Incorporated Areas,” dated May 3, 2011, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this chapter. The FIS and the FIRM panels 41029C1708F and 41029C176F are on file at Rogue River City Hall, 133 Broadway, Rogue River, Oregon.

C. Coordination With State of Oregon Specialty Codes. Pursuant to the requirement established in ORS Chapter 455 that the city of Rogue River administers and enforces the State of Oregon Specialty Codes, the city of Rogue River does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and

construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. Compliance and Penalties for Noncompliance.

1. Compliance. All development within special flood hazard areas is subject to the terms of this chapter and required to comply with its provisions and all other applicable regulations.

2. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 for each violation. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued, and in addition shall pay all costs and expenses involved in the case. Nothing contained herein shall prevent the city of Rogue River from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Severability.

1. Abrogation. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

2. Severability. This chapter and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability.

1. Warning. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. Disclaimer of Liability. This chapter shall not create liability on the part of the city of Rogue River, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 24-428-O § 1; Ord. 23-418-O §§ 74, 75; Ord. 21-409-O § 1. Formerly 15.15.030].

#### **15.55.040 Administration.**

A. Designation of the Floodplain Administrator. The city administrator, or their designee, is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

B. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

1. Permit Review. Review all development permits to determine that:

- a. The permit requirements of this chapter have been satisfied;
- b. All other required local, state, and federal permits have been obtained and approved;
- c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions in RRM 15.55.060(D) are met; and
- d. Review all development permits to determine if the proposed development is located in an area where base flood elevation (BFE) data is available either through the flood insurance study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of RRM 15.55.050(A)(7); and
- e. Provide to building officials the base flood elevation (BFE) plus the required one foot of freeboard applicable to any building requiring a development permit.
- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in RRM 15.55.020.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in RRM 15.55.050(A)(1).

h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

i. Determine whether the proposed development activity complies with the no net loss standards in Section 15.55.070.

2. Information to Be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where base flood elevation (BFE) data are provided through the flood insurance study (FIS), flood insurance rate map (FIRM), or obtained in accordance with RRM 15.55.050(A)(7).

b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of subsection (B)(1)(b) of this section and RRM 15.55.060(D) are adhered to.

c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

d. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement), prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.

e. Maintain all elevation certificates (EC) submitted to the city of Rogue River.

f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this chapter and where base flood elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with RRM 15.55.050(A)(7).

g. Maintain all floodproofing certificates required under this chapter.

h. Record and maintain all variance actions, including justification for their issuance.

i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under RRM 15.55.060(D).

j. Record and maintain all substantial improvement and substantial damage calculations and determinations as required under subsection (B)(3)(d) of this section.

k. Documentation of how no net loss standards have been met (see Section 15.55.070).

l. Maintain for public inspection all records pertaining to the provisions of this chapter.

### 3. Requirement to Notify Other Entities and Submit New Technical Data.

a. Community Boundary Alterations. The floodplain administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all flood hazard boundary maps (FHBM) and flood insurance rate maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

b. Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a letter of map revision (LOMR) along with either:

i. A proposed maintenance plan to ensure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a conditional letter of map revision (CLOMR) when required under subsection (B)(3)(c) of this section. Ensure compliance with all applicable requirements in subsection (B)(3)(c) of this section and RRC 15.15.050(A)(1).

c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with 44 CFR Part 65.3. The community may require the applicant



to submit such data and review fees required for compliance with this section through the applicable FEMA letter of map change (LOMC) process.

The floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six months of project completion when an applicant has obtained a conditional letter of map revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a letter of map revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The floodplain administrator shall be under no obligation to sign the community acknowledgement form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

d. Substantial Improvement and Substantial Damage Assessments and Determinations. Conduct substantial improvement (SI) (as defined in RRM 15.15.020) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with subsection (B)(2) of this section. Conduct substantial damage (SD) (as defined in RRM 15.15.020) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in RRM 15.15.030(B)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

#### C. Establishment of Development Permit.

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in RRM 15.15.030(B). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in RRM 15.15.020, including fill and other development activities.

2. Application for Development Permit. Application for a development permit may be made on forms furnished by the floodplain administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the requirements of subsection (B)(2) of this section.
- b. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the state of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in RRC 15.55.060(C)(3).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base flood elevation data for subdivision proposals or other development when required per subsection (B)(1) of this section and RRC 15.15.050(A)(6).
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

D. Variance Procedure. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. Conditions for Variances.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of subsections (D)(1)(c), (D)(1)(e), and (D)(2) of this section. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon:

- i. A showing of good and sufficient cause;
- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the criteria of subsections (D)(1)(b) through (D)(1)(d) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Variance shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the SFHA: undeveloped space; pervious surface; or trees 6 inches dbh or greater (see Section 15.55.070 and associated options in Table 1).

g. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance, shall be maintained in accordance with subsection (B)(2) of this section. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.040].

#### **15.55.050 Provisions for flood hazard reduction.**

A. General Standards. In all special flood hazard areas, the no net loss standards (see Section 15.55.070) and the following standards shall be adhered to:

- 1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with RRC 15.15.040(B)(3)(b) and (B)(3)(c).

## 2. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured dwellings shall be anchored per RPMC 15.15.060(C)(4).

## 3. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

## 4. Utilities and Equipment.

- a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.
  - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
  - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at least one foot above the base flood level. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall:
  - i. If replaced as part of a substantial improvement, shall meet all the requirements of this section.

## 5. Tanks.

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

## 6. Subdivision Proposals and Other Proposed Developments.

a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data.

b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

i. Be consistent with the need to minimize flood damage.

ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

iii. Have adequate drainage provided to reduce exposure to flood hazards.

iv. Comply with no net loss standards in Section 15.55.070.

7. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with RRM 15.15.030(B) the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this section. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (A)(6) of this section.

Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is less, in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., where available. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered zone is a minimum of two feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

8. Structures Located in Multiple or Partial Flood Zones. In coordination with the state of Oregon Specialty Codes:

a. When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.

b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

9. Critical Facilities. Critical facilities such as schools, hospitals, and fire stations often act as shelters and are required to provide aid during flood events, and should not be constructed in special flood hazard areas.

a. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.050].

**15.55.060 Specific standards for riverine (including all noncoastal) flood zones.**

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in RRMC 15.15.050(A), and the no net loss standards (see Section 15.55.070).

A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the base flood elevation, including crawl spaces, shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  - a. A minimum of two openings,
  - b. The total net area of nonengineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
  - c. The bottom of all openings shall be no higher than one foot above grade,
  - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area,
  - e. All additional higher standards for flood openings in the state of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

## B. Garages.

1. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:

- a. If located within a floodway the proposed garage must comply with the requirements of subsection (D) of this section;
- b. The floors are at or above grade on not less than one side;
- c. The garage is used solely for parking, building access, and/or storage;
- d. The garage is constructed with flood openings in compliance with subsection (A) of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
- e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
- f. The garage is constructed in compliance with the standards in RRM 15.15.050(A); and
- g. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection (C)(6) of this section or nonresidential structures in subsection (C)(3) of this section depending on the square footage of the garage.

C. For Riverine (Noncoastal) Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in RRM 15.15.050(A) the following specific standards shall apply in riverine (noncoastal) special flood hazard areas with base flood elevations (BFE): zones A1-30, AH, and AE.

1. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in Section 15.55.070(A)(3).

2. Residential Construction.

a. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at one foot above the base flood elevation (BFE).

b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection (A) of this section.

### 3. Nonresidential Construction.

a. New construction, conversion to, and substantial improvement of any commercial, industrial, or other nonresidential structure shall:

i. Have the lowest floor, including basement, elevated at or above the base flood elevation (BFE); or together with attendant utility and sanitary facilities;

ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator as set forth in RPMC 15.15.040(B)(2).

b. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (A) of this section.

c. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

d. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

e. Applicants shall supply an emergency action plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.



4. Manufactured Dwellings.

- a. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with subsection (A) of this section;
- b. The bottom of the longitudinal chassis frame beam shall be at least one foot above base flood elevation;
- c. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and
- d. Electrical crossover connections shall be a minimum of 12 inches above base flood elevation (BFE).

5. Recreational Vehicles. Recreational vehicles placed on sites are required to:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of subsection (C)(4) of this section, including the anchoring and elevation requirements for manufactured dwellings.

6. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in subsection (D) of this section;
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- c. Appurtenant structures are limited to one-story structures less than 600 square feet;
- d. The portions of the appurtenant structure located below the base flood elevation must be built using flood-resistant materials;

- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (A) of this section;
- g. Appurtenant structures shall be located and constructed to have low damage potential;
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with RRC 15.15.050(A)(5);
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

#### 7. Below-Grade Crawl Spaces.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in subsection (A) of this section. Because of hydrodynamic loads, crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- b. The crawl space is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
- c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- d. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the

system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

e. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade.

f. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

h. The velocity of floodwaters at the site shall not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

D. Floodways. Located within the special flood hazard areas established in RRM 15.15.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

b. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR Section 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in Section 15.55.070.

2. If the requirements of subsection (D)(1) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all

other applicable flood hazard reduction provisions of RRM 15.55.050 and this section.

E. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with base flood elevations. For AO zones the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

F. Standards for AH Zones. Development within AH zones must comply with the standards in RRM 15.15.050(A) and this section, including subsection (E).

G. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in RRM 15.55.050(A) and subsection (E) of this section:

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the flood insurance rate maps (FIRMs). The city of Rogue River requires one foot of freeboard. For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

2. New construction and substantial improvements of nonresidential structures within AO zones shall either:

- a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the flood insurance rate maps (FIRMs). The city of Rogue River requires one foot of freeboard; or

- b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM, or a minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in subsection (C)(3)(a)(iv) of this section.

3. Recreational vehicles placed on sites within AO zones on the community's flood insurance rate maps (FIRMs) shall either:

- a. Be on the site for fewer than 180 consecutive days; and

b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the elevation requirements of subsection (E)(2)(a) of this section, and the anchoring and other requirements for manufactured dwellings of subsection (C)(4) of this section.

4. In AO zones, new and substantially improved appurtenant structures must comply with the standards in subsection (C)(6) of this section.

5. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in subsection (A) of this section. [Ord. 24-428-O § 1; Ord. 23-418-O § 74; Ord. 21-409-O § 1. Formerly 15.15.060].

#### **15.55.070 Standards for Protection of SFHA Floodplain Functions.**

The standards described below apply to all special flood hazard areas as defined in Section 15.55.020.

##### **A. No Net Loss Standards**

1. No net loss of the three proxies for the floodplain functions mentioned in Section 1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:
  - a. Demonstrate a legal right by the project proponent to implement the proposed activities to achieve no net loss (e.g., property owner agreement);
  - b. Demonstrate that financial assurances are in place for the long-term maintenance and monitoring of all projects to achieve no net loss;
  - c. Include a management plan that identifies the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.
2. Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.

## B. Undeveloped Space

1. Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.
2. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space.
3. Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ration in Table 1 and at the same flood level at which the development causes an impact (i.e., plus or minus 1 foot of the hydraulically equivalent elevation).
  - a. Hydraulically equivalent sites must be found within either the equivalent 1-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:
    - i. Ordinary High Water Mark to 10-year,
    - ii. 10-year to 25-year,
    - iii. 25-year to 50-year,
    - iv. And 50-year to 100-year
  - b. Hydrologically connected to the waterbody that is the flooding source;
  - c. Designed so that there is no increase in velocity; and
  - d. Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.

## C. Impervious Surfaces

Impervious surface mitigation shall be mitigated through any of the following options:

1. Development proposals shall not result in a net increase in impervious surface area within the SFHA, or
2. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface, as documented by a qualified professional, or
3. If prior methods are not feasible and documented by a qualified professional stormwater retention is required to ensure no increase in peak volume or flow

and to maximize infiltration, and treatment is required to minimize pollutant loading. See Section 15.55.070(C)(3) for stormwater retention specifications.

#### D. Trees

1. Development proposals shall result in no net loss of trees 6-inches dbh or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.
  - a. Trees of or exceeding 6-inches dbh that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 1.
  - b. Replacement trees must be native species that would occur naturally in the Level III ecoregion of the impact area.

#### E. Stormwater Management

Any development proposal that cannot mitigate as specified in 15.55.070(C)(1-2) must include the following:

1. Water quality (pollution reduction) treatment for post-construction stormwater runoff from any net increase in impervious area; and
2. Water quantity treatment (retention facilities) unless the outfall discharges into the ocean.
3. Retention facilities must:
  - a. Limit discharge to match the pre-development peak discharge rate (i.i., the discharge rate of the site based on its natural groundcover and grade before any development occurred)for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event and the 10-year flow event (annual series).
  - b. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from the stormwater prior to discharging to the receiving water body.
  - c. Be designed to not entrap fish and drain to the source of flooding.
  - d. Be certified by a qualified professional.
4. Stormwater treatment practices for multi-parcel facilities, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

- a. Access to stormwater treatment facilities at the site by the City of Rogue River for the purpose of inspection and repair.
- b. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.
- c. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
- d. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the City of Rogue River for five years.

**F. Activities Exempt from No Net Loss Standards**

The following activities are not subject to the no net loss standards in Section 15.55.070(A); however, they may not be exempt from floodplain development permit requirements.

1. Normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
2. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use or alter culverts. Activities exempt do not include expansion of paved areas.
3. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
5. Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use or alter culverts;
6. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;



7. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
8. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.
9. Habitat restoration activities.

G. Riparian Buffer Zone (RBZ)

1. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake, pond, ephemeral, intermittent, or perennial stream) or mean higher-high water of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.
2. Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.
3. Functionally dependent uses are only subject to the no net loss standards for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard in addition to no net loss standards.
4. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.
5. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

Table 1 No Net Loss Standards

<b>Basic Mitigate Ratios</b>	<b>Undeveloped Space (ft<sup>3</sup>)</b>	<b>Impervious Surface (ft<sup>2</sup>)</b>	<b>Trees (6" &lt; dbh ≤ 20")</b>	<b>Trees (20" &lt; dbh ≤ 39")</b>	<b>Trees (39" &lt; dbh)</b>
<b>RBZ and Floodway</b>	2:1*	1:1	3:1*	5:1	6:1
<b>RBZ-Fringe</b>	1.5:1*	1:1	2:1*	4:1	5:1

**Mitigation multipliers**

<b>Mitigation onsite to Mitigation offsite, same reach</b>	100%	100%	100%	100%	100%
<b>Mitigation onsite to Mitigation offsite, different reach, same watershed (5<sup>th</sup> field)</b>	200% *	200%*	200%*	200%	200%

Notes:

1. Ratios with asterisks are indicated in the BiOP
2. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.
  - a. For example, if only 500 square feet of the total 1000 square feet of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 square feet of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.
3. RBZ impacts must be offset in the RBZ, on-site or off-site.
4. Additional standards may apply in the RBZ (See 15.55.070(G) Riparian Buffer Zone)

**SECTION 2. Severability Clause**

If any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

### **SECTION 3. Emergency Clause**

Whereas, the City of Rogue River, Oregon finds time being of the essence, and emergency is hereby declared to exist in the interest of the public peace, health, and safety of the City of Rogue River and the inhabitants thereof, and this ordinance may be introduced and placed upon all of its readings and final passage at any one meeting of the City Council and shall be in full force and effect immediately should the Common Council approve the Ordinance by a majority vote.

**ADOPTED** by the Common Council of the City of Rogue River on this 24<sup>th</sup> day of April 2025.

**SUBMITTED TO AND APPROVED** by the Mayor of the City of Rogue River on this 24<sup>th</sup> day of April 2025.

\_\_\_\_\_  
Pam VanArsdale  
Mayor

**ATTEST:**

\_\_\_\_\_  
Diane Oliver  
City Recorder



## CITY OF ROGUE RIVER

### CITY COUNCIL MEETING

**THURSDAY, SEPTEMBER 25, 2025 – 6:00 P.M.**

ORDER	EXHIBIT	PAGE #
1	CUP 25-01 Staff Report	1-17
	- Recommended Conditions	18-24
	- Planning Commission Recommendation	25-26
2	CUP 25-01 Application	27-45
3	Comments	46-67
4	Well log (additional exhibit)	68

**BEFORE THE CITY COUNCIL  
FOR THE CITY OF ROGUE RIVER  
CONDITIONAL USE PERMIT, SITE DESIGN REVIEW,  
ZONING MAP AMENDMENT, & PROPERTY LINE ADJUSTMENT**

**APPLICANT:** Jedidiah Ferguson, on behalf of Central Rogue MHC LLC.

**APPLICATION:** The request involves properties located in the R-2 (Residential Single-Family) zone for Tax Lot 1000, and the C-1 (Commercial) zone for Tax Lots 1002 and 1006. The subject properties are identified as Township 36 South, Range 4 West, Sections 15 and 22, Tax Lots 1000, 1002, and 1006, and are located at 515 E Main Street, Rogue River, Oregon. The proposal seeks to amend the 1978 Conditional Use Permit for the Central Rogue Mobile Home Community to allow for the addition of eight manufactured dwelling units, along with associated site and park improvements. The request also includes a zone change for Tax Lot 1002 and a property line vacation between Tax Lots 1000 and 1002.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends that the City Council deny the proposed amendment to the 1978 Conditional Use Permit for the Central Rogue Mobile Home Community, which sought to allow eight additional manufactured dwelling units along with associated site and park improvements.

**1. BACKGROUND:**

The Planning Commission voted to recommend denial of Conditional Use Permit 2025-01 in accordance with the Rogue River Municipal Code (RRMC) Title 17 – Zoning, specifically Chapters 17.100, 17.115.090, 17.75.030, 17.125.030, and 17.125.050.

**1.1** The Planning Commission held a properly noticed public hearing on this matter on August 28, 2025. The City Planner mailed notice to property owners within 250 feet of the subject property and posted notice within the local newspaper noticing the Public Hearing and requesting public comment.

**1.2** The Planning Commission reviewed testimony from City Staff and the applicant.

**1.3** At the close of the said public hearing and following deliberations, the Rogue River Planning Commission, upon a duly made and seconded motion, voted to recommend denial of Planning File No. CUP 2025-01. The Commission unanimously voted 5-0 in a roll call vote, citing that the application, as proposed, fails to meet the standards set forth in Section 4.3 (Negative Impacts on Adjacent Properties and Public), Section 4.34 (Public Health, Safety, and Welfare) and Condition No. 34 of the General Conditions outlined in the Staff Report (Exhibit A).

**1.4** The Planning Commission decision was made pursuant to the findings in the staff report, the full testimony heard in the public hearing, and the information provided in the meeting packet, all of which are hereby fully incorporated herein by reference; and this Recommendation to the City Council dated August 28, 2025.

## **2. FINDINGS OF FACT AND CONCLUSIONS OF LAW and APPLICABLE CRITERIA**

**2.1** *The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.*

### **Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The combined site encompasses 6.62 acres and is relatively flat, with all slopes under five percent. The site is accessed via Pioneer Way off East Main Street. The existing manufactured home park, originally approved in 1977, includes 33 units served by a single access road that does not include an approved turnaround. While this configuration may have met standards at the time, it does not comply with the current fire code requirements. Oregon Fire Code Appendix D, Section D107 addresses limitations on the number of residential units that may be served by a single approved fire apparatus access road. According to the Oregon Fire Code Appendix D Fire Apparatus Access Roads, developments exceeding certain unit thresholds require multiple access points: two ways in and out for multi-family residential developments with over 100 units, and similarly, two access points for one- or two-family residential developments with more than 30 units. A proposal to add 8 additional units would further increase this nonconformity. Given the current fire code, it is appropriate to re-evaluate the development under Section D107. Any expansion should be contingent upon either the provision of a secondary approved fire apparatus access road or the installation of automatic fire sprinkler systems in the new units to mitigate fire safety risks.

**2.2** *All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with city standards.*

### **Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Several existing utility easements and infrastructure components are identified on the site. A perpetual water line and well easement is currently in place. Tax Lot 1006 shares water and sewer connections with the adjacent mobile home park through an existing restrictive easement. However, pursuant to Chapter 13 of the municipal code, each lot is required to have its own independent utility connection. Water Services and Facilities are required to provide water at a planning rate of 250 gallons per day per person or population equivalent, with necessary upgrades and system expansions to support future growth. A separate water

and sewer connections for Tax Lot 1006 to the main would need to be installed, or alternatively, this requirement could be addressed through the addition of Tax Lot 1006 to the proposed zone change and associated lot line adjustment.

**2.3**        *The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.*

**Planning Commission Response: Fails to Comply**

The Planning Commission finds that the applicant does not meet the requirements of RRM Section 17.100.060(3) and the related conditions for approval. Additionally, the application fails to satisfy the standard that “All conditions of approval applicable to the conditional use are met and maintained.”

With respect to parking, the site currently lacks designated guest or RV parking, resulting in noncompliance with the 25% parking requirement for the existing manufactured home community.

Regarding site maintenance and health, several concerns have been identified. Garbage service appears to be inadequately addressed, with current arrangements unclear or insufficient. Existing perimeter fencing has deteriorated and has not been repaired, failing to provide the required screening or buffering.

In terms of safety and fire hazards, the site contains invasive weeds that contribute to poor maintenance and present potential environmental and fire hazards. Area lighting has not been operational for an extended period, which compromises park access and security, in violation of required site development standards. Additionally, there is no on-site management space or office, despite requirements for a staff or management presence. A large brush pile also remains on the property, posing a continued fire hazard.

Concerning recreation and health standards, the application does not provide a suitable recreation area as required by RRM. Furthermore, there is no evidence of a 100-foot sanitary or health easement around the well site, a critical public health and safety requirement.

**2.4**        *A conditional use permit shall not allow a use that is prohibited or not expressly allowed under RRM Title 17; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.*

**Planning Commission Response: Satisfied**

A manufactured dwelling park is a conditionally permitted use within the R-2 zoning district. The application does not propose any uses that are prohibited, nor does it seek any variances from applicable code requirements.

For new conditional uses, the Planning Commission shall also find that the proposal meets the approval criteria for a Site Design Review, from §17.115.090.

**2.5** *Complies with the Rogue River comprehensive plan;*

**Planning Commission Response: Satisfied**

The subject parcel is located adjacent to an established residential mobile home park and is designated as High-Density Residential in the City of Rogue River's Comprehensive Plan. The proposed rezoning from Commercial to Residential (R-2) would align the property's zoning and Comprehensive Plan designation, facilitating logical infill development that is compatible with surrounding land use patterns. The R-2 zoning district is intended to accommodate a variety of housing types, including manufactured dwelling parks, which are permitted conditionally. Both the existing and proposed uses are consistent with the objectives of the Comprehensive Plan and the intent of the R-2 zoning designation.

**2.6** *The application complies with all of the applicable provisions of the underlying base zone, including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, and other applicable standards;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The applicant's submittal did not fully address several required provisions. The site plan lacked explicit dimensions necessary to verify compliance with minimum building and lot setback requirements as outlined in City Code. Additionally, confirmation is needed to ensure that accessible (ADA-compliant) pedestrian routes are provided throughout the site. Further details are also required to demonstrate that all necessary trash and recycling enclosures, site lighting, and landscaping features are included and meet applicable standards. Lastly, clarification is needed to confirm that proposed carports for parking and storage do not encroach into the designated water easement.

**2.7** *Complies with all other applicable requirements of this title;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Because of limitations related to the well easement, the proposed site plan fails to meet the off-street parking standards set forth in RRM 17.70.020.

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

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**



The evaluation of the proposed development raises several concerns regarding the availability and adequacy of public services, facilities, and utilities necessary to support the project. Currently, the site lacks existing or proposed sidewalks, which are essential for pedestrian safety and accessibility. The absence of designated guests or RV parking also results in noncompliance with the required 25% parking condition for manufactured home park, potentially leading to congestion and safety issues.

Additional concerns include unclear or inadequate garbage service arrangements, failure of existing perimeter fencing with no repairs made, and the presence of invasive weeds contributing to poor site maintenance. Long-term failure of area lighting compromises safety and security, while the lack of an on-site management office diminishes effective oversight and response capabilities. A significant brush pile remains on site, posing an ongoing fire hazard, and no suitable recreation area has been provided as required by city standards. Furthermore, the absence of a 100-foot sanitary/health easement surrounding the well site raises serious public health and safety issues.

The issue of emergency access is particularly critical. The current site has only one access point, prompting questions about compliance with fire safety standards. According to the Oregon Fire Code Appendix D Fire Apparatus Access Roads, developments exceeding certain unit thresholds require multiple access points: two access points for one- or two-family residential developments with more than 30 units. A thorough review, potentially in coordination with the Fire Marshal, is necessary to determine if Sections D106 or D107 apply and whether additional access points must be provided.

Given these deficiencies and uncertainties, it is evident that adequate public services, facilities, and utilities are either currently unavailable or have not been demonstrated by the applicant to be made available.

**2.9**        *The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The application materials acknowledge the presence of nonconforming elements from the original development, including utility connections, site access, circulation patterns, and setbacks, yet fail to demonstrate that these issues will be addressed or upgraded.

Specifically, the original 1978 conditions of approval mandated a restrictive easement with a 100-foot radius around the City Well, which remains unfulfilled. Furthermore, the developer was required to provide and maintain a suitable recreation area adjacent to the mobile home park on their property, a condition that also has not been met. Without corrective measures or improvements to bring these nonconforming aspects into compliance with current standards, the proposal fails to satisfy this essential criterion.

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

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The proposal does not sufficiently mitigate potential land use conflicts with adjacent properties and fails to meet necessary standards to protect the health, safety, and welfare of the community.

**2.11**      *Access shall comply with RRMC 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;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The access deficiencies identified in the proposed development—including the lack of a second access point, insufficient guest and RV parking, and the absence of sidewalks—have the potential to diminish the function and safety of adjacent public streets. Without adequate on-site parking, overflow parking may occur along nearby streets, increasing congestion, limiting maneuverability for emergency vehicles, and negatively impacting visibility and traffic flow.

The absence of a secondary access point is also a significant concern. In the event of an emergency, a single point of ingress and egress may become obstructed, creating public safety risks and potentially delaying emergency response. This limitation not only affects the development itself but may place additional pressure on surrounding public infrastructure and emergency services.

Moreover, the lack of pedestrian infrastructure such as sidewalks forces residents and visitors to walk along or within the public right-of-way, increasing the likelihood of conflicts between vehicles and pedestrians. This degrades the overall function of public streets by reducing their safety and efficiency for all users.

Given these issues, the proposed development, as currently designed, fails to demonstrate that it will preserve the intended function of adjacent public streets and may instead contribute to unsafe conditions and reduced public infrastructure performance.

**2.12**      *The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The development, as currently proposed, has several significant access deficiencies. Notably, it lacks a secondary access point, which may be required under the Oregon Fire

Code Appendix D (Sections D106 or D107) depending on the number of residential units. Without a second point of ingress and egress, the development poses a risk to emergency response effectiveness. In the event the single access road is blocked or congested, emergency vehicles may be unable to reach residents in a timely manner, compromising life safety and public welfare.

Furthermore, the development lacks sidewalks, which impairs safe pedestrian access for residents, visitors, and service providers. The absence of guest and RV parking—failing the 25% requirement—may result in overflow parking along internal roads or adjacent public streets, obstructing circulation and potentially impeding garbage collection and delivery services.

Additional unresolved site issues, such as unclear garbage service arrangements, nonfunctional area lighting, and no on-site management presence, further compound concerns about operational access and safety. These conditions collectively suggest that the road and circulation system does not adequately serve the intended users of the development or support essential services.

As such, the proposal fails to meet the applicable standard for providing an adequate road system for all intended users and essential service providers.

**2.13**      *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;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The proposal fails to demonstrate that adequate conditions are in place to mitigate the impacts of the development on pedestrian access and public safety. Specifically, there are no— or almost no—existing or proposed sidewalks within or adjacent to the site. This lack of pedestrian infrastructure significantly impacts residents' and visitors' ability to move safely throughout the development and to access nearby public streets or services.

The absence of sidewalks forces pedestrians, including children, seniors, and individuals with disabilities, to walk along vehicle circulation routes, creating direct conflicts between pedestrian and vehicular traffic. This condition is particularly concerning given the lack of site lighting, unclear garbage service access, and no on-site management to monitor and respond to safety concerns. The cumulative effect of these deficiencies results in an unsafe and inaccessible environment for pedestrians.

Without the provision of sidewalks or other safe pedestrian routes, and in the absence of enforceable conditions requiring these improvements, the project does not mitigate its impacts on internal circulation, pedestrian safety, and neighborhood connectivity.

**2.14**      *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 are 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.;*

**Planning Commission Response: Satisfied**

The proposed expansion of eight additional units is anticipated to generate a minimal increase in traffic volume, well below the threshold of 200 average daily motor vehicle trips (ADTs) that would necessitate a traffic impact study.

**2.15**      *A manufactured dwelling park must have a certificate of sanitation issued by the state Department of Commerce, and comply with the requirements of ORS 446.095 through 446.140, and OAR 814-28-010 through 814-28-170 and 333-31-033 through 333-31-051.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The applicant acknowledges the need to obtain a certificate of sanitation from the Oregon Department of Commerce, as required by state law prior to park operation and occupancy.

**2.16**      *Accessways shall connect each manufactured dwelling space to a public street and shall meet the following requirements:*

- 1. The first 100 feet of the accessway from a public street shall be 36 feet wide, with parking allowed on one side only.*
- 2. Accessways within the interior of the development can be:*
  - a. A minimum of 24 feet wide with no on-street parking;*
  - b. A minimum of 32 feet wide with on-street parking allowed on one side only; or*
  - c. A minimum of 40 feet wide with on-street parking on both sides of the accessway.*
- 3. All accessways shall be paved with asphaltic concrete in keeping with the city street paving standards.*
- 4. All accessways shall be well drained into a storm drainage system approved by the public works department.*
- 5. Accessways shall be lighted according to city street lighting standards for residential streets.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The development does not comply with the accessway design and infrastructure requirements for width, paving, drainage, and lighting as outlined in city standards. As currently proposed, the plans lack sufficient detail or fail to demonstrate that these criteria are met, and the deficiencies are significant enough that they cannot be addressed through reasonable conditions of approval alone.

**2.17**      *Two off-street parking spaces shall be provided for each manufactured dwelling space. These parking spaces shall meet the requirements of RRMC 17.70.020.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The applicant has not demonstrated that sufficient off-street parking can be provided in compliance with this standard. A key constraint affecting compliance is the existence of a 100-foot sanitary/health easement around the city well, which restricts the placement of parking spaces within that area. As a result, portions of the site that might otherwise be used to meet the off-street parking requirement are unavailable for off-street parking. The site plan does not include alternative parking areas outside the restricted easement zone sufficient to satisfy the minimum number of required spaces per unit. Because the proposal fails to provide the required number of off-street parking spaces in accordance with the dimensional, location, and placement standards of RRMC 17.70.020, the application does not comply with this criterion.

**2.18**      *Paved and well drained walkways not less than three feet in width shall be provided from each trailer space to the service buildings and from the patio to the surfaced part of the accessway. The accessway may be considered as part of the walkway to the service building.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The site plan lacks clear indication of existing or proposed walkways meeting these standards, and in several areas, no pedestrian infrastructure is provided at all. As a result, the proposal fails to meet this criterion.

**2.19**      *The manufactured dwelling lot or space shall have:*

- 1. A minimum width of 60 feet, a minimum length of 70 feet, and a minimum size of 4,200 square feet.*
- 2. Enough space so that the manufactured dwelling and other roofed structures on the lot do not cover more than 75 percent of the lot area.*

3. A driveway of not less than 12 feet in width from the private road.
4. A patio or combination of patios of concrete, asphalt, flagstone, wood, or other equivalent material with an area of not less than 150 square feet, a minimum width of six feet and a minimum length of 20 feet.

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Site constraints related to the well easement, along with the absence of necessary site features, prevent the proposal from meeting the minimum standards for manufactured dwelling spaces as required by code.

**2.20**      *Structures located in any manufactured dwelling space shall be limited to carports or storage buildings only. The storage building shall be limited to a maximum of 120 square feet of floor area for each manufactured dwelling space and the building shall be of permanent character. A storage structure or carport shall be located at least 10 feet from a manufactured dwelling.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The 100-foot sanitary/health easement surrounding the city well imposes significant constraints on the site, limiting what may be stored within storage units or carports. These restrictions may prevent storage structures from being properly located while maintaining the required 10-foot setback from the dwelling units.

**2.21**      *Except for automobiles, storage shall be within an enclosed structure.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The requirement that, except for automobiles, all storage shall be within an enclosed structure is not met. The 100-foot sanitary/health easement surrounding the city well imposes significant constraints on site use and development; however, despite these restrictions, vehicles are currently parked within the easement area. Additionally, a large brush pile remains onsite, further indicating a lack of compliance with proper storage and site maintenance standards. These conditions demonstrate that the proposal does not adequately address the enclosed storage requirement.

**2.22**      *No structure additions shall be built onto or become a part of any manufactured dwelling.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

While the project plans and narrative indicate that each manufactured home will remain a standalone unit with no physical additions attached, the conditions provided do not

adequately mitigate potential impacts related to accessory structures and overall site management. The presence of separate accessory buildings, such as storage units or carports, without clear enforcement mechanisms or site design standards, raises concerns about visual clutter, overcrowding, and potential encroachment on setbacks or easements.

Additionally, without specific conditions ensuring ongoing compliance, monitoring, and maintenance, there is insufficient assurance that accessory structures will remain properly separated from manufactured dwellings over time. This could lead to unauthorized attachments or expansions that may negatively affect the character, safety, and functionality of the development.

Therefore, the conditions as proposed are insufficient to fully mitigate the potential impacts associated with accessory structures and the long-term preservation of standalone manufactured dwelling units.

**2.23** *An accessory building or structure in the park other than a sign or fence shall be at least 25 feet from a public street right-of-way.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The proposed development lacks the necessary two points of ingress and egress, which is required for developments exceeding 30 units according to applicable fire and access standards. This deficiency compromises proper site layout and emergency access, which in turn affects the ability to appropriately site accessory structures with the required setbacks. Without compliance with the two-access requirement, the site plan does not adequately demonstrate that accessory buildings can be located at least 25 feet from public street rights-of-way, thereby failing to meet this standard.

**2.24** *Manufactured dwellings will have the following separations from other facilities:*

- 1. At least 15 feet from another manufactured dwelling.*
- 2. At least 10 feet from a park building.*
- 3. At least 10 feet from a park property line.*
- 4. At least 25 feet from a public street right-of-way.*
- 5. At least five feet from an access way.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The site plan as proposed does not adequately demonstrate compliance with the required separation standards between manufactured dwellings and other facilities.

**2.25** *A minimum of 125 square feet of recreation area shall be provided for each manufactured dwelling space. The recreation area may be in one or more locations in the manufactured dwelling park. Each recreation area shall have a minimum size of 2,500 square feet and a minimum width of 25 feet. Recreation areas shall be suitably improved for recreation use.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The site currently lacks designated guest or RV parking, resulting in noncompliance with the 25% parking requirement for manufactured home park. This further limits the flexibility of the site and raises concerns about overall functionality and livability. The absence of both adequate recreation space and required parking indicates broader deficiencies in site design and planning, and the application does not demonstrate that these impacts have been adequately mitigated.

**2.26** *Each manufactured dwelling shall be connected to the city water and sewer systems and to electrical power services. Receptacles for garbage shall also be provided. Provisions shall be made for mailboxes and telephone service.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The project design fails to incorporate adequate receptacles for garbage disposal at appropriate locations throughout the park, ensuring proper waste management for residents.

**2.27** *Each manufactured dwelling permitted in the park must have a state insignia affixed to it.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

As the recommendation is for denial, there is no opportunity to apply conditions of approval to ensure future compliance with this standard. In the absence of enforceable conditions, the application does not demonstrate that the criterion will be met and therefore fails to satisfy this requirement.

**2.28** *Each manufactured dwelling permitted in the park must have continuous skirting and shall be installed in conformance with the International Building Code.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Given the recommendation for denial, the application cannot rely on conditions of approval to achieve compliance. Without sufficient documentation or guarantees provided in the current submittal, the application does not demonstrate that this standard will be met and



therefore does not comply with the applicable requirement.

**2.29** *A sight-obscuring fence or planting screen of not less than five nor more than six feet in height, with no openings other than required entrances and exits, shall be provided surrounding the manufactured dwelling park, except that on sides abutting a street and 25 feet therefrom the fence or planting shall be not less than three nor more than four feet in height. The fence shall be continually maintained by the licensee. Yards may be established between a required fence and a street, provided the yard is developed and maintained in a residential character.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Site observations and application materials indicate that existing fencing has deteriorated and has not been repaired or replaced. Invasive weeds are also present along portions of the perimeter, further undermining the effectiveness of any visual screening or residential character intended by this standard. No clear plan has been provided to restore or maintain required fencing or landscaping elements. As a result, the application fails to demonstrate compliance with this requirement.

**2.30** *Manufactured dwelling stands shall be drained and surfaced. The minimum surface depth shall be two inches of gravel or cinders over sterilized ground. Manufactured dwelling stands shall be kept free of plant growth.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

As the application is recommended for denial, there is no opportunity to impose conditions that would ensure future compliance. Consequently, the proposal does not meet this standard and fails to demonstrate that the necessary improvements to manufactured dwelling stands will be implemented or maintained over time.

**2.31** *No manufactured dwelling shall remain in a manufactured dwelling park unless parked in a manufactured dwelling stand and only one manufactured dwelling shall be parked in each manufactured dwelling stand. [Ord. 23-418-O § 124 (Exh. A-4)].*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

Refer to the discussion provided in Section 2.30.

The planning commission, in granting approval of a manufactured dwelling park, shall find that the proposal meets the criteria from §17.75.060.

**2.32**      *That the site for the proposed manufactured dwelling park is adequate in size and shape to accommodate said park and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter to adjust said park with land and uses in the neighborhood are deemed adequate.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The application fails to demonstrate that the site can accommodate the required number of parking spaces—particularly guest and RV parking—and does not provide sufficient recreation areas or properly designed and maintained fencing and screening. The presence of a 100-foot sanitary/health easement surrounding the city well further restricts usable site area, limiting the placement of required infrastructure and amenities. Additionally, existing issues such as deteriorated fencing, overgrown vegetation, insufficient lighting, lack of sidewalks, and the absence of a second access point further indicate that the site, as proposed, is not suitable to support the development as required by code.

**2.33**      *That the side of the proposed park takes primary access from utilized streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The site currently takes access from a single road, and no upgrades or alternative access points are included in the application. Any proposed expansion of the park should be contingent upon either the construction of a second approved fire apparatus access road or the installation of automatic fire sprinkler systems in the new units to mitigate fire safety risks associated with limited access. Because neither mitigation measure is included in the current proposal, and the existing road network is insufficient to safely accommodate emergency access needs, this standard is not satisfied.

**2.34**      *That the conditions stated in the development agreement are deemed necessary to protect the public health, safety, and welfare.*

**Planning Commission Response: Fails to Comply**

The existing use does not conform to the conditions set forth in the original 1978 Conditional Use Permit (CUP), which were intended to safeguard public health, safety, and welfare. Furthermore, the proposed conditions are inadequate to mitigate the impacts identified. The Planning Commission finds that the proposed expansion does not satisfy the requirements of RPMC Section 17.100.060(3) or the related conditions for approval, including the requirement that all conditions be fully met and maintained. In addition, the application fails to provide a suitable recreation area and lacks documentation demonstrating compliance

with the required 100-foot sanitary or health easement surrounding the well site.

For the Amendment to the Zoning Map, the Planning Commission shall find that the proposal meets the criteria from §17.125.030.

**2.35** *If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the statewide planning goals and relevant Oregon Administrative Rules;*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The proposal does not adequately address efficient land utilization because it fails to optimize the use of available space within the parcel while maintaining compliance with critical site development standards. These shortcomings contribute to underutilization and nonconformity with the intent of the High-Density Residential designation, which aims to promote compact, safe, and well-serviced residential development. Consequently, the proposal conflicts with Statewide Planning Goals that emphasize efficient use of land, protection of public health and safety, and provision of adequate public services and facilities. The failure to meet these standards results in a development pattern that is inconsistent with orderly growth and sustainable land use principles outlined in the Oregon Administrative Rules.

**2.36** *The proposal must be consistent with the comprehensive plan (the comprehensive plan may be amended concurrently with proposed changes in zoning);*

**Planning Commission Response: Satisfied**

The proposal is consistent with the City of Rogue River's Comprehensive Plan designation of High-Density Residential for the subject parcel.

**2.37** *The city council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and*

**Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The City Council must determine that the proposal serves the public interest by addressing community conditions, either by responding to changes in the community or by correcting an error or inconsistency in the applicable plan or code. However, no evidence has been provided to demonstrate that the proposed development fulfills either of these criteria.

**2.38** *The amendment must conform to RRMC 17.125.050, Transportation planning rule compliance. [Ord. 23-418-O § 124 (Exh. A-4)].*

### **Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The proposed amendment has not demonstrated adequate consideration of transportation impacts, including access and circulation deficiencies, lack of secondary fire apparatus access, and insufficient off-street parking. The absence of measures to address these concerns indicates noncompliance with the requirements of RRM 17.125.050 and the TPR. Therefore, the proposal does not satisfy the standards necessary to ensure that transportation facility impacts are appropriately mitigated in accordance with applicable laws and regulations.

For the Vacation of Property Line, the Planning Commission shall find that the proposal meets the approval criteria from §16.45.120.

**2.39** *The review body may authorize vacation of the property lines unless the resultant property configuration would create a substandard condition relative to the requirements of this title, such as place two single-family dwellings on one lot where only one single-family dwelling per lot is allowed. [Ord. 11-373-O § 8-7:10.200].*

### **Planning Commission Response: Conditions Insufficient to Mitigate Impacts**

The Planning Commission acknowledges that the proposed property line vacation between Tax Lots 1000 and 1002, and potentially between Tax Lots 1000 and 1006, could be authorized as it would not create a substandard condition under RRM Title 17. The vacation would consolidate commonly owned parcels into a single unified lot, eliminating internal lot lines to facilitate cohesive development of the expanded Central Rogue Mobile Home Community. This consolidation does not result in multiple single-family dwellings on one lot where only one is permitted, nor does it create any nonconforming land use or density issues. The unified parcel would continue to function as one mobile home park with a total of 41 manufactured home units, maintaining compliance with zoning, setback, and density standards. Additionally, no new parcels would be created or isolated by this action.

However, despite the vacation itself being potentially approvable, the Planning Commission recommends denial of the overall application based on the substantive findings related to noncompliance with applicable standards and insufficient mitigation of impacts. Therefore, the approval of the property line vacation is contingent upon approval of the broader development proposal, which is not supported at this time.

### **3. RECOMMENDATION**

The Planning Commission recommends denial of the request, determining that the potential conditions of approval would not adequately address the identified concerns of the application for a Conditional Use Permit, Site Plan Review, Zoning Map Amendment, and Property Line Adjustment under File No. CUP 2025-01. While the Planning Commission recommends denial, draft conditions of approval are provided in Attachment A should the

City Council choose to approve the application.

**CITY OF ROGUE RIVER PLANNING COMMISSION**

By: \_\_\_\_\_

Jay Chick, Planning Commission Chair - Date

\_\_\_\_\_

Onnie Heater, Contract Planner - Date

### 1. CONDITIONS OF APPROVAL

Staff recommend the following conditions of approval.

If the City Council is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider approving this application with the following conditions of approval:

#### 1.1 General Conditions.

1. All conditions established in the original 1978 approval must be fully satisfied and continuously upheld. Specifically, (1) Provide the City of Rogue River, Oregon with Sanitary/Health easement of 100 feet radius of city well site; (2) A minimum of 25% of the total mobile home spaces shall be provided for parking and storage of recreation vehicles, campers, boats, etc.; and (3) An office area be provided.
2. Uses shall be limited to those uses contained in the record.
3. Any significant changes to this use or the structure will necessitate a new site plan application, and compliance with all applicable code requirements.
4. All building and lot setbacks shall conform to Code minimums.
5. All development located within designated special flood hazard areas shall comply with the provisions of Chapter 15.55, Flood Damage Prevention, and all other applicable local, state, and federal regulations.
6. Plumbing, mechanical, electrical or structural work will require permits.
7. The buildings shall meet the requirements of the Building Code and any conditions of the Building Official.
8. Private roadways may be allowed within 100 feet of a confined well, provided the well is protected against contamination from surface runoff or hazardous liquids which may be spilled on the roadway and is protected from unauthorized access.
9. All signs shall comply with sign ordinances and must be approved by the Rogue River Sign Review Board. RRMC 17.30.070
10. The property must have view-obscuring shrubbery, walls, or fences installed along property lines and surrounding unsightly areas (such as trash storage, equipment storage, industrial zones, and heavy-commercial activity sites). If standalone (freestanding) enclosures are used, they shall be constructed from materials compatible with the other site structures.
11. All HVAC equipment must be concealed from view. Where architectural integration isn't possible, freestanding walls or fences may be used to obscure visibility. Chain-link fencing (with or without slats) is expressly prohibited for this purpose.

12. Wall-mounted utility devices (e.g., meters, cable boxes) shall be installed on the side of the building that does not face a street, unless such devices are fully concealed from view.
13. Any detrimental impacts to the storm drain system in the area (caused by the site development) shall be corrected to the satisfaction of the City Engineer.
14. Site shall be maintained in a litter free state, all grounds shall be maintained in a neat and tidy status, landscaping shall be maintained in a manner to limit fire hazard and provide continued living attractive landscaping.
15. Fencing shall be installed in accordance with Section 17.65.030 and shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, including noticeable leaning or missing sections, broken supports, non-uniform height, and growth of noxious vegetation.
16. Any outdoor lighting shall be so designed and installed that direct rays are not toward or parallel with public streets or toward any residential use and shall be downward directed.
17. No development may occur that would conflict with any existing restrictive easements on the site.
18. Storm drainage improvements shall comply with OAR 333-061-0050 and applicable City stormwater standards.
19. Manufactured dwelling units shall have a durable surface driveway suitable for maneuvering beginning from a city-maintained street to the parking space(s) serving the dwelling unit(s).
20. Any private road beginning from a city-maintained street shall have a durable surface suitable for vehicle maneuvering.
21. All manufactured dwellings shall comply with the regulations of ORS Chapter 446 and OAR 814-23-050 through 814-23-080.
22. No manufactured dwelling shall be placed upon a lot unless it has the Oregon insignia of compliance as provided for in ORS 476.170.
23. Any developer working in any public right-of-way within the city limits shall provide the city with a certificate of insurance in the amount of \$1,000,000, naming the city as an additional insured. Public utilities are exempt from this subsection.
24. Except for automobiles, storage shall be within an enclosed structure.
25. No structure additions shall be built onto or become a part of any manufactured dwelling.
26. Each manufactured dwelling permitted in the park must have a state insignia affixed to it.

27. The fencing and landscaping shall be continuously maintained, ensuring ongoing compliance and preservation of visual screening, safety, and neighborhood compatibility.
28. Manufactured dwelling stands shall be drained and surfaced. The minimum surface depth shall be two inches of gravel or cinders over sterilized ground. Manufactured dwelling stands shall be kept free of plant growth.
29. No manufactured dwelling shall remain in a manufactured dwelling park unless parked in a manufactured dwelling stand and only one manufactured dwelling shall be parked in each manufactured dwelling stand.
30. Property shall be marked with space numbers and supply adequate lighting around each mobile home.

**1.2 Conditions to be met prior to issuance of a building permit.**

1. Prior to any construction the developers shall obtain all City, State and Fire Department approval of the proposed development.
2. Prior to any construction or development within the special flood hazard area identified in RRM 15.15.030(B), the applicant shall obtain a development permit. This requirement applies to all structures, including manufactured dwellings, as well as any other development activities as defined in RRM 15.15.020, including grading, fill, or site alterations.
3. The applicant shall file the approved vacation order, as prepared by the city, with the county clerk.
4. Existing sewer lines must be camera-inspected, with inspection reports submitted to the Public Works Director for review and approval.
5. An updated wastewater plan focusing on the collection system capacity shall be reviewed and approved by the City Engineer. All existing sewer lines shall be camera inspected, and evidence shall be submitted to the City Engineer and City Public Works Director. If there is any damage or failure in the existing lines the applicant shall repair them to the satisfaction of the Public Works Director in conformance with APWA standards prior to additional connections.
6. All final utility locations must be clearly shown on civil drawings to ensure new development does not encroach upon existing underground utilities. Any utility lines found to be located beneath proposed structures or improvements must be rerouted.
7. A dedicated 100-foot restrictive easement surrounding the well must be established in accordance with OAR 333-061-0050. The applicant shall record the deed with the County with the recorded deed to the property. This easement shall include restrictions prohibiting: proposed pit privy, subsurface sewage disposal drain field;



cesspool; solid waste disposal site; pressure sewer line; buried fuel storage tank; animal yard, feedlot or animal waste storage; untreated storm water or gray water disposal; chemical (including solvents, pesticides and fertilizers) storage, usage or application; fuel transfer or storage; mineral resource extraction, vehicle or machinery maintenance or long term storage; junk/auto/scrap yard; cemetery; unapproved well; well that has not been properly abandoned or of unknown or suspect construction; source of pathogenic organisms or any other similar public health hazards within the 100-foot restrictive easement area.

8. A final storm water management plan (in accordance with Chapter 17.90) shall be submitted to the City and approved by the Public Works Director and City Engineer. The plan shall include mitigation measures to address increased runoff and deficiencies in stormwater conveyance systems. The plan shall also demonstrate compliance with the City's Stormwater TMDL MS4 (permit page 23-24).
9. Info on the existing water meter and plumbing fixture counts and conditions of private service lines shall be submitted to determine if the additional demand will impact the capacity of the existing service shall be supplied to the City Engineer.
10. Evidence showing that either separate water and sewer connections for Tax Lot 1006 to the main were installed, or a property line vacation removing the property line between Tax Lots 1000 and 1006 has been completed shall be submitted to the City.
11. The developer shall 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. The developer shall show that adequate fire flow (as determined by the Fire Marshalls) is available at all existing and proposed fire hydrants on the site.
12. The applicant shall submit documentation demonstrating how the facility will satisfy the applicable fire code's fire-protection and fire-flow requirements. This documentation must include hydraulic calculations, stamped by a registered engineer, confirming adequate fire flow and system performance.
13. The applicant shall demonstrate compliance with fire safety requirements by either constructing and receiving approval for a secondary fire apparatus access road that meets all applicable design, width, surfacing, and turnaround standards of Oregon Fire Code Appendix D, as approved by the City Fire Marshal, or by installing NFPA 13D-compliant automatic fire sprinkler systems in each newly placed manufactured home within the proposed expansion area.
14. The applicant shall provide a revised site plan demonstrating the following: all building and lot setbacks conform to Code minimums; ADA-compliant routes and that parking ratios align with municipal requirements; that all trash/recycling enclosures, lighting, and landscaping requirements are adequately addressed; assure that the carports are not located within the water easement; and include the location of the water easement for the water main.

15. 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 associated with street or utility improvements to be owned by the City, naming the City as beneficiary. Such bond or deposit shall remain in effect until the satisfactory completion of the improvements. [Ord. 23-418-O § 124 (Exh. A-4)].
16. 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.
17. The manufactured dwelling shall not be placed on a lot unless provisions for off-street parking spaces are provided as required by RRM 17.70.020.
18. Provide evidence that the development can comply with the accessway design and infrastructure criteria for width, paving, drainage, and lighting in accordance with city requirements.

**1.3 Conditions to be met prior to issuance of the Certificate of Occupancy.**

1. All site improvements shall be complete as indicated on final approved site plan.
2. Fire mitigation measures shall be fully implemented and verified by the City and/or Fire District.
3. Landscaping and irrigation shall be installed in accordance with the Landscaping Standards of RRM 17.140.030
4. The facility and proposed operations shall be reviewed and approved by City Staff.
5. Site and building must be reviewed and approved by the Rogue River fire marshal.
6. The manufactured dwelling shall be set up in compliance with the Oregon Manufactured Dwelling and Park Specialty Code, including a continuous skirting.
7. The manufactured dwelling shall not be occupied until it is connected with the city water, sewer systems and electrical power services.
8. The manufactured dwelling shall not be occupied until it has passed a final inspection from the building official of the city of Rogue River.
9. Supply evidence that a certificate of sanitation from the Oregon Department of Commerce has been obtained.
10. Receptacles for garbage shall also be provided.
11. Provisions shall be made for mailboxes (approved by the local Postmaster) and telephone service.

**1.4 Conditions of approval to maintain:**

1. Maintain landscaping to reduce fire hazards and prevent nuisance.

**IN THE MATTER OF THE PLANNING COMMISSION'S  
RECOMMENDATION ON AN APPLICATION FOR A  
CONDITIONAL USE PERMIT, SITE DESIGN REVIEW,  
ZONING MAP AMENDMENT, & PROPERTY LINE  
ADJUSTMENT**

**FILE NO. CUP 2025-01**

**THEREFORE**, the City of Rogue River Planning Commission recommends that the Rogue River City Council deny the application for a Conditional Use Permit, Site Plan Review, Zoning Map Amendment, and Property Line Adjustment under File No. CUP 2025-01.

**CITY OF ROGUE RIVER PLANNING COMMISSION**

By: Jay A. Chick Aug 29, 2025  
Jay Chick, Planning Commission Chair - Date

Onnie Heater 09/04/2025  
Onnie Heater, Contract Planner - Date

RECOMMENDATION | CUP 2025-01  
Conditional Use Permit, Central Rogue Mobile Home Community, Main Street.



## CITY OF ROGUE RIVER

133 Broadway • Box 1137 Rogue River, Oregon 97537 • (541) 582-4401  
Fax: (541) 582-0937 • website: cityofrogueriver.org

### LAND USE APPLICATION

APPLICANT: Central Rogue MHC MAILING ADDRESS: 3308 El Camino Ave, Suite 300, RM 608  
PROPERTY OWNER: Central Rogue MHC LLC MAILING ADDRESS: Sacramento, CA 95821  
Phone Numbers(s): (530) 917-5569 E-mail: jed@casaparkhomes.com  
Situs Address: 515 E. Main St, Rogue River, OR 97537 Legal Description: T36S R4W, Section 15 & 22 Tax Lot 1000, 1002, & 1006  
Size of Lot: Acres: 6.22 Width: 275 Length: 1305 Current Zoning: R2 & C1 Comprehensive Zoning: \_\_\_\_\_  
ACTING AGENT OF PROPERTY OWNER (if any): \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
Phone Numbers(s): \_\_\_\_\_ E-mail: \_\_\_\_\_  
Brief summary of request: \_\_\_\_\_

The owner or authorized agent's signature and a filing fee are required at submittal.  
At the time that the application is deemed complete, when required, the land use matter will be scheduled for Public Hearing.  
\* See attached fee schedule for details

#### APPLICANT'S AFFIDAVIT

I/WE Jedidiah Ferguson

PLEASE PRINT OWNER OR AUTHORIZED AGENT NAME(S) IN FULL

DO HEREBY STATE THAT THE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND BELIEF (IF SIGNED BY AGENT, LETTER OF AUTHORIZATION MUST BE ATTACHED TO THIS FORM)

Signature of Owner(s) or Authorized Agent: Jedidiah Ferguson Date: 6/24/2025

Receipt No: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Date: \_\_\_\_\_ Signature of Office Staff: \_\_\_\_\_

THIS IS TO CERTIFY THAT THE FOREGOING APPLICATION HAS BEEN REVIEWED BY STAFF AND HAS BEEN FOUND TO BE COMPLETE:

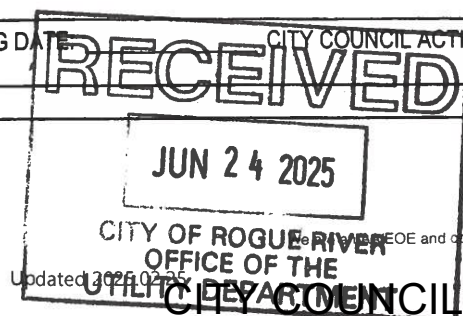
Signature of Office Staff: \_\_\_\_\_ Date: \_\_\_\_\_

COMPLETED APPLICATION AND INFORMATION REQUIRED BY APPLICABLE ORDINANCES RECEIVED BY CITY PLANNING DEPARTMENT AND PUBLIC HEARING SCHEDULED:

Signature of Office Staff: \_\_\_\_\_ Date: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_ PLANNING COMMISSION ACTION: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_ CITY COUNCIL ACTION: \_\_\_\_\_



CITY OF ROGUE RIVER  
OFFICE OF THE  
CITY COUNCIL  
Updated 10/26/02

PUBLIC HEARING  
SEPTEMBER 25, 2025

"Home of the National Rooster Crowing Contest"



27

## Fees for Land Use Matters and Planning Actions established by Resolution No. 22-1393-R

### Section 1. Pre-application Fees

- A. Minor = \$250 per application (+ 3% tech fee of \$7.50) = \$257.50 \_\_\_\_\_
- B. Major = \$350 per application (+ 3% tech fee of \$10.50) = \$360.50 \_\_\_\_\_

### Section 2. Appeals

One half of the application fee plus attorney costs. \_\_\_\_\_

### Section 3. Type I Planning Actions Fees

Type I decisions are made by the City Planner without public notice and without holding a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion.

- A. \$100.00 (+ 3% tech fee of \$3.00) = \$103.00  
Home Occupation Permit and Review \_\_\_\_\_
- B. \$250.00 (+ 3% tech fee of \$7.50) = \$257.50 \_\_\_\_\_
- Code Interpretation \_\_\_\_\_
- Land Use Compatibility Statement (LUCS) \_\_\_\_\_
- Lot Authorization \_\_\_\_\_
- Non-conforming Use or Development Confirmation \_\_\_\_\_
- Site Plan Review - Administrative \_\_\_\_\_
- Temporary Use Permit \_\_\_\_\_
- Vacation of Property Line \_\_\_\_\_
- Variance \_\_\_\_\_
- Zoning Clearance Fee \_\_\_\_\_

### Section 2. Type II Planning Actions Fees

Type II decisions are made by the City Planner with public notice being held for an opportunity for a public hearing. The appeal of a Type II decision is heard by the Planning Commission.

- A. \$350.00 (+ 3% tech fee of \$10.50) = \$360.50 \_\_\_\_\_
- Lot Line Adjustments \_\_\_\_\_
- Modification to Land Use Approval \_\_\_\_\_
- Site Plan Review, Administrative \_\_\_\_\_
- Temporary Use Permit \_\_\_\_\_
- Variance \_\_\_\_\_
- B. 1,200 (+ 3% tech fee of \$36.00) = \$1236.00 \_\_\_\_\_
- Partitions \_\_\_\_\_

### Section 3. Type III Planning Actions Fees

Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council and generally use discretionary approval decisions.

- A. \$600.00 (+ 3% tech fee of \$18.00) = \$618.00 \_\_\_\_\_
- Appeal of a Planning Commission decision to the City Council \_\_\_\_\_
- Appeal to Planning Commission \_\_\_\_\_
- Conditional Use Permit \_\_\_\_\_
- Conversion Plan \_\_\_\_\_
- Manufactured Dwelling Park \_\_\_\_\_
- Modification to Land Use Approval \_\_\_\_\_
- Recreational Vehicle park \_\_\_\_\_
- Site Plan Review by Planning Commission \_\_\_\_\_
- Variance \_\_\_\_\_
- B. \$1,500 (+ 3% tech fee of \$45.00) = \$1,545.00 \_\_\_\_\_
- Partitions \_\_\_\_\_

### Section 4. Type IV Planning Actions Fees

Type IV procedures that are quasi-judicial final decisions made by the City Council and matters that are considered initially by the Planning Commission with final decisions made by the City Council.

- A. \$2,500 (+ 3% tech fee of \$75.00) = \$2,575.00 \_\_\_\_\_
- Subdivision or Planned Unit Development plus \$334.75 per lot \_\_\_\_\_

Type IV procedures are legislative matters involving the creation, revision, or large-scale implementation of public policy such as annexations, adoption of land use regulations and Comprehensive Plan amendments. (Matters may be considered initially by the Planning Commission with final decisions made by the City Council.)

- B. \$3,500 (+ 3% tech fee of \$105.00) = \$3605.00 \_\_\_\_\_
- Annexation \_\_\_\_\_
- Comprehensive Plan Amendment \_\_\_\_\_
- Master Plan Amendment \_\_\_\_\_
- Municipal Code Amendment \_\_\_\_\_
- Street Vacations \_\_\_\_\_
- Variance \_\_\_\_\_

### Section 5. Floodplain Development Permit Fees

A. \$150.00 (+ 3% tech fee of \$4.50) = \$154.50 \_\_\_\_\_

Processing minor permits for a fence, accessory structure, residential garage, lot line adjustment and property line vacation.

B. \$400.00 (+ 3% tech fee of \$12.00) = \$412.00 \_\_\_\_\_

Processing major permits for a single family dwelling, accessory dwelling unit and a duplex.

C. \$700.00 (+ 3% tech fee of \$21.00) = \$721.00 \_\_\_\_\_

Processing permits for multi-family residential, commercial, industrial, partition, zone change and site plan reviews

D. \$1,000.00 (+ 3% tech fee of \$30.00) = \$1030.00 \_\_\_\_\_

Processing permits for four (4) or more lots, manufactured dwelling park, recreational vehicle park and planned unit development.

### Section 6. Floodplain Compliance Permits

A. \$250.00 (+ 3% tech fee of \$7.50) = \$257.50 \_\_\_\_\_

Processing minor permits for fences, accessory structure, single family dwelling and accessory dwelling units (Includes one (1) inspection.)

B. \$550.00 (+ 3% tech fee of \$16.50) = \$566.50 \_\_\_\_\_

Processing permits for a single family dwelling unit, accessory dwelling unit, manufactured dwelling unit, duplex (includes three (3) inspections: two (2) inspections during work, a final inspection and certificate of compliance, inspection report, and consultation regarding replacement products.)

C. \$750.00 (+ 3% tech fee of \$22.50) = \$772.50 \_\_\_\_\_

Processing permits for an industrial unit (includes 3 inspections.)

D. \$150.00 (+ 3% tech fee of \$4.50) = \$154.50 \_\_\_\_\_

Processing fee for each additional inspection of A-C above.

### Section 7. Erosion Control Permits Fees

The Level of an Erosion Control Permit is determined by the amount of ground disturbance.

- Level I = \$50.00 (+ 3% tech fee of \$1.50) = \$51.50 \_\_\_\_\_
- Level II = \$250.00 (+ 3% tech fee of \$7.50) = \$257.50 \_\_\_\_\_
- Level III = \$750.00 (+ 3% tech fee of \$22.50) = \$772.50 \_\_\_\_\_

### Section 8. Plan Review Deposit

Plans reviewed by the Building Official.

- A. 65% of permit cost, as evaluated at application \_\_\_\_\_

### Section 9. Plan Review Fees

Plans reviewed by the City Planner and/or City Engineer.

- A. \$103.00 total per hour for plans reviewed by the City Planner \_\_\_\_\_
- B. \$257.50 total per hour for plans reviewed by the City Engineer \_\_\_\_\_

### Section 10. Plan Check Fees

Plan Check Fee for off-site improvements is actual cost plus 20%. \_\_\_\_\_

### Section 11. Landscape Design Deposit

\$150.00 \_\_\_\_\_

### Section 12. Construction Inspection Fees

Construction Inspection Fees for off-site improvements is actual cost plus 20%.

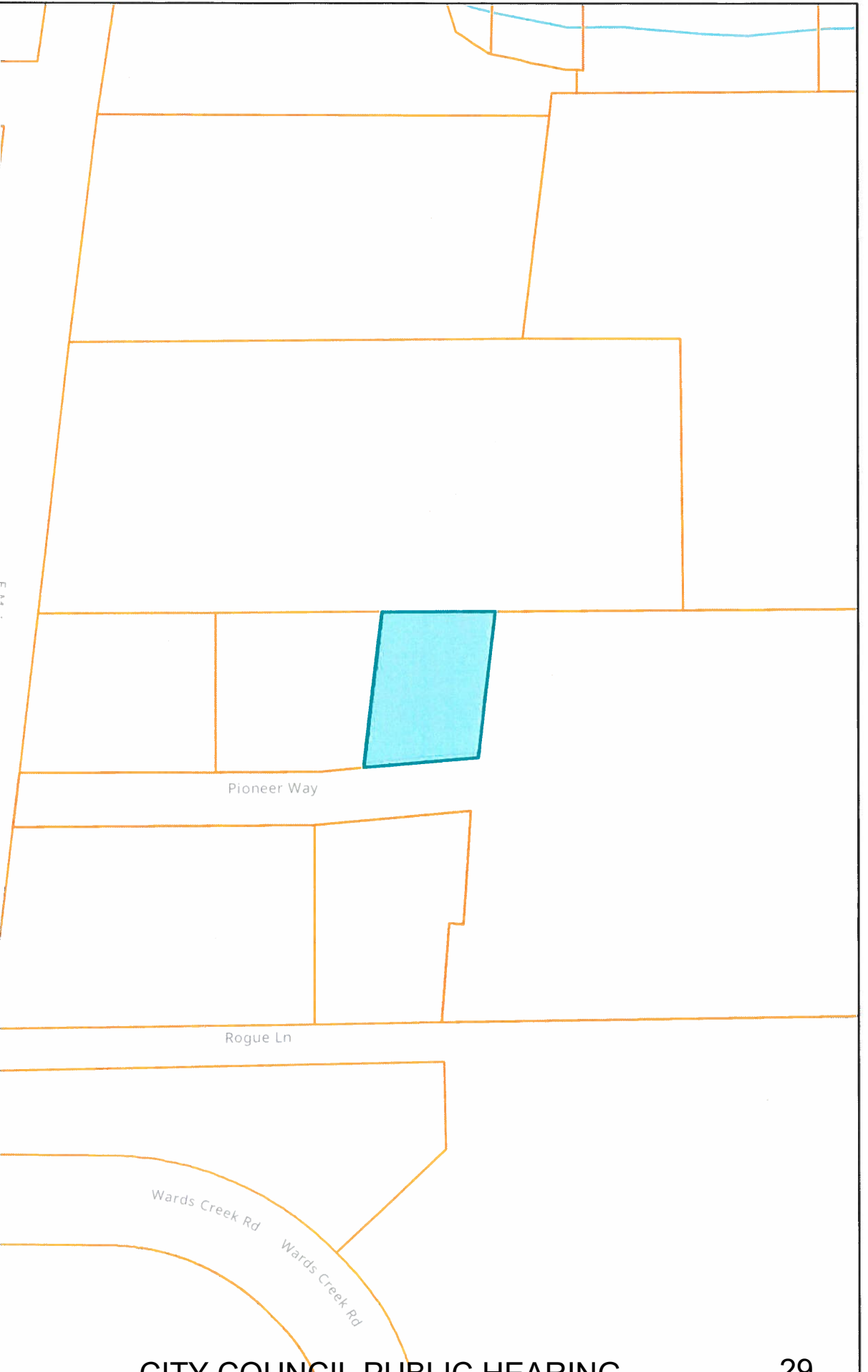
### Section 13. Construction Inspection Deposit Fees

Construction Inspection Fee Deposit is determined by the Public Works Director and shall be required of each developer. Such deposit shall be made with the City Recorder in the form of cash or bond, and shall not exceed three (3%) percent of the total cost of construction. The Development shall be billed for all inspection fees which are due and payable within ten (10) days of notification.

### Section 14. Additional Fees

When costs exceed the initial fee collected, the City shall invoice the applicant for all additional cost associated with project approval and/or completion. These costs shall begin accruing at the time of applicants submittal and include, but not limited to, publishing of legal notices, postage, recordings and attorney, engineering and planning fees. Documentation shall be provided by the City for all invoiced charges.

# Letter ANSI A Landscape



20/06/2025

Taxlots

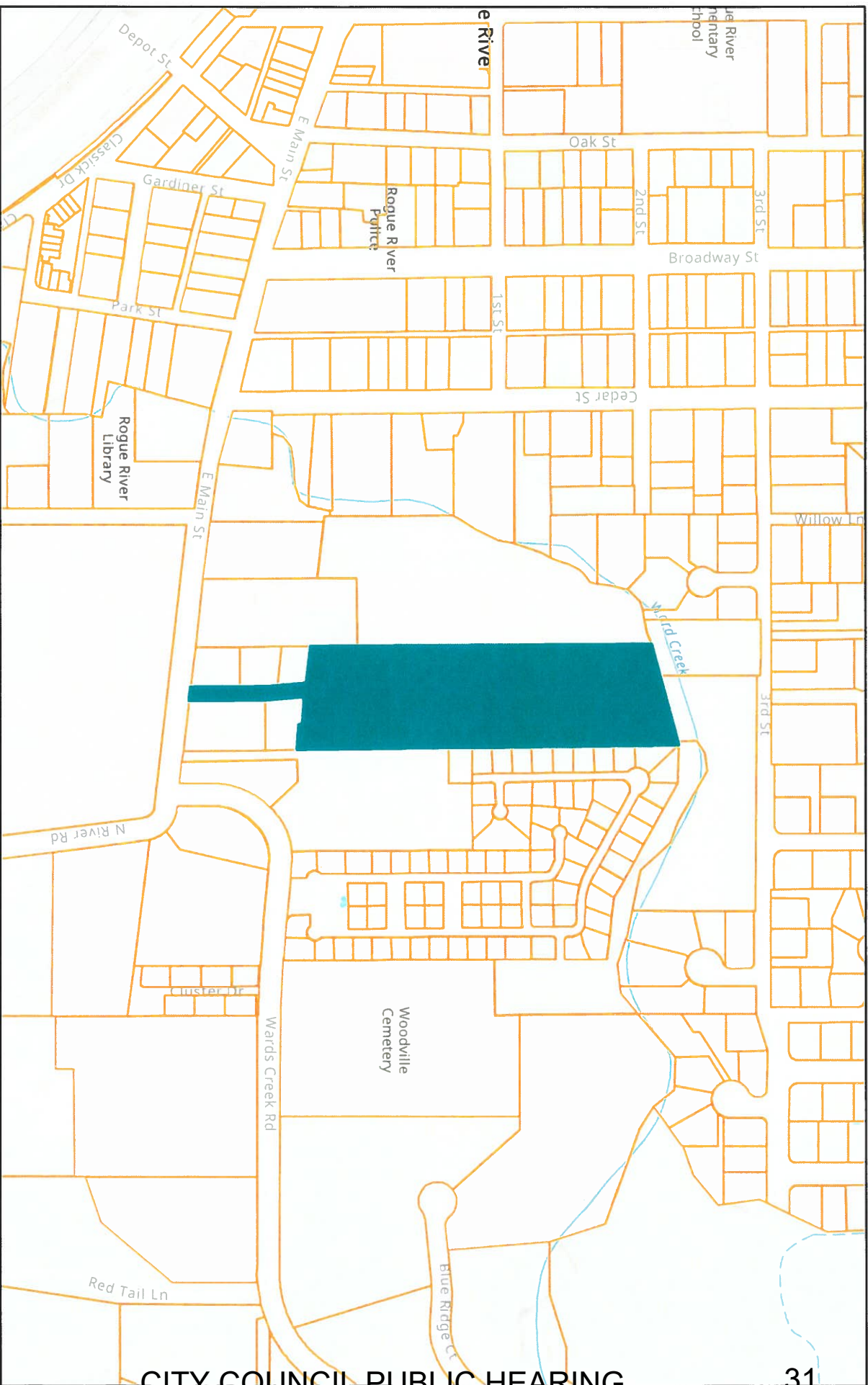
County



# Letter ANSI A Landscape



# Letter ANSI A Landscape



364WISCB-1000

**BEFORE THE PLANNING COMMISSION**  
**FOR THE CITY OF ROGUE RIVER, OREGON:**

IN THE MATTER OF AN APPLICATION FOR AN	)	
	)	
AMENDMENT TO THE 1978 CONDITIONAL USE PERMT	)	
	)	
FOR CENTRAL ROGUE MOBILE HOME COMMUNITY	)	
	)	
(FORMERLY PIONEER SQUARE MOBILE HOME PARK)	)	
	)	
TO ALLOW FOR EIGHT (8) ADDITIONAL MANUFACTURED	)	FINDINGS OF FACT
	)	AND
DWELLING UNITS, ASSOCIATED SITE AND PARK	)	CONCLUSIONS
	)	
IMPROVEMENTS, REZONE OF TAX LOT 1002 FROM	)	
	)	
COMMERICAL TO RESIDENTIAL R-2, AND A PROPERTY LINE	)	
	)	
VACATION BETWEEN TAX LOTS 1000 AND 1002.	)	
	)	

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**I. RECITALS PERTAINING TO THE PROPERTY:**

Property Owner/ Applicant-	Central Rogue MHC LLC 3308 El Camino Avenue Sacramento, CA 95821 (530) 601-6871
Agent-	NexGen Engineering and Consulting, LLC 1043 Nichols Drive, Suite 200 Rocklin, CA 95765 (916) 345-3454
Property Description-	T36S R4W Section 15CD, Tax Lots 1000, 1002, and 1006
Situs Address-	515 East Main Street Rogue River, OR 97537
Acreage-	6.62 acres combined
Existing Zoning-	City of Rogue River R2 (Lots 1000 and 1002) and C-1 (Lot 1006)

## **II. PURPOSE OF APPLICATION:**

The applicant seeks approval of an amendment to the original 1978 Conditional Use Permit that authorized the construction of a 33-unit mobile home park (then Pioneer Square, now Central Rogue MHC). The current proposal would expand the park by 8 units and requires concurrent approval of:

- Conditional Use Permit Modification
- Site Design Review
- Manufactured Dwelling Park Expansion
- Zoning Map Amendment (Commercial to Residential R-2 for Tax Lot 1002)
- Property Line Vacation (between Tax Lots 1000 and 1002)

The expansion maintains the park's character and is consistent with the original Hearings Board findings and the easement agreements between the City and the original owners. The project also addresses the City's current requirements for the 100-foot sanitary buffer around the on-site municipal well.

## **III. FINDINGS IN COMPLIANCE WITH APPLICABLE CRITERIA:**

The following Findings of Fact are submitted in support of the land use application to amend the Conditional Use Permit for the Central Rogue Mobile Home Community. These findings address each applicable standard from the Rogue River Municipal Code (RRMC), as identified by the City of Rogue River in its Notice of Incomplete Application dated February 2, 2024.

The applicant bears the burden of proof and offers the following evidence and justification to demonstrate that the proposed expansion complies with all applicable criteria.

### **Section 17.100.060 – Conditional Use Permit Criteria**

**Criterion A.1:** *"The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use..."*

#### **Discussion:**

The site encompasses approximately 6.62 acres across three tax lots and is relatively flat and previously improved. It currently supports 33 manufactured home units. The addition of 8 more units maintains sufficient setbacks, open space, and internal circulation. Existing access from East Main Street is retained and adequate for added traffic. The topography presents no impediment to development.

#### **Finding:**

The site can safely and efficiently accommodate the additional units in terms of access, traffic, emissions, safety, noise, and visual character.

#### **Conclusion:**

This criterion is satisfied.

**Criterion A.2:** *"All required public facilities...have adequate capacity or are to be improved..."*

#### **Discussion:**

Water and sewer are available from the City of Rogue River and were confirmed in earlier reviews. System capacity exists or can be extended with minimal offsite improvements, as shown in the updated utility plan submitted herewith.

Finding:

Public infrastructure is sufficient or will be improved to support the additional units.

Conclusion:

This criterion is satisfied.

**Criterion A.3:** *“Negative impacts on adjacent properties and on the public can be mitigated...”*

Discussion:

The proposed expansion matches the existing use and includes adequate buffers, internal circulation, and site controls. The well buffer and sanitary protection zone will remain protected by physical setbacks and operational agreements. Recreation areas and parking are also provided.

Finding:

There are no anticipated adverse offsite impacts, and those that exist are mitigated through code-compliant site design.

Conclusion:

This criterion is satisfied.

**Criterion A.4:** *“A CUP shall not allow a use that is prohibited or not expressly allowed...”*

Discussion:

A manufactured dwelling park is a conditionally permitted use in the R-2 zone. The proposal does not include any prohibited uses or requests for variances.

Finding:

The proposed use is a permitted conditional use under RPMC Title 17.

Conclusion:

This criterion is satisfied.

**Section 17.115.050 – Site Design Review Criteria**

**Criterion A.1:** *“Information required for Type II or Type III review, as applicable.”*

Discussion:

This application has been submitted as a Type III review under the Conditional Use Permit process. All forms, fees, plans, and reports required for Type III review have been included, consistent with City requirements.

Finding:

The application includes all general and supplemental materials required for Type III site plan review.

Conclusion:

This criterion is satisfied.

**Criterion A.2:** *“Public Facilities and Services Impact Study: Quantifies and assesses effect of the development on the transportation, drainage, parks, water, and sewer systems.”*

Discussion:

A utility and drainage plan has been prepared and submitted. No upgrades to off-site water or sewer lines are required; minor extensions will be made within the park. The proposal does not increase park demand. All runoff will be contained and directed in accordance with City standards. The additional units will not trigger a traffic impact analysis due to the low volume of added trips. On-site recreation facilities and circulation are adequate.

Finding:

The submitted engineering documents address impacts to all required systems. The small number of new units does not exceed thresholds that would require additional studies.

Conclusion:

This criterion is satisfied.

**Criterion B.1.a-i:** *“Site Analysis Map showing property boundaries, topography, streets, natural hazard areas, existing structures, overlay zones, etc.”*

Discussion:

A complete site analysis map has been included showing parcel boundaries, existing development, adjacent features, utility easements, and rights-of-way. Topography is gentle and suitable for development. No overlay zones or mapped hazards are present.

Finding:

The submitted site analysis map meets the detailed requirements of RPMC §17.115.050(B)(1).

Conclusion:

This criterion is satisfied.

**Criterion B.2.a-o:** *“Proposed Site Plan showing layout of all proposed features including access, setbacks, structures, open space, signage, lighting, etc.”*

Discussion:

The proposed site plan shows the locations of all new manufactured home pads, driveways, walkways, parking, fencing, lighting, mailboxes, and signage. The layout maintains the appearance, access, and rhythm of the existing park.

Finding:

The submitted proposed site plan includes all required elements.

Conclusion:

This criterion is satisfied.

**Criterion B.3:** *"Architectural drawings, elevations, materials, and designer contact."*

Discussion:

Typical unit elevations and building materials for the proposed manufactured homes are included. All homes will be state-certified. These meet the community standards and are similar in form to the existing units.

Finding:

Elevation drawings and material details are included, with contact information for the designer and engineer of record.

Conclusion:

This criterion is satisfied.

**Criterion B.4:** *"Preliminary Grading Plan."*

Discussion:

The civil plan set includes preliminary grading with contours, pad elevations, drainage direction, and slopes. All grades are under 5%, and no retaining walls or slope stabilization is required.

Finding:

A preliminary grading plan has been submitted, meeting the required elements.

Conclusion:

This criterion is satisfied.

**Criterion B.5:** *"Landscape Plan."*

Discussion:

A simplified landscape plan is included showing retained and proposed planting areas, fencing, and open space areas. The applicant will provide a recreation area and maintain landscaped buffers. Irrigation will be added as needed.

Finding:

A landscape plan has been provided that meets the intent and format of the site design review process.

Conclusion:

This criterion is satisfied.

**Criterion B.6–B.9:** *"Deed restrictions, narrative, traffic analysis if required, and other information as determined by the City."*

Discussion:

The original deed restrictions and well easement documentation are included as exhibits. This narrative responds to all applicable approval criteria. A traffic analysis is not warranted given the scale of the expansion, which adds fewer than 100 average daily trips.

Finding:

All supplemental information requested by the City has been included or found not applicable.

Conclusion:

This criterion is satisfied.

**Section 17.75.060 – Manufactured Dwelling Parks**

The following findings address the approval criteria applicable to the proposed expansion of a manufactured dwelling park, as required by RPMC 17.75.060. The applicant is proposing to add eight (8) units to the existing 33-unit park.

**Criterion A:** *“That the site for the proposed manufactured dwelling park is adequate in size and shape to accommodate said park and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter to adjust said park with land and uses in the neighborhood are deemed adequate.”*

Discussion:

The existing park occupies over 6.6 acres and currently contains 33 units, an office, internal roads, and common space. The addition of eight manufactured homes will occur on infill areas of the site and an adjacent 0.17-acre parcel (Tax Lot 1002) proposed to be rezoned to R-2. All proposed spaces meet minimum size requirements. Adequate area is provided for access drives, parking, setbacks, fencing, and open space. Recreation areas and landscaping are incorporated in the layout, and adjacent uses are either similar (residential) or buffered.

Finding:

The proposed expansion will result in a total of 41 units on a 6.62-acre site, maintaining compliance with park density standards. The design meets or exceeds all area and buffering requirements.

Conclusion:

This criterion is satisfied.

**Criterion B:** *“That the side of the proposed park takes primary access from utilized streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.”*

Discussion:

Access to the site is provided from East Main Street, a public right-of-way improved to City standards. No additional curb cuts or driveways are proposed. The minor increase in traffic volume generated by 8 additional dwelling units is consistent with local street capacity and prior land use approvals.



Finding:

East Main Street is an improved City street and is adequate to serve the additional vehicle trips generated by the expanded use.

Conclusion:

This criterion is satisfied.

**Criterion C:** *“That the conditions stated in the development agreement are deemed necessary to protect the public health, safety, and welfare.”*

Discussion:

The original 1978 CUP included 12 conditions of approval which the applicant continues to honor. The expansion plan integrates fencing, setbacks, open space, street access, and fire safety. The site plan preserves the existing 100-foot sanitary buffer around the well. All structures will be sited outside the 50-foot zone prohibited by OAR 333-061-0050, and no listed sanitary hazards will be located within the buffer. Stormwater is controlled and routed away from the well protection area.

Finding:

The proposed expansion maintains consistency with the original CUP and incorporates public health protections, access controls, fencing, recreation space, and infrastructure conditions consistent with RRM 17.75.060(C). The well buffer will be respected and no prohibited uses are located within 100 feet of the public water system.

Conclusion:

This criterion is satisfied.

**Additional Consideration – Site Conditions from Original CUP:**

As documented in the original 1978 Hearing and summarized in the current application, the following items were previously required and continue to be satisfied or extended into the proposed expansion:

- 6-foot fencing on all perimeter property lines
- Fire protection per local fire district requirements
- Engineering and lighting plans (updated and resubmitted)
- 100-foot sanitary buffer around the well (respected)
- Recreation area and 25% space for RV/boat storage
- Minimum 36-foot access from East Main Street with an 18" culvert
- Office space, survey, and easements as shown on plan

Conclusion:

The applicant is in compliance with all existing CUP conditions and has incorporated equivalent protections and features in the new proposed areas. The City's expectations for Manufactured Dwelling Park development are met or exceeded.

### **Section 17.125.030 – Zoning Map Amendment**

**Criterion A:** *“The change conforms to the Comprehensive Plan and is consistent with the intent and purpose of the zoning regulations.”*

Discussion:

The subject parcel is adjacent to an existing residential mobile home park and is designated Medium-Density Residential in the City of Rogue River’s Comprehensive Plan. Rezoning the property from Commercial to Residential R-2 would bring the zoning into consistency with the Comprehensive Plan designation and allow for logical infill development that complements surrounding land use patterns.

The purpose of the R-2 zone is to allow for a mix of housing types, including manufactured dwelling parks as a conditionally permitted use. The existing and proposed land use conforms to the intent of both the Comprehensive Plan and the R-2 zoning district.

Finding:

The proposed zoning map amendment aligns the zoning designation with the Comprehensive Plan and supports compatible residential infill.

Conclusion:

This criterion is satisfied.

**Criterion B:** *“The change is in the public interest and for the general welfare of the City.”*

Discussion:

The rezone would allow for a small-scale residential infill project in an area already developed with infrastructure and community services. The site will provide two additional manufactured housing spaces without disrupting neighborhood character or placing undue burden on public facilities.

The project addresses regional housing needs and contributes to the City’s stated goals of accommodating a variety of housing options while minimizing sprawl. The zone change corrects a legacy zoning designation that no longer reflects the land’s intended or best use.

Finding:

The proposed rezone will enable infill housing, reinforce the goals of the Comprehensive Plan, and promote efficient use of urban land.

Conclusion:

This criterion is satisfied.

**Criterion C:** *“The property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use allowed by the zone.”*

Discussion:

Tax Lot 1002 is served by existing City water, sewer, and stormwater utilities. Street access is available from East Main Street, an improved public roadway. The addition of two units will not create a significant increase in demand for public services, and utility connections will tie into the existing park network.

Finding:

The site is currently served by all necessary public infrastructure, and no off-site upgrades are required.

Conclusion:

This criterion is satisfied.

**Criterion D:** *"The amendment is timely and its justification can be supported by the applicant."*

Discussion:

This zoning amendment is proposed in conjunction with a Conditional Use Permit modification, Manufactured Dwelling Park expansion, and related applications. The request is timely because it enables a coherent site development plan that has already been partially developed and is now under single ownership. The justification is provided in this narrative and supported by planning maps, code citations, and project needs.

Finding:

The request is appropriate in timing and justified by the ownership, land use history, and Comprehensive Plan context.

Conclusion:

This criterion is satisfied.

**Section 16.45.120 – Property Line Vacation**

The applicant is requesting vacation of the common lot line between Tax Lots 1000 and 1002 to support cohesive development of the expanded Central Rogue Mobile Home Community. The vacation is required to ensure that park structures, utilities, and circulation patterns do not cross internal lot boundaries, and to consolidate development into a single unified parcel.

**Criterion A:** *"The public interest will not be prejudiced by the vacation of the street, alley, or plat or part thereof."*

Discussion:

The proposed vacation involves an internal lot line between two commonly owned parcels (Tax Lots 1000 and 1002) that currently function as a single site. No public street, alley, or right-of-way is involved. The vacation will eliminate administrative complications related to development review, lot coverage, setbacks, and utility service lines. No access or utility easements are negatively impacted, and the site's configuration will remain unchanged from a functional standpoint.

Finding:

The vacation of the internal lot line serves the public interest by improving the efficiency and legality of the site layout without impacting any existing public rights-of-way.

Conclusion:

This criterion is satisfied.

**Criterion B:** *"The applicant has ownership interest in the property subject to the vacation and/or can demonstrate the appropriate consents."*

Discussion:

Central Rogue MHC LLC is the current owner of both Tax Lots 1000 and 1002, as documented in the application materials. No other owners or rights holders are affected. No consents are required beyond the applicant's own authority.

Finding:

The applicant owns both affected lots and has standing to request the property line vacation.

Conclusion:

This criterion is satisfied.

**Criterion C:** *"The vacation will not eliminate legal access to any existing lot or parcel."*

Discussion:

The vacation consolidates two lots into a single parcel. Legal access to the site from East Main Street remains unchanged. No new parcels are created or isolated. No easements are being removed or obstructed.

Finding:

Access to all parcels and adjacent properties is preserved.

Conclusion:

This criterion is satisfied.

**Criterion D:** *"Any easements or utilities affected by the vacation are relocated, replaced, or otherwise addressed."*

Discussion:

There are no public utility easements crossing the internal line between Tax Lots 1000 and 1002 that require relocation. Existing water, sewer, and stormwater lines will be consolidated and aligned per the updated civil plans. No impacts to third-party utilities or services will occur.

Finding:

No easements or utilities are adversely affected, and infrastructure will be fully coordinated within the unified parcel.

Conclusion:

This criterion is satisfied.

Summary:

The property line vacation is a routine procedural action to allow for legal development of the consolidated park expansion and does not create or perpetuate any non-conforming conditions. It is in the public interest and supported by ownership records and City policy.

**Section 17.10.090 – Consolidation of Proceedings**

The applicant is requesting that the City consolidate all required land use applications for this project into a single review process in accordance with RPMC §17.10.090(B). The application includes:

- Amendment to a Conditional Use Permit
- Site Design Review
- Manufactured Dwelling Park expansion approval
- Zoning Map Amendment (for Tax Lot 1006)
- Property Line Vacation (between Tax Lots 1000 and 1002)

**Criterion A:** *“Where a proposal involves more than one application under this title, the applicant may request that the applications be processed concurrently in a consolidated review.”*

Discussion:

This project requires multiple approvals under RPMC Title 17. The applicant has elected to consolidate the review and has clearly stated this request in the narrative letter. Consolidated review promotes efficiency, consistency, and coordination of the overall approval.

Finding:

The applicant has formally requested consolidated review and submitted a complete application package with supporting documentation to facilitate this approach.

Conclusion:

This criterion is satisfied.

**Criterion B:** *“If consolidated, the application shall be reviewed by the decision-making body with the highest level of authority.”*

Discussion:

Among the requested actions, the Zoning Map Amendment requires a Type IV process and final action by the City Council, the highest authority among the applicable land use procedures. Therefore, the entire application will be reviewed by the Planning Commission and forwarded with a recommendation to the City Council for final action.

Finding:

Consolidated review is appropriate, and all actions will be considered together by the City Council, following a Planning Commission hearing.

Conclusion:

This criterion is satisfied.

**Criterion C:** *“Where more than one procedure type is required for applications being processed in a consolidated review, the entire consolidated application shall be processed using the highest numbered procedure type.”*

Discussion:

This application includes Type III (CUP, Site Design Review) and Type IV (Zone Change) review procedures. Per RRM §17.10.090(C), the entire consolidated application will follow the Type IV review process, which includes a recommendation from the Planning Commission and a final decision by the City Council.

Finding:

The proposed consolidation has been structured to follow the highest applicable review procedure, consistent with the Code.

Conclusion:

This criterion is satisfied.

Summary:

Consolidated review under RRM §17.10.090(B) is requested and justified. The project meets all procedural requirements for consolidated action and will be processed accordingly.

**Compliance with Wellhead Protection Zone and Recorded Easements**

The subject property includes a City-owned municipal well and associated 100-foot sanitary protection radius, governed by recorded easement documents and applicable state regulations. The applicant’s proposal has been reviewed for conformance with both the original 1987 and 1991 easement agreements and Oregon Administrative Rules (OAR 333-061-0050) governing public water systems.

- Easement #87-08903, recorded May 7, 1987, provides the City of Rogue River ingress/egress and long-term access to maintain the municipal well. The easement specifies certain public health restrictions within 100 feet of the well, including prohibitions on gravity sewer lines, septic tanks, and certain hazardous uses.
- Document #91-27053, recorded August 2, 1991, grants the City a perpetual right-of-way for continued well access and protection. These documents remain binding on the current owner (Casa Park Homes) and successors.

City Requirements:

In support of this application, the applicant has included Exhibit A, a copy of the April 12, 2023 email from Public Works Director Mike Bollweg, originally submitted with the prior narrative. This correspondence outlines the City’s expectations for wellhead protection, including:

- Identification of the 100-foot well protection radius on the site plan
- Assurance that no prohibited structures or utilities are located within that buffer
- Demonstration that drainage and development within the easement area will not affect public health or groundwater
- Acknowledgement of applicant responsibility for ensuring all easement conditions are met

Discussion:

The site plan clearly identifies the location of the municipal well and delineates the 100-foot protection radius. The proposed location of all new manufactured home units maintains at least a 50-foot setback from the well in accordance with OAR 333-061-0050(2)(e). No gravity sewer lines, septic tanks, fuel tanks, or sanitary hazards are located within the 100-foot radius.

Stormwater from impervious surfaces within or near the buffer is directed away from the well zone using grading and swales as shown in the civil plans. No permanent buildings or structures are proposed within 25 feet of the well, and no structure will cross City-owned water line easements. The applicant acknowledges these restrictions and agrees to maintain compliance with both the easement agreements and OAR standards.

Finding:

The proposal respects and complies with all easement restrictions and public health requirements related to the municipal well and its 100-foot sanitary buffer. All structures, utilities, and drainage improvements are designed to maintain or enhance protection of the City's water source.

Conclusion:

The applicant has demonstrated that the proposal meets the wellhead protection requirements of both the recorded easement agreements and applicable state regulations. This criterion is satisfied. The applicant has demonstrated that the proposal meets the wellhead protection requirements of both the recorded easement agreements and applicable state regulations.

Exhibit A, attached to this narrative, includes correspondence from the City of Rogue River Public Works Director confirming the requirements related to the on-site municipal well. All conditions noted in this exhibit have been addressed through the site design and narrative findings.

#### **IV. SUMMARY AND CONCLUSION**

The applicant, Casa Park Homes, respectfully requests approval of a consolidated land use application for expansion of the Central Rogue Mobile Home Community located at 515 East Main Street in Rogue River, Oregon. This application includes:

- Amendment to the 1978 Conditional Use Permit to allow for eight (8) additional manufactured home units
- Site Design Review for proposed structures, utilities, access, and landscaping
- Manufactured Dwelling Park Expansion consistent with RRMC 17.75
- Zoning Map Amendment to change Tax Lot 1002 from Commercial to Residential R-2
- Property Line Vacation between Tax Lots 1000 and 1002
- Consolidated Review under RRMC §17.10.090(B) with City Council as the final decision-making authority

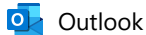
This revised narrative demonstrates that the project meets or exceeds all applicable standards under the Rogue River Municipal Code. The expansion preserves the character of the existing park, protects public infrastructure including the municipal well, and contributes to local housing availability through logical residential infill. The proposed improvements are supported by complete site plans, engineering, and recorded easement documents.

All prior conditions of the original CUP continue to be satisfied. No public rights-of-way are impacted. No variances are requested.

#### **Conclusion:**

Based on the Findings of Fact presented herein, and the supporting materials provided with this application, the applicant has met the burden of proof. The proposed use is consistent with the City's Comprehensive Plan, Zoning Code, and development standards. The applicant respectfully requests that the Planning Commission recommend, and the City Council approve, the proposed Conditional Use Permit amendment and consolidated land use application.






---

**RE: Request for Comment CUP 2025-01**


---

**From** David Rash <drash@rogueriverpolice.org>  
**Date** Mon 8/4/2025 2:47 PM  
**To** Ryan Nolan <rnolan@CityofRogueRiver.org>

Hi,

Property marked with space number and recommended adequate lighting around the mobile home.

David J. Rash  
 Chief of Police  
 Rogue River Police Department  
 133 Broadway St  
 Rogue River, Or 97537  
 (541)582-4931  
 FBINA #246  
 SPIAOC #121

---

**From:** Ryan Nolan <rnolan@CityofRogueRiver.org>  
**Sent:** Monday, August 4, 2025 2:35 PM  
**To:** jed@casaparkhomes.com; ian@xexgeneng.com; David.Moore@lumen.com; hhorton@hunterfiber.com; Cooper.Whitman@PacifiCorp.com; Kathy.carpenter@avistacorp.com; chad.murders@ecso911.com; trent@sos sanitation.com; john.wilcox@charter.com; goldhillirrigationdistrict@gmail.com; gis@gpid.com; Bill.Meyers@state.or.us; gis@jacksoncounty.org; StuhrAA@jacksoncounty.org; nickeltl@jacksoncounty.org; PhilpJW@jacksoncounty.org; surveyor@jacksoncounty.org; EPH@jacksoncounty.org; David Rash <drash@rogueriverpolice.org>; mgavlik@rogueriverfd.com; patrick.lee@rogueriver.k12.or.us; sarah.a.schluter@usps.gov; jbnick@medfordlaw.net; oheater@rvcog.org; cliffp@nwcodepros.com; Mike Bollweg <mbollweg@CityofRogueRiver.org>; lpryce@engineeringservicesllc.com; Ryan Nolan <rnolan@CityofRogueRiver.org>  
**Cc:** Diane Oliver <doliver@CityofRogueRiver.org>  
**Subject:** Request for Comment CUP 2025-01

Please review the attached Land Use Application and Notice of Public Hearing/Request for Comment regarding the proposed expansion of an existing manufactured home park (adding 8 new spaces) at 515 E. Main Street (Map # 36S-4W-15 & 22 Tax Lots 1000, 1002, 1006). Comments received by August 19th will be incorporated in the staff report.

Ryan L. Nolan

City Administrator

City of Rogue River

133 Broadway Street, P.O. Box 1137

Rogue River, Oregon 97537

Phone: 541-582-4401 ext. 106

Fax: 541-582-0937

[rnolan@cityofrogueiver.org](mailto:rnolan@cityofrogueiver.org)

[www.cityofrogueiver.org](http://www.cityofrogueiver.org)



**RE: Request for Comment CUP 2025-01**

**From** Moore, David P <David.Moore@lumen.com>  
**Date** Thu 8/7/2025 11:27 AM  
**To** Ryan Nolan <rnolan@CityofRogueRiver.org>

Please be advised that LUMEN maintains multiple underground facilities in this area. Pending locates/survey pre-paid relocations may be required.

Thank you,



**David Paul Moore**  
Local Network Implementation Engineer II  
150 Stewart Ave Medford, OR 97501  
Tel: 986-200-4056 | Cell: 971-421-6389  
[david.moore@lumen.com](mailto:david.moore@lumen.com)

**From:** Ryan Nolan <rnolan@CityofRogueRiver.org>  
**Sent:** Monday, August 4, 2025 2:35 PM  
**To:** jed@casaparkhomes.com; ian@xexgeneng.com; Moore, David P <David.Moore@lumen.com>; hhorton@hunterfiber.com; Cooper.Whitman@PacifiCorp.com; Kathy.carpenter@avistacorp.com; chad.murders@ecso911.com; trent@sosanitation.com; john.wilcox@charter.com; goldhillirrigationdistrict@gmail.com; gis@gpid.com; Bill.Meyers@state.or.us; gis@jacksoncounty.org; StuhrAA@jacksoncounty.org; nickeltl@jacksoncounty.org; PhilpJW@jacksoncounty.org; surveyor@jacksoncounty.org; EPH@jacksoncounty.org; drash@rogueriverpolice.org; mgavlik@rogueriverfd.com; patrick.lee@rogueriver.k12.or.us; sarah.a.schluter@usps.gov; jbunick@medfordlaw.net; oheater@rvco.org; cliffp@nwcodepros.com; Mike Bollweg <mbollweg@CityofRogueRiver.org>; lpryce@engineeringservicesllc.com; Ryan Nolan <rnolan@CityofRogueRiver.org>  
**Cc:** Diane Oliver <doliver@CityofRogueRiver.org>  
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133 Broadway Street, P.O. Box 1137

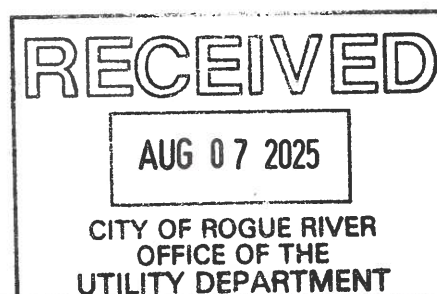
Rogue River, Oregon 97537

Phone: 541-582-4401 ext. 106

Fax: 541-582-0937

[rnolan@cityofroqueriver.org](mailto:rnolan@cityofroqueriver.org)

[www.cityofroqueriver.org](http://www.cityofroqueriver.org)



This communication is the property of Lumen Technologies and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the

ted and may be unlawful. If you have received this communication in  
**CITY COUNCIL PUBLIC HEARING**

47

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SEPTEMBER 25, 2025

Aug 11, 2025

City Council of Rogue River

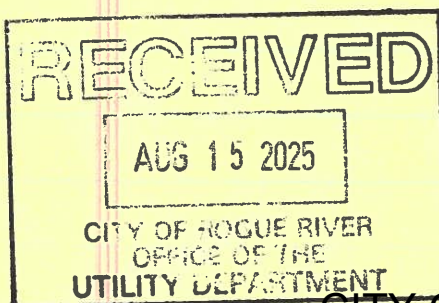
re: proposed addition to Central  
Rogue Mobile Home Park

This project of additional mobile homes  
to the park has been presented before  
and was found to not be feasible.

The city water well is at the end of our  
road and they have a 100' easement  
around the pump house which leaves  
very little room to cram in six mobiles.

That would increase our traffic  
immensely since the park has only one  
in and out road. Our park is essentially  
seniors, making it more dangerous.

We'd like to keep our park safe and  
quiet.



Bonnie Marshall  
515 E MAIN St Sp 5  
Box 865  
Rogue River OR 97537

CITY COUNCIL PUBLIC HEARING  
SEPTEMBER 25, 2025

48

Scanned!

**Public Hearing: August 26, 2025**  
**6:00pm CITY HALL COUNCIL CHAMBERS**  
**133 Broadway, Rogue River, Oregon**  
**FILE: CUP 2025-01**

**APPLICANT/** Central Rogue MHC LLC      **AGENT:** Ian M. Cole, P.E.  
**OWNER:** 3308 El Camino Ave, Suite      NEXGEN  
300 RM 608      1043 Nichols Drive, Suite 200  
Sacramento, CA 95821      Rocklin, CA 95765

**REQUEST:** Expand existing manufactured dwelling park by adding 8 new spaces

**SITE ADDRESS:** 515 E. Main Street

**PROPERTY:** T36S, R4W, Section 15 & 22 Tax Lots 1000, 1002, 1006

**SITE SIZE:** 6.22 acres

**ZONING:** R-2 (High Density Residential) and C-1 (Commercial)

Notice to mortgagee, lien holder, vendor, or seller: The City of Rogue River Zoning Ordinance requires that if you receive this notice, it shall be promptly forwarded to the purchaser.

To have your comments included in the Planning Commission's Packet, please submit your comments on this application to the City of Rogue River, PO Box 1137, Rogue River, OR 97537, no later than 8:00 am on August 19, 2025.

You are invited to attend the public hearing. You are invited to testify.

If you wish to present written or photo evidence at the public hearing please provide 10 copies.

**Rogue River City Hall is handicapped-accessible. Persons with hearing, visual or manual impairments who wish to participate in the meetings should contact the City 24 hours before the meeting so appropriate communication assistance can be arranged for and provided.**

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I/We have no comment.

This property is not in our jurisdiction.

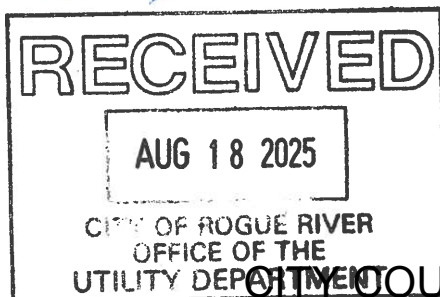
I/We recommend approval of this application.

Please address the following concerns should this application be approved:

☒

I/We encourage denial of this application for the following reasons:

THANK YOU FOR THE OPPORTUNITY TO SHARE MY OPINION.  
AS I DROVE THROUGH THIS MANUFACTURED PARK, I WAS  
SHOCKED TO SEE HOW 'MESSY' IT LOOKED REGARDING OVER →



Re: CUP 2025-06

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

*[Signature]*  
CAREN L HAZE  
8/18/2025



Public Hearing: August 26, 2025  
6:00pm CITY HALL COUNCIL CHAMBERS  
133 Broadway, Rogue River, Oregon  
FILE: CUP 2025-01

**APPLICANT/ OWNER:** Central Rogue MHC LLC  
3308 El Camino Ave, Suite  
300 RM 608  
Sacramento, CA 95821

**AGENT:** Ian M. Cole, P.E.  
NEXGEN  
1043 Nichols Drive, Suite 200  
Rocklin, CA 95765

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I/We have no comment.

This property is not in our jurisdiction.

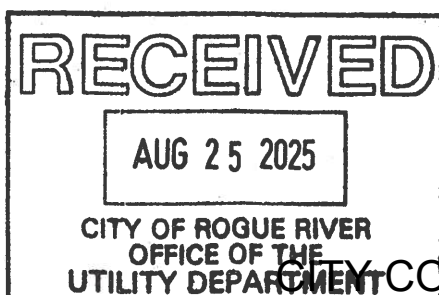
I/We recommend approval of this application.

Please address the following concerns should this application be approved:

☒

I/We encourage denial of this application for the following reasons:

ADDITIONAL TRAFFIC IN ROGUE RIVER



Re: CUP 2025-06

Signature:

Print Name:

Date:

*Linda Herzberg*  
LINDA HERZBERG  
August 16, 2025

CITY COUNCIL PUBLIC HEARING  
SEPTEMBER 25, 2025

Public Hearing: August 26, 2025  
6:00pm CITY HALL COUNCIL CHAMBERS  
133 Broadway, Rogue River, Oregon  
FILE: CUP 2025-01

**APPLICANT/** Central Rogue MHC LLC      **AGENT:** Ian M. Cole, P.E.  
**OWNER:** 3308 El Camino Ave, Suite      NEXGEN  
300 RM 608      1043 Nichols Drive, Suite 200  
Sacramento, CA 95821      Rocklin, CA 95765  
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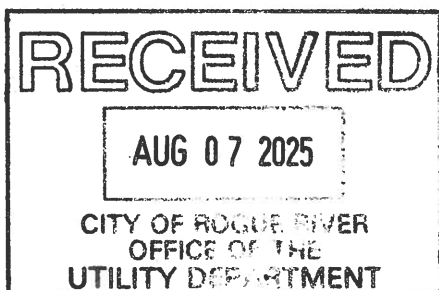
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- ( ) I/We have no comment.  
( ) This property is not in our jurisdiction.  
( ) I/We recommend approval of this application.  
(X) Please address the following concerns should this application be approved:

An additional Hydrant is needed at the end of the  
Cul-de-sac and an appropriate Turn around.

- ( ) I/We encourage denial of this application for the following reasons:



Re: CUP 2025-06  
Signature: Michael Gavlik  
Print Name: Mike Gavlik  
Date: 8-7-25

**Public Hearing: August 26, 2025**  
**6:00pm CITY HALL COUNCIL CHAMBERS**  
**133 Broadway, Rogue River, Oregon**  
**FILE: CUP 2025-01**

**APPLICANT/** Central Rogue MHC LLC      **AGENT:** Ian M. Cole, P.E.  
**OWNER:** 3308 El Camino Ave, Suite  
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Sacramento, CA 95821      NEXGEN  
1043 Nichols Drive, Suite 200  
Rocklin, CA 95765  
**REQUEST:** Expand existing manufactured dwelling park by adding 8 new spaces  
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I/We have no comment.

This property is not in our jurisdiction.

I/We recommend approval of this application.

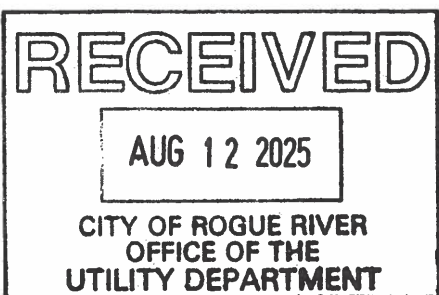
Please address the following concerns should this application be approved:

\_\_\_\_\_  
\_\_\_\_\_

☐

I/We encourage denial of this application for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_



Re: CUP 2025-06

Signature:

Print Name:

Date:

*[Signature]*  
Janet L Lewis  
8/11/25





## RE: Request for Comment CUP 2025-01

From Loree Pryce <lpryce@engineeringservicesllc.com>

Date Sat 8/9/2025 10:38 AM

To Ryan Nolan <rnolan@CityofRogueRiver.org>

Cc Mike Bollweg <mbollweg@CityofRogueRiver.org>

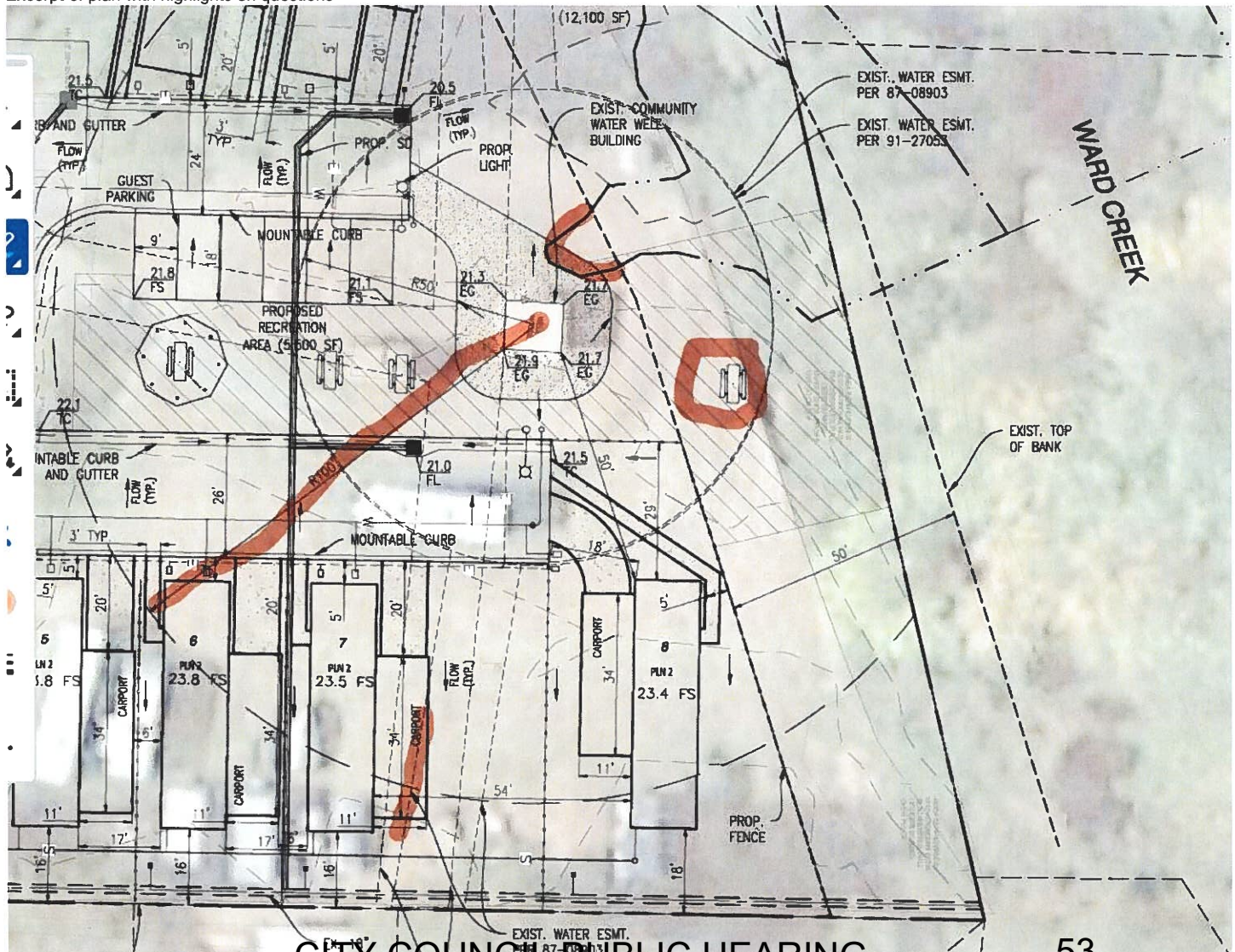
Hi Ryan,

I would like to go over these comments/questions on our Monday meeting related to the planning application herein.

City Engineer's Preliminary Comments – for discussion with the City

1. Fire protection per local fire district requirements. Plus add, where are the existing fire hydrants and what are their flow capacities? See Fire Captains email about a hammer head turn around, verify if what they propose meets standards
2. Recreation area and 25% space for RV/boat storage – looks like they are using what was previously the recreation area. Proposed recreation area is greater than 5,000 sqft adjacent to the well house. Does this meet the original CUP?
3. Info on the existing water meter and plumbing fixture counts to determine if the additional demand will impact the capacity of the existing service.
4. Check with Michael on the well perimeter.
5. Carport located in water easement
6. Drainage to outfall. Assess condition of the outfall. Storm water treatment per MS4? Expansion is well under 1 acre. Discharge to **Wards Creek** which is in very bad shape.
7. Condition of existing sewer to tie into?
8. Shows a water easement for the water main on the project. Size? Public or private? Same question for new water and sewer
9. There are a lot of water easements shown. Show piping in easement if any.
10. Opportunities for I/I reduction in new development? CCTV existing sewer laterals?
11. Checked storm master plan, no recommended improvements
12. Wastewater master plan -Does this area drain to **Wards Creek Lift Station?** Increase the wet well size is identified to reduce cycling times. Wastewater master plan does not seem to focus on collection system capacity except the trunk line.

Excerpt of plan with highlights on questions



CITY COUNCIL PUBLIC HEARING  
SEPTEMBER 25, 2025

53



Drop off @  
City OR mail

Public Hearing: August 26, 2025  
6:00pm CITY HALL COUNCIL CHAMBERS  
133 Broadway, Rogue River, Oregon  
FILE: CUP 2025-01

**APPLICANT/** Central Rogue MHC LLC  
**OWNER:** 3308 El Camino Ave, Suite  
300 RM 608  
Sacramento, CA 95821

**AGENT:** Ian M. Cole, P.E.  
NEXGEN  
1043 Nichols Drive, Suite 200  
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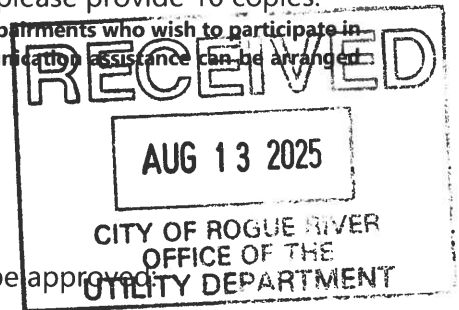
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I/We have no comment.

This property is not in our jurisdiction.

I/We recommend approval of this application.

Please address the following concerns should this application be approved.

☒

I/We encourage denial of this application for the following reasons:

Too much traffic for only one in & out street.  
WANT to keep park quaint & as quiet & peaceful as possible  
since I've lived here, we've always had back area  
to gather, BBQ, play horseshoes.  
8 additional m.d. are  
taking away our small  
community. Please vote  
NO.

Re: CUP 2025-06

Signature:

Richard Vanmeter

Print Name:

Richard Vanmeter

Date:

8-12-2025

EXHIB  
A

**Public Hearing: August 26, 2025**  
**6:00pm CITY HALL COUNCIL CHAMBERS**  
**133 Broadway, Rogue River, Oregon**  
**FILE: CUP 2025-01**

**APPLICANT/** Central Rogue MHC LLC      **AGENT:** Ian M. Cole, P.E.  
**OWNER:** 3308 El Camino Ave, Suite      NEXGEN  
                 300 RM 608      1043 Nichols Drive, Suite 200  
                 Sacramento, CA 95821      Rocklin, CA 95765

**REQUEST:** Expand existing manufactured dwelling park by adding 8 new spaces

**SITE ADDRESS:** 515 E. Main Street

**PROPERTY:** T36S, R4W, Section 15 & 22 Tax Lots 1000, 1002, 1006

**SITE SIZE:** 6.22 acres

**ZONING:** R-2 (High Density Residential) and C-1 (Commercial)

Notice to mortgagee, lien holder, vendor, or seller: The City of Rogue River Zoning Ordinance requires that if you receive this notice, it shall be promptly forwarded to the purchaser.

To have your comments included in the Planning Commission's Packet, please submit your comments on this application to the City of Rogue River, PO Box 1137, Rogue River, OR 97537, no later than 8:00 am on August 19, 2025.

You are invited to attend the public hearing. You are invited to testify.

If you wish to present written or photo evidence at the public hearing please provide 10 copies.

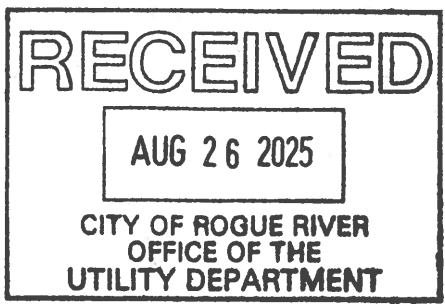
**Rogue River City Hall is handicapped-accessible. Persons with hearing, visual or manual impairments who wish to participate in the meetings should contact the City 24 hours before the meeting so appropriate communication assistance can be arranged for and provided.**

- ☐ I/We have no comment.
- ☐ This property is not in our jurisdiction.
- ☐ I/We recommend approval of this application.
- ☒ Please address the following concerns should this application be approved:

CONCESSIONS TO EXISTING RESIDENTS  
AS OUTLINED IN ATTACHED LETTER

- ☒ I/We encourage denial of this application for the following reasons:

See ATTACHED Letter of Issues  
of Concern.



Re: CUP 2025-01

Signature: [Signature]

Print Name: Jerry Hallett

Date: 8/19/2025

**Jerry Hallett – Resident  
515 E. Main Street, Unit 10  
Rogue River, OR 97537  
530-721-6487  
August 19, 2025**

**To: City of Rogue River Planning Commission**

**Re: Application for Conditional Use Permit and Site Design Review  
Applicant: Central Rogue Mobile Home Community, LLC  
Proposal: Expansion of Manufactured Home Park by 8 Units  
Site Address: 515 E. Main Street, Rogue River, OR 97537**

**---**

### **Introduction**

**The Planning Commission has requested that any concerns regarding this proposed expansion be submitted in writing or presented at the hearing scheduled for August 26, 2025.**

**I am submitting the following issues on behalf of myself and other residents concerned. These issues directly affect the current and future quality of life in our community and should be addressed before approval of this expansion.**

**---**

## **Issues of Concern**

### **1. Increased Water Costs**

**The park operates under a single master water meter for all units.**

**Adding new units will increase the shared cost for existing residents.**

**Oregon law requires pro-rata billing, but the current lease does not clearly define the method of allocation (equal, by home size, or by occupancy).**

**Residents have never been provided with utility bills or explanations of how charges are calculated.**

### **2. Increased Sewer Costs**

**Sewer billing is also handled through a single master meter.**

**Like water service, the lease fails to specify how costs are divided.**

**State law requires transparency: residents must receive copies of utility bills, and charges cannot exceed what the utility company charges.**

**No such documentation has ever been provided to residents.**

### **3. Garbage/Dumpster Capacity**

**There is currently only one dumpster for all residents, which is inadequate.**

**Some residents have had to pay separately for private service.**

**Adding more units without increasing dumpster capacity will worsen overflow problems, raising costs for current tenants.**

### **4. Lack of On-Site Management**

**The park has had five managers in just two years.**

**There is currently no on-site manager; phone calls and written concerns often go unanswered.**

**Without reliable management, issues such as rule enforcement, safety, and resident concerns remain unresolved.**

**Adding more units will only increase these problems.**

### **5. Poor Park Maintenance**

**Common areas are neglected: trees are overgrown, fences are broken, and overall upkeep is lacking.**

**It is unreasonable to expand the park while the existing property remains poorly maintained.**

## **6. Increased Traffic**

**Expansion will bring more vehicles into a private street with a 10 mph speed limit.**

**Construction traffic, prospective buyers, and real estate agents will all contribute to congestion and safety concerns.**

## **7. Service Interruptions**

**Adding new units will likely cause temporary outages of water, sewer, and power, which will primarily affect existing residents.**

## **8. Construction Impact**

**Dirt, debris, and noise will affect residents daily.**

**Pioneer Street will see increased wear and tear, dirty roads, potential damage to vehicles (e.g., flat tires from debris), and an overall decline in livability during construction.**

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## **Proposed Resolutions / Resident Concessions**

**To fairly balance the interests of residents and the developer, the following concessions should be made before approval of the expansion:**

- 1. Roll back the 10% rent increases imposed since June 2023.**
- 2. Refund residents for rent increases collected since June 2023.**
- 3. Provide a permanent, on-site resident manager.**
- 4. Install a gated entry for improved security.**
- 5. Provide secure, keyed mailboxes inside the gated area.**
- 6. Implement regular, scheduled park maintenance.**
- 7. Repair and replace all broken fences.**
- 8. Conduct daily road cleaning during construction.**
- 9. Include water, sewer, and garbage in space rent (no separate charges).**
- 10. Freeze current rents at 2023 rates for the next 10 years.**

**11. Repair and install streetlights for safety and visibility.**

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**Conclusion**

**The concessions listed above are reasonable compared to the significant financial benefits Central Rogue Mobile Home Community, LLC will gain from this expansion.**

**We fully support free enterprise and responsible development, but the well-being of existing residents, many of whom are seniors living on fixed incomes—must not be ignored.**

**Respectfully,  
Jerry Hallett  
515 E. Main Street, Unit #10  
Rogue River, OR 97537**



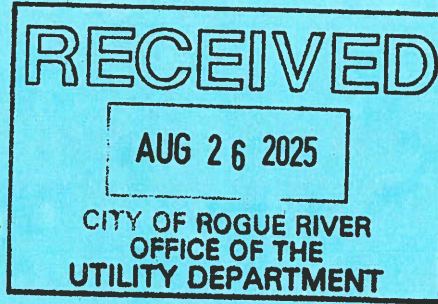


EXHIBIT B

EXH CUP 2025-01

**OTHER BUSINESS**

Staff comments and updates

**ADJOURN**

**NEXT PLANNING COMMISSION WORKSHOP: SEPTEMBER, 2025, AT 10:00 AM**

**Public Participation:** Members of the public are welcome to attend Council meetings unless otherwise noted. Public participation by testimony or comment is only permitted on certain matters, the order and length of which shall be regulated by the Council's presiding officer. Any member of the public who fails to comply with the Council's rules of conduct or who causes a disturbance shall be asked to leave, and upon failure to do so, becomes a trespasser. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted.

**Access Assistance:** City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to City Administrator, Ryan Nolan, in person, Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at [molan.roc1tyofrogueriver.org](mailto:molan.roc1tyofrogueriver.org).

**Meeting Violation:** Written grievances regarding violations of provisions of Public Meetings Law (ORS 192.610 to 192.705) may be submitted to City Administrator, Ryan Nolan, in person, Monday through Thursday, between 9:00 a.m. and 5:00 p.m., or via first class mail at PO Box 1137, Rogue River, OR 97537 or electronically at [molan\(wc1tyofrogueriver.org](mailto:molan(wc1tyofrogueriver.org).

DOY  
THEY RAISE OUR Rent to  
pay for this - I will Be  
LIVING UNDER BRIDGE - I'm  
a widow, I have no  
money. To pay \$1,600 - a month  
HA HA  
2006 - moved in  
widowed 2016  
SCARED  
#23  
MHC PARK  
Resident



**Public Hearing: September 25, 2025**  
**6:00pm CITY HALL COUNCIL CHAMBERS**  
**133 Broadway, Rogue River, Oregon**  
**FILE: CUP 2025-01**

**APPLICANT/** Central Rogue MHC LLC      **AGENT:** Ian M. Cole, P.E.  
**OWNER:** 3308 El Camino Ave, Suite      NEXGEN  
300 RM 608      1043 Nichols Drive, Suite 200  
Sacramento, CA 95821      Rocklin, CA 95765

**REQUEST:** Expand existing manufactured dwelling park by adding 8 new spaces

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- ( ) I/We have no comment.
- ( ) This property is not in our jurisdiction.
- ( ) I/We recommend approval of this application.
- ( ) Please address the following concerns should this application be approved:

NEED SPEED BUM'S PEOPLE DRIVING TO FAST  
TOO MANY KIDS, OTHER PEOPLE ARE DUMPING  
IN LOWER DUMPTER, THIS IS A PUBLIC ST.

- ( ) I/We encourage denial of this application for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: CUP 2025-06

Signature: Richard W Van Meter

Print Name: RICHARD W VAN METER

Date: 9/8/2025

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Further comments from the facing page can be written here:



## CITY OF ROGUE RIVER CITY COUNCIL REQUEST FOR COMMENTS AND PUBLIC HEARING NOTICE

**Public Hearing: September 25, 2025**  
**6:00pm CITY HALL COUNCIL CHAMBERS**  
**133 Broadway, Rogue River, Oregon**  
**FILE: CUP 2025-01**

**APPLICATION:** Conditional Use Permit, Site Design Review, Zoning Map Amendment, and Property Line Vacation to expand an existing manufactured dwelling park by adding 8 new spaces.

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300 RM 608  
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I. The City Council will review a recommendation from the Planning Commission to deny the application based on criteria contained in the Rogue River Municipal Code **Chapters 17.100 CUP, 17.115 Site Design Review, 17.75 Manufactured Dwelling Parks, 17.125 Zoning Map Amendment, and 16.45 Property Line Vacation**; criterion is available for viewing or purchase at Rogue River City Hall.

Rogue River Municipal Code is also published online at [www.cityofrogueriver.org](http://www.cityofrogueriver.org)

II. Failure to raise an issue in person, or in writing at the Planning Commission public hearing, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue, means that an appeal based on that issue cannot be raised at the State Land Use Board of Appeals.

III. A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at the City of Rogue River City Hall at no cost and copies shall be provided at a reasonable cost.

IV. A copy of the City's Staff Report and recommendation to the Planning Commission shall be available for review at no cost seven (7) calendar days before the hearing, and a copy will be provided on request at a reasonable cost.

V. Please contact the City of Rogue River if you have questions or would like additional information on this application – (541) 582-4401 or [rnolan@cityofrogueriver.org](mailto:rnolan@cityofrogueriver.org)

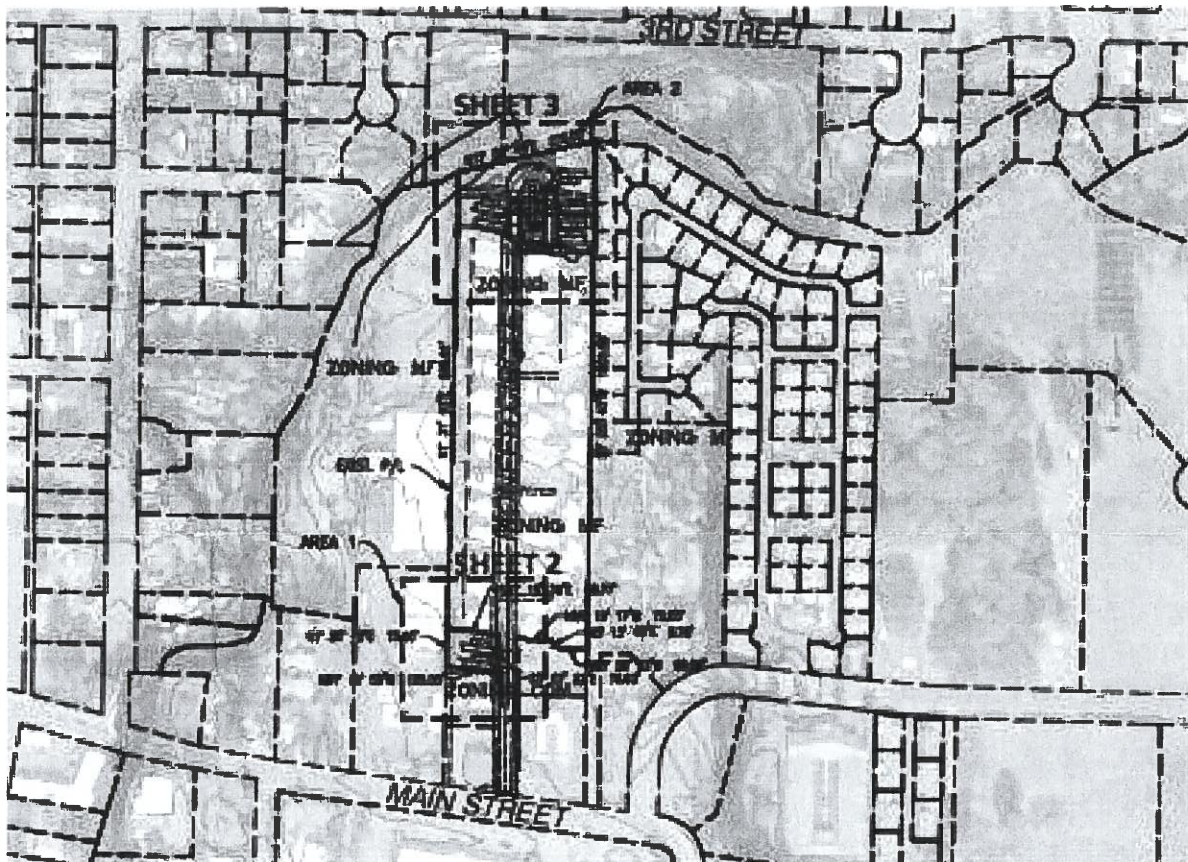
VI. This meeting is also available for attendance by phone or internet via FreeConferenceCall.com:

Dial-in using your phone:  
+1-978-990-5207

Or visit the website:  
[freeconferencecall.com](http://freeconferencecall.com)

Online ID: [rogueriver](http://rogueriver)  
Access Code: 2145898

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- ☐ I/We encourage denial of this application for the following reasons:

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Re: CUP 2025-06

Signature:

Print Name:

Date:

  
Brian Mateja  
9-9-25  
Rogue River Family Practice



**WATER RESOURCES DEPARTMENT**  
**SALEM, OREGON 97310**  
within 30 days from the date  
of well completion.

RECEIVED

JUL 11 1877 (Do not write above this line)

State Permit No.

63 SP-45658-119

SEPTEMBER 25, 2025