

UP
10-31-2022

CITY OF ROSEBURG PLANNING COMMISSION

Monday, November 7 at 7:00 pm

City Hall Council Chambers

Public Access: Facebook Live at www.Facebook.com/CityofRoseburg

City website at <https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos>

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
Daniel Onchuck, Chair Andy Blondell Matt Brady Victoria Hawks
Janelle James Shelby Osborn Jaime Yraguen
3. **APPROVAL OF MINUTES**
A. September 19, 2022 Planning Commission Meeting
4. **AUDIENCE PARTICIPATION: See Information on the Reverse**
5. **ADOPTION OF FINDINGS**
A. CUP-22-001 – 2797 NW Aviation Dr.
6. **PUBLIC HEARING**
A. CPA-22-001/ZC-22-001 – 761 & 797 NE Garden Valley Blvd.
7. **BUSINESS FROM STAFF**
A. Director's Report
8. **BUSINESS FROM THE COMMISSION**
9. **NEXT MEETING – December 5, 2022**
10. **ADJOURNMENT**

The agenda packet is available on-line at:

<http://www.cityofroseburg.org/your-government/commissions/planning-commission/>

The Planning Commission meetings can also be viewed on the City website the next day at: <https://www.cityofroseburg.org/your-government/commissions/planning-commission/videos>.

AMERICANS WITH DISABILITIES ACT NOTICE

Please contact the City Administration Office at least 48 hours prior to the scheduled meeting date if you need accommodations in accordance with the Americans with Disabilities Act. TDD users, please call Oregon Telecommunications Relay Service at 800-735-2900.

AUDIENCE PARTICIPATION INFORMATION

The Roseburg Planning Commission welcomes and encourages participation by citizens at all meetings. To allow the Commission to deal with business already scheduled, it is asked that anyone wishing to address the Commission follow these simple guidelines.

Comments may be provided in one of three ways:

- In person during the meeting in the Council Chambers, Roseburg City Hall, 900 SE Douglas Ave.
- Email by sending an email by 4:00 p.m. the day of the meeting to cdd@cityofroseburg.org
- Virtually during the meeting. Contact the Community Development Department by phone (541)492-6750 or email cdd@cityofroseburg.org by 4:00 p.m. the day of the meeting to get a link to the meeting.

Provide your name, address, phone number and which item on the agenda you wish to speak.

When participating virtually, log or call in prior to the start of the meeting using the link or phone number provided.

- When accessing the meeting through the **ZOOM link**, click "Join Webinar" to join the meeting as an attendee.
- When accessing the meeting through the **phone**, call the number provided.
- All attendees will be held in a "waiting room" until called on to speak.

Persons addressing the Commission must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. All remarks shall be directed to the entire Commission. The Commission reserves the right to delay any action requested until they are fully informed on the matter.

CITIZEN PARTICIPATION – AGENDA ITEMS

For items on the agenda you will be given an opportunity to address the Commission once the item is called. Agenda items typically begin with establishing those who have party status, (to be explained by the Chair), a report from staff, followed by Commission questions to staff, then the applicant along with anyone they wish to call as a witness on their behalf will be called to speak, followed by those with party status. After all initial testimony is completed there will be an opportunity for rebuttal. Everyone addressing the Commission is subject to questioning. After the hearing portion of the item is completed, the Commission will discuss the matter with a motion for consideration being presented and acted on.

Once final action is taken on Quasi-Judicial matters, the action of the Commission can be appealed to City Council within 14 calendar days of the decision by filing a Notice of Review with the Community Development Department. Action on Legislative matters is typically a recommendation to City Council and will be forwarded to them for final consideration.

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

If you wish to address the Commission on a matter not on the agenda, at the appropriate time, speakers who attend in person will be called up to speak by the Chair in the order in which they signed up. Speakers on Zoom (video or phone only) will be called on to speak by the Chair in the order in which they signed up. Persons addressing the Commission must state their full name and address, including whether or not they are a resident of the City of Roseburg, for the record. All remarks are to be directed to the Commission. For items not on the agenda the presentation should be brief and be on a topic of interest to the Planning Commission, such as a general land use matter. These presentations are reserved for new material which has not been previously considered. The Commission will not be taking action on any item presented under Audience Participation and if needed will provide direction to staff for appropriate follow-up.

For further details or information please contact the Community Development Department Monday through Friday, 8:00 a.m. to 5:00 p.m., at Roseburg City Hall, 900 SE Douglas Avenue, Third Floor, Roseburg OR 97470, phone number 541-492-6750, or e-mail cmatthews@cityofroseburg.org.

**CITY OF ROSEBURG
PLANNING COMMISSION MINUTES
September 19, 2022**

CALL TO ORDER

Chair Onchuck called the meeting of the Roseburg Planning Commission to order at 7:02 p.m. on Monday, September 19, 2022 in the City Hall Council Chambers.

ROLL CALL

Present: Chair Dan Onchuck, Commissioners Andy Blondell, Matt Brady, Victoria Hawks, Janelle James, Shelby Osborn, and Jaime Yraguen.

Absent: None

Others present: City Manager Nikki Messenger, City Attorney Jim Forrester, Community Development Director Stuart Cowie, Department Technician Chrissy Matthews, Associate Planner Ricky Hoffman, and RARE AmeriCorps Member Nik Ramstad.

Chair Onchuck welcomed new Commissioner Matt Brady.

Mr. Cowie introduced RARE AmeriCorps Member Nik Ramstad who will work with the Community Development Department for the next 11 months.

APPROVAL OF MINUTES

Commissioner Yraguen moved to approve the May 2, 2022 minutes as submitted. The motion was seconded by Commissioner Blondell and approved with the following vote: Chair Onchuck, Commissioners Blondell, Brady, James, Osborn and Yraguen voted yes. No one voted no. Commissioner Hawks abstained.

AUDIENCE PARTICIPATION - None.

PUBLIC HEARING

Chair Onchuck read the rules of meeting conduct and asked staff if any comments were received prior to the meeting.

Mr. Cowie stated 14 remonstrance letters were received from the following:

1. Bill Woods, 1224 NE Walnut Street, Suite 505, Roseburg
2. Dennis Yeo, 1224 NE Walnut Street, Suite 252, Roseburg
3. Dan and Rhonda Sprague, 1602 NE Camelot Ct, Roseburg
4. Allen Goodwin, 800 Gem Drive, Roseburg
5. Rob Levin, 250 Strickland Canyon Rd, Roseburg
6. Clint Newell, 735 Cross Creek Drive, Roseburg
7. Steve Skenzick, 3062 W Chateau Avenue, Roseburg
8. Cameron L. Krauss, General Counsel, Swanson Group, 2825 NW Aviation Dr., Roseburg
9. David Morrison, 923 Cleveland Rapids Road, Roseburg
10. Lynn Engle, 579 Fisher Road, Roseburg
11. Gil Peterson, PO Box 240, Winchester
12. Phil Strawn, 1224 NE Walnut, Suite 218, Roseburg
13. Frank Inman, 211 Heavens Gate Lane, Roseburg
14. Dave Leonard, PO Box 605, Winchester

The following individuals came forward during the meeting to request party status:

Steve Swanson, 1555 Old Garden Valley Road. A letter from his attorney was submitted on his behalf.

Rogers Vehrs, 233 Melrose Terrace Lane. Owns a hangar at the Airport.

Jody Tatone, 119 Birdie Lane. Owns a hangar at the Airport.

Chair Onchuck granted party status.

Chair Onchuck read the procedures for the Quasi-Judicial Hearing and opened the public hearing.

Commissioner Yraguen disclosed he has a conflict of interest due to his long-time, personal relationship with Ben and Jody Tatone.

Commissioner Hawks disclosed she has worked with Ben and Jody Tatone in the real estate profession but is able to remain objective.

Chair Onchuck disclosed he has worked with Ben and Jody Tatone in the real estate profession but is able to remain objective.

Commissioner Brady disclosed he has a computer support business and has done work for Ben and Jody Tatone but is able to remain objective.

Chair Onchuck asked for the staff report.

CUP-22-001 – 2797 NW Aviation Drive – Real Estate Sales Office

Mr. Cowie provided the Staff Report. The applicant, Mr. Ben Tatone, submitted an application for a Conditional Use Permit (CUP) to allow for a real estate sales office within a portion of an existing hangar (Hangar 12) at the Roseburg Airport. The site is a ground lease and owned by the City of Roseburg. The structure/hangar is owned by the applicant. There is an office space on the ground floor but they are only proposing to use the office space on the second floor.

The CUP is an administrative action, as listed within Section 12.10.010(L) of the Roseburg Municipal Code (RMC). However, pursuant to Section 12.10.010(N)(3) of the RMC, the Director has referred the CUP application to the Planning Commission for a public hearing. The notice requirements prescribed by Section 12.10.010 of the RMC have been provided by City staff in anticipation of the public hearing.

Prior to submitting the CUP application, Mr. Ben Tatone, on behalf of Aerostate LLC, submitted a letter notifying the City Manager of their intent to purchase Hangar 12 from REIS, LLC. The issue of reassigning the lease agreement was brought before the Airport Commission on April 12, 2022. The Airport Commission issued a recommendation to defer the decision to the City Council. The matter of the lease reassignment was brought to the City Council on May 9, 2022 and Council passed a motion to transfer the ground lease assignment of Corporate Hangar 12 from REIS, LLC to Aerostate, LLC. Aerostate LLC took ownership of the hangar and then submitted their CUP application for the proposed use.

Mr. Cowie discussed the approval criteria Section 12.04.060 – The Airport District (AP) zone conditionally permits offices (uses that do not conflict with the Airport Master Plan) and Section 12.10.080(F) – “Conditional Use Permits – Approval Criteria” – “A Conditional Use Permit shall

be granted only if the Approving Authority finds that the proposal conforms to all five of the following criteria.”

1. The proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.
 - This is an existing building and no development is proposed. No exterior changes to the building except a new sign that will be placed on the awning located in front of the building.
2. The development is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood.
 - The applicant proposed that Cutting Edge Real Estate is an example of a real estate business that already exists within the Airport District.
 - Mr. Cowie stated one of the items indicated in the airport zone is the “Purpose Statement” indicating it’s intended to protect airport facilities and operations from incompatible uses to provide for future airport expansion and preserve airport land for future commercial and industrial uses which will be directly dependent on airport transportation. However, the lease agreement that was reassigned does specifically address that issue and is acknowledged in Exhibit I under Non-Aeronautical Use.
3. The site for the proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use. The proposed use will be similar.
 - Part of the application, the applicant asserts there will be little traffic generated from the real estate business. Much of the real estate transactions are done electronically so traffic would mainly be from employees of the real estate office. There are adequate parking spaces on site.
4. The proposed development will not have an adverse physical effect on the development or use of abutting or contiguous property.
 - Concerns regarding security. The applicant indicated clients will not have access to the aviation portion of the hangar. Access to the front of the building and parking lot is through the main gate which remains open during business hours. There is a fence attached to the back of the hangars with a second gate to restrict access from the parking lot to the airport runway. You can access the aviation portion of the airport through the building; however, the applicant proposes to install biometric locks which utilizes a thumb print for access, which Mr. Ben and Jody Tatone would authorize.
5. The proposed development will conform to the policies of the Comprehensive Plan and adopted plans and policies of the City Council.
 - The Federal Aviation Administration (FAA) recognizes the City’s Airport Master Plan which was approved and adopted. The City is required to receive approval of the FAA for applications at the Roseburg Airport. Exhibit J indicates City Manager submitted a letter to the FAA requesting to extend the interim non-aviation use of a portion of Corporate Hangar 12, stating the lease term is limited to five years, there is not a current nor projected demand during the five year period for aeronautical use of the space, there continues to be a termination clause that would allow for aeronautical use if the demand arises, and the commercial use component of the space will continue to pay market rate rent as outlined. Mr. Dalke, FAA Civil Engineer approved the extension of the non-aeronautical interim use of Corporate Hangar 12 for a term of no more than 5 years.

Staff determined the Conditional Use Permit request, as submitted by the applicant, satisfied the criteria for approval. Therefore, recommended the Planning Commission to direct staff to prepare Findings of Fact approving the Conditional Use Permit as contained within File CUP-22-001 for review and adoption during the November 2022 Planning Commission meeting, in order for staff to have time to prepare the Findings, if directed.

Chair Onchuck inquired if the lease has any bearing on the hearing.

Mr. Cowie stated the lease has bearing on the hearing only in regard that it speaks to the non-aviation uses and that has a bearing on Criteria #2. The building is in the Airport District Zone designation which triggers the Conditional Use Permit.

Mr. Forrester clarified the lease was assigned to Mr. Ben and Jody Tatone by City Council. The lease reassignment isn't what is before the Commission.

Applicant Mr. Ben Tatone, owner of Roseburg Homes Realty and half owner of Hangar 12 provided a power point and discussed his application. The hangar will be used exclusively for aviation purposes and the office space upstairs will be utilized for the real estate business. Biometric locks utilizing fingerprints for access have been installed on access points between the non-aeronautical and aeronautical space for owners and authorized staff only. The entry door and the fire escape door access directly to the parking lot within the internal security fence. No exterior or interior development or remodel is proposed. They will pay a higher rate for the non-aviation space. There are 52 parking spaces and only three have been observed in use. Office (uses that do not conflict with the Airport Master Plan) is allowed through a conditional use permit process. The FAA granted approval of the reassignment of the lease. There is no retail activities proposed at the site. Real estate documents are mostly signed electronically so rarely do real estate clients come to the office. The main entry gate #3 which is open during business hours does not allow access to the taxiway/airport. There is a security fence that extends between the buildings and a security gate which allows access to the taxiway/airport. There is no storage currently or intended of anything non-aeronautical in the non-aeronautical space. There is a small amount of storage in the space delineated as non-aeronautical and is used primarily for storage of files and signage.

Commissioner Hawks asked if an elevator would be required to meet ADA standards, and how an individual would exit the building in case of an emergency if there are Biometric locks installed.

Mr. Ben Tatone stated a person could utilize the fire escape on the second story or use the interior stairs to exit the front of the building to the parking lot. For authorized personnel in the hangar, they would exit from the back of the hangar.

Chair Onchuck asked if Mr. Ben Tatone wanted to call any witnesses.

Mr. Ben Tatone stated he did not.

Parties in favor:

Jody Tatone, 119 Birdie Lane, Roseburg. Shared that he is a pilot and understands airport protocol. He has been in the real estate business for 30 years. His son, Ben has been in the real estate business for the last 20 years. They have both contributed to and supported the community. As owners of Hangar 12 they will be good stewards.

There were no neutral parties wishing to speak.

Parties opposed:

Bill Woods, 245 Fairway Village Lane, Roseburg. Owns a hangar at the airport. Strongly objects to non-aviation, or non-aviation-compatible businesses to operate from any aircraft hangar, or within the airport perimeter fence at the Roseburg Airport. Concerned with safety and security.

Chair Onchuck asked Mr. Woods if he had the same opinion of opposition for the current non-aeronautical tenants, Tom Thumb Mini Storage and Cutting Edge Realty.

Mr. Woods said Tom Thumb Mini Storage is not a business and has a secured entrance from the north and has a perimeter fence around it. The Aviation Suites building was constructed in 1984 and is under a 99 year lease that was signed in 1970 which is a completely different lease and is outside the fenced area.

Steve Swanson, 155 Old Garden Valley, Roseburg. Concerned with security and would like the perimeter gate closed.

Ms. Messenger stated the gate has been opened since it was installed and that decision was made a long time ago. The concern of the open gate was brought up when the lease reassignment went to City Council in an effort to make it a condition of approval for the CUP; however, Council chose not to condition the lease in that manner. In an effort to address the security concern, she is working on opportunities to be able to keep the gate closed with the ability to open the gate from the hangars.

Chair Onchuck asked if the Planning Commission has the authority to condition the open gate concern.

Mr. Forrester stated the Commission has the authority to place conditions on the CUP.

Ms. Messenger stated the gate is set on a timer 8-5 M-F, closed the rest of the time.

Roger Vehrs, 233 Melrose Terrace Lane, Roseburg. Owns a hangar at the airport. Concerned with security, possible construction storage in the hangar, and the legitimacy of the original settlement agreement.

Clint Newell, 735 Cross Creek Dr., Roseburg. Hangar owner and Airport Commission member. He clarified the Airport Commission didn't make a recommendation to City Council because the Commission was told it didn't matter what they decided because it was an issue for City Council to make the decision, so the Commission deferred to Council. If they were told they needed to make a decision, he believes they would have voted against it. He discussed the differences between the Aviation Suites building and the commercial office space in Hangar 12. The Airport Commission has voted twice to keep the gate closed 24/7, which would improve the security; however, nothing has happened. Concerned with commercial business in the hangar complex and the related problems.

Chair Onchuck asked Mr. Newell for clarification regarding the direction the Airport Commission was given that their recommendation on the lease reassignment to City Council didn't matter and why action wasn't taken on closing the gate after the Airport Commission voted in favor of closing it.

Mr. Newell confirmed the Commission was told it didn't matter what they decided because it was an issue for City Council to make the decision. The Commission wasn't supportive or comfortable making a recommendation of the lease reassignment so they deferred to Council.

He didn't have knowledge of the protocol after the Airport Commission voted in favor of closing the gate.

Robert Levin, 250 Strickland Canyon Road, Roseburg. He is the Fixed Base Operator. He operates the flight school and maintenance facility at the airport. Concerned with security and supports a secondary fence.

Rebuttal:

Mr. Ben Tatone stated customers or unauthorized people will not have access through their hangar. To address aviation safety concerns, he shared his work experience and safety duties during his employment with a helicopter company.

Commissioner Brady commented that the 2010 Master Plan permits restaurants and taverns, without drive-thru facilities, without a conditional use process which would generate a significantly larger amount of people coming in and out of the airport in comparison to the office use which is required to go through a conditional use process.

Mr. Ben Tatone stated he has installed the Biometric locks to enhance security.

Commissioner James inquired if the Medford and Eugene airports have non-aeronautical office use.

Mr. Ben Tatone replied yes, and provided a list of business: medical clinic, pharmacy and retail. Both Medford and Eugene do not have a first gate for entry; however, he is not disputing that they need one but just comparing different airports to Roseburg's airport. Their façades are similar to Roseburg's airport but with an array of different businesses with more visitors than what his real estate business would generate. For clarification, he asked the City attorney if the settlement agreement to his lease is a legal document.

Mr. Forrester confirmed the settlement agreement to the lease is a legal document. City Council approved and adopted the document January 24, 2011.

Mr. Ben Tatone further stated he will be at the hangar complex many hours during the week which can be a benefit to discourage unwanted activity. The gate should not be a condition of approval since he does not have control of the gate.

Commissioner Blondell asked Mr. Tatone if he was ok if the gate were to be closed.

Mr. Ben Tatone stated he doesn't make the decision regarding the gate; however, he feels the secondary cyclone fencing with barbed wire is adequate security.

Commissioner Hawks asked staff if the original approval for the office space was at ground level.

Mr. Cowie stated he didn't know if it was a ground floor or second floor office space approval; however, ADA requirements would not be required since the building already exists, there is no remodeling proposed and there isn't a change in occupancy.

Chair Onchuck ask for rebuttal testimony.

Mr. Woods discussed his conversation with the Tatones regarding the purchase of the hangar, the type of use and the history of the contested lease for non-aviation use. He stated the

Medford and Eugene airports use security badges for access in unauthorized areas. There is a restaurant in the terminal of the Medford Airport.

Commissioner James asked staff if a CUP would be required for office use on the ground floor.

Mr. Cowie replied yes, a CUP would be required. The current request is for a real estate office on the second floor only.

Hearing no further testimony the public hearing was closed.

Chair Onchuck asked if the Commission could be provided with the history of how the office space was established in Hangar 12.

Mr. Cowie stated he doesn't have knowledge regarding the history; however, the matter before the Commission is the use of a real estate business proposed in the already created office space on the second floor of Hangar 12 and how it applies to the five criteria in order to make a decision if the use is compatible or not.

A discussion ensued regarding the airport district zone and compatibility.

Commissioner Osborn asked about the security measures and access from the Aviation Suite's building on to the airport.

Ms. Messenger stated she hasn't been in the building for several years but previously there is a back door with direct access from the building to the apron of the airport.

Commissioner Brady stated he reviewed the building and reviewed the zoning. Having a restaurant which is a permitted use would be more impactful to the zone than the proposed office use. This requested use is reasonable and meets the requirements.

Commissioner Brady moved to direct staff to prepare Findings of Fact approving the site plan review, as requested and presented within File CUP-22-001 for review and adoption during the November 7, 2022 Planning Commission meeting. The motion was seconded by Commissioner James.

Chair Onchuck stated he was surprised at the permitted uses within the Airport zone. He was curious how the permitted uses were added in 2010 to the zone, and thought it may need to be revisited due to the conflict of the uses within the zone. However, he believes the proposed CUP is compatible with the Purpose Statement of the Airport Zoning District.

Commissioner Blondell is concerned with the permitted uses within the zone; however, the CUP request isn't intrusive and appreciates Biometric locks were installed for security.

Commissioner Osborn asked for confirmation that the proposed use is only for the second floor and any use proposed for the first floor would need approval.

Mr. Cowie stated if a proposed use required a CUP than the applicant would go through the CUP process; however, if the use is an outright permitted use than the CUP process is not required.

Ms. Messenger indicated a more realistic permitted use would be along the lines of airplane sales/aviation use due to the size of the office space within Hangar 12. The space is small for

a restaurant/bar and the required equipment. She believed restaurant/bar use was included in the zone for other areas of the airport, outside the fenced areas.

Commissioner Osborn asked what the office space would be used for if the Commission denied the CUP request.

Mr. Cowie stated the real estate business could not operate in the office space because land use authorization was not approved.

Hearing no further discussion or comments, Chair Onchuck asked for a vote.

Chair Onchuck, Commissioners Blondell, Brady, Hawks, James, and Osborn voted yes. No one voted no.

Commissioner Yraguen inquired about the process of the lease assignment and why it did not come before the Planning Commission.

Mr. Cowie stated the reassignment of the lease is a separate issue that is only reviewed by City Council. Only land use is processed by the Community Development which may come before the Planning Commission.

Mr. Forrester stated the lease reassignment request is processed through City Council for approval. Council reviews a lease regarding the occupant of the building. Any land use decision would be required to be processed through the Community Development and the Planning Commission, if needed.

AN-22-001 & ZC-22-002 – 0 Housley Ave – Annexation & Zone Change to R7.5

Chair Onchuck read the procedures for the Quasi-Judicial Hearing and opened the public hearing.

Chair Onchuck asked if any comments were received prior to the meeting.

Mr. Cowie stated Joyce McCullough provided a letter of opposition.

Ben Tatone stated he is in contract to purchase the Housley Avenue property and requested party status.

Chair Onchuck declared party status.

Commissioner Yraguen disclosed he was related to Jody Tatone through marriage but acknowledged Ben Tatone is the contract purchaser of the property in question. He can remain objective.

Commissioner Brady disclosed he has provided professional services to Ben Tatone and Mr. Leonard but can remain objective.

Mr. Cowie provided the Staff Report. The applicants, David & Linda Leonard, property owners, submitted applications for approval of an annexation and zone change of a 0.29+/- ac. unit of land. Proposed annexation would bring the parcel into Roseburg city limits and would change the zoning from County-zoned Single-Family Residential (RI) to City-zoned Single-Family Residential (R7.5). The subject property has a Low-Density Residential Comprehensive Plan Designation. The property is not currently addressed and is vacant of any structural development.

Mr. Cowie discussed the approval criteria ORS 222.125, "Annexation by consent to allow owners of land"; City of Roseburg Resolution 2006-04, "Annexation Policies"; and Roseburg Municipal Code 12. 10.040(D).

Staff found the proposed Annexation and Zone Change request met the criteria of ORS 222.125, Roseburg City County Resolution 2006-04 (Annexation Policies), and Roseburg Municipal Code and recommended the Planning Commission approve files AN-22-001 & ZC-22-002 subject to the following conditions:

1. The applicant shall obtain Site Plan Review and Building Permit Approval prior to the commencement of any construction of the subject property.
2. Any future development of the property shall fully conform to all the applicable standards and requirement of the Roseburg Municipal Code.

The applicant, Mr. Leonard was not present.

Parties in favor:

Ben Tatone 201 Pegasus Lane Roseburg. Is present to answer questions. He mentioned a new fire hydrant will be installed at the cost of the developer which will benefit the surrounding properties.

There were no neutral parties wishing to speak.

Parties opposed:

Joyce McCullough, 526 Housley Ave. Concerned the previously added fill dirt on the property rerouted the waterway creating a pond nine months out of the year; Increased traffic and road conditions. She would like to know how water will be routed away from her property.

Mr. Cowie stated the road was developed to county standards and remains in the county. If annexation continues to occur on Housley, the road would eventually be annexed in the city.

Commissioner Brady inquired if the annexation were to occur, is there a recourse if development were to adversely affect a neighbor.

Mr. Cowie stated storm drainage criteria and standards would apply to new development.

Commissioner Hawks inquired if sidewalk standards would apply.

Mr. Cowie stated if development were to occur, sidewalk, curb and gutter standards would apply; however, an irrevocable petition for improvements may be an option when reviewed by the Public Works Department, which would require the property owner to share in the cost of constructing the improvements when necessary.

Mr. Forrester stated Mr. Ben Tatone does not have another opportunity to speak because he is a party to the application and not the applicant. The applicant was not present to give further statement; therefore, there wasn't a chance for rebuttal.

Commissioner James asked for clarification on the owner of the two lots.

Mr. Cowie stated Mr. and Mrs. Leonard are the property owners of the vacant lot already in the city limits, as well as the vacant lot requesting to be annexed into the city limits. Both lots are separate parcels and would be processed individually if an application for development were

to occur on either parcel.

Hearing no further testimony, the public hearing was closed.

Commissioner Hawks moved to adopt the Findings of Fact as presented, and refer the request to City Council, recommending approval of the requested Annexation and Zone Change, referenced as File No's. AN-22-001 & ZC-22-002. A motion was seconded by Commissioner Osborn and approved with the following vote: Chair Onchuck, Commissioners Blondell, Brady, Hawks, James, Osborn and Yraguen voted yes. No one voted no.

BUSINESS FROM STAFF

Mr. Cowie stated the Finding of Fact will be prepared and the Planning Commission will have a chance to review them before the November Planning Commission meeting. There is an appeal process if necessary.

Mr. Cowie shared the following commercial businesses are currently under construction: In N Out on NW Aviation Dr. and Chipotle on NW Stewart Pkwy. Mod Pizza on NW Garden Valley Blvd recently received their Certificate of Occupancy and is open for business.

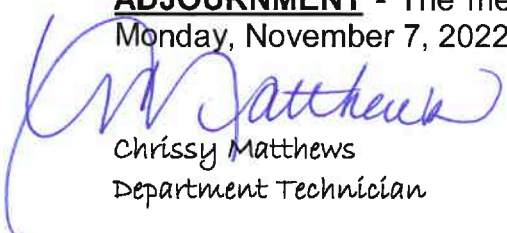
BUSINESS FROM COMMISSION

Commissioner Yraguen inquired on the following: Why there has been a lack of agenda items resulting in cancelled meetings for the past two years; Why the Commission wasn't made aware of the two planners that recently left the Community Development Department; and, what is the application approval process for the city/county.

Due to the meeting running late, this discussion was tabled for the November meeting.

Mr. Cowie stated he would be glad to address all of the questions and concerns. He will send the Commission an email to address the topics prior to the next meeting. Both staff members were recruited by other agencies and it will be challenging to be short staffed.

ADJOURNMENT - The meeting adjourned at 9:50 p.m. The next meeting is scheduled for Monday, November 7, 2022



Chrissy Matthews
Department Technician

In the matter of the) Conditional Use Permit
Conditional Use Permit) File No. CUP-22-001
request by Ben Tatone)
for Hangar 12 at the Roseburg Airport.)

**BEFORE THE ROSEBURG PLANNING COMMISSION
FINDINGS OF FACT AND ORDER**

I. NATURE OF APPLICATION

The applicant is requesting a Conditional Use Permit to allow for the use of a real estate sales office (Roseburg Homes Realty) within an existing hangar at the Roseburg Airport addressed as 2797 NW Aviation Drive and known as Hangar 12. The site is a ground lease and owned by the City of Roseburg. The hangar is owned by the applicant. The property is identified within the Airport District (AP) zoning designation. The AP zone allows for the use of “offices,” that do not conflict with the Airport Master Plan through a conditional use permit process. The existing structure has space located on the first and second floor that has been designed for office type use. The applicant is requesting the use of a real estate sales office on the second floor of the building only.

II. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.
2. The Planning Commission held a public hearing regarding this matter September 19, 2022. Notice of the public hearing was given by publication in the News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. At the close of the public hearing on September 19, 2022, the Planning Commission authorized staff to prepare findings of fact and order approving the conditional use permit request to be presented to them for review on November 7, 2022.
4. The structure is located within the Roseburg Airport. The property is described as Township 27 South, Range 06 West, Willamette Meridian, Section 12B, Tax Lot 00200; R130512 and is addressed as 2797 NW Aviation Dr.
5. The portion of the airport on which the structure is located is designated by the Comprehensive Plan as Public/Semi-Public (PSP) and is zoned within the Airport District (AP).
6. The hangar has an existing footprint that is 80'x130'. The hangar consists of space that has been used for both aviation and non-aviation uses. The western portion of the building includes office space constructed on the first and second floors. This space is 4,894 square feet in size and is designated for non-aeronautical purposes. The remaining 7,218 square feet of the building exists as an airport hangar to be used for aeronautical purposes with a bi-fold vertical lift door and direct access to the airport taxiway.

B. AGENCY COMMENTS

Comments regarding the conditional use permit request were solicited from the Fire Department, Public Works Department, Douglas County Building Department, County Public Works Department, ODOT, and Roseburg Urban Sanitary Authority. No comments were received.

C. PUBLIC HEARING

A public hearing was held on September 19, 2022 regarding the matter of the conditional use permit request in accordance with RMC 12.10.010(T).

D. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per RMC 12.10.010(S) of the public hearing. Written comments were received by the following individuals:

Remonstrances:

1. Bill Woods, 1224 NE Walnut Street, Suite 505, Roseburg, Oregon
2. Dennis Yeo, 1224 NE Walnut Street, Suite 252, Roseburg, Oregon
3. Dan and Rhonda Sprague, 1602 NE Camelot Ct, Roseburg, Oregon
4. Allen Goodwin, 800 Gem Drive, Roseburg, Oregon
5. Rob Levin, 250 Strickland Canyon Rd, Roseburg, Oregon
6. Clint Newell, 735 Cross Creek Drive, Roseburg, Oregon
7. Steve Skenzick, 3062 W Chateau Avenue, Roseburg, Oregon
8. Cameron L. Krauss, General Counsel, Swanson Group, 2825 NW Aviation Drive, Roseburg, Oregon
9. David Morrison, 923 Cleveland Rapids Road, Roseburg, Oregon
10. Lynn Engle, 579 Fisher Road, Roseburg, Oregon
11. Gil Peterson, PO Box 240, Winchester, Oregon
12. Phil Strawn, 1224 NE Walnut, Suite 218, Roseburg, Oregon
13. Frank Inman, 211 Heavens Gate Lane, Roseburg, Oregon

Due to the number of remonstrance's received, a list of the common concerns are summarized below:

1. Airport Security – Allowing non-aviation related uses is unsafe and compromises the security of the airport and a potential increase in public access could cause harm and damage to airport users and potentially, themselves.
2. Compatibility –Allowing a real estate office will set precedence for other non-aviation uses at the airport such as upholstery shops, auto body shops, and other similar retail uses. As a result, safety and security of the airport will be compromised.
3. Concern about the airport losing federal (FAA) funding due to non-aviation related uses utilizing hangar space at the airport and there being better suited locations for a real estate sales offices outside of an airport.

Concurrences:

Dave Leonard, PE, SE, 2432 NW Witherspoon Avenue, Roseburg, Oregon

The following individuals provided oral testimony during the public hearing:

1. Ben Tatone, 542 NE Alameda Ave, Roseburg, Oregon
2. Jody Tatone, 119 Birdie Ln, Roseburg, Oregon

2. Bill Woods, 1224 NE Walnut Street, Suite 505, Roseburg, Oregon
3. Steve Swanson, 155 Old Garden Valley Rd, Roseburg, Oregon
4. Roger Veers, 233 Melrose Terrace Ln, Roseburg, Oregon
5. Clint Newell, 735 Cross Creek Drive, Roseburg, Oregon
6. Rob Levin, 250 Strickland Canyon Rd, Roseburg, Oregon

E. APPLICABLE CRITERIA

The applicable approval criteria for the subject conditional use permit is reviewed in the following order: a) Section 12.04.060 – “Airport District”; b) Section 12.10.080(F) – “Conditional Use Permits – Approval Criteria”.

1. Section 12.04.060 – “Airport District”
 - a. Zoning Conformance (Section 12.04.060) – The Airport District (AP) zone conditionally permits “Offices, uses that do not conflict with the Airport Master Plan” if reviewed and approved in accordance with the conditional use permit procedures of Section 12.10.080.
2. Section 12.10.080(F) – “Conditional Use Permits – Approval Criteria” – *“A Conditional Use Permit shall be granted only if the Approving Authority finds that the proposal conforms to all five of the following criteria.”*
 - a. *“The proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.”*

Findings: The application states that there will be no new development to the hangar based on the proposal to utilize the second floor of the building as a real estate sales office. The applicant asserts Hangar 12 was constructed to house multiple tenants utilizing office space within the footprint of the existing building.

City staff has made a site visit to the structure and confirmed that the first and second floor of the western portion of the hangar appears to have been constructed as vacant office space. The applicant has indicated that his desire is to move his real estate business into this existing office space on the second floor. No changes to the interior of the building are proposed. The eastern portion of the building is used as an airport hangar for storage of an aircraft.

The applicant has also indicated that no exterior alterations to the building are proposed other than a sign/logo on the front door awning that will change to conform to the new business. Hangar 12 is located on the north apron of the airport among nine other hangars of similar size and appearance. According to the applicant, four of the eastern-most hangars are similarly built as prefabricated steel structures with office space.

As there will be no new development as part of the applicant’s request, the Planning Commission finds that the proposal is compatible with existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.

A common theme from those who submitted comments concerning the application was that allowing a real estate office would not be compatible with the airport, as it would set a precedence for other non-aviation uses such as upholstery shops, auto body shops, and other similar retail uses. As a result, safety and security of the airport would be compromised. The Planning Commission recognizes the concern, but finds it invalid as

the Commission's responsibility is to review the application before them and not what other uses may occur in the future because of an approved real estate office. The Planning Commission acknowledges that new uses proposed within the AP zone must go through their own specific review process. Typical commercial uses such as an upholstery shop, auto body shop or other retail types of use would not be allowed within the AP zone. Only uses identified in Table 2-11: AP –Allowed Uses within RMC Section 12.04.060 may be considered for approval on airport property within the AP zone.

- b. *"The development is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood."*

Findings: The property is zoned Airport District (AP) and according to RMC Section 12.04.060(A), the purpose of the AP zone is:

"The AP classification is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation."

The Planning Commission acknowledges that the proposed use will be similar to that of Cutting Edge Real Estate located in Aviation Suites, the building located furthest south within the airport complex and the AP zone. Cutting Edge Real Estate has existed within the AP zone since April of 2016 and has helped to demonstrate that a real estate type office is consistent with the AP zoning designation and compatible with airport uses.

In addition to the existence of an established real estate office within the AP zone the existing ground lease between the City and the applicant helps to further ensure that the purpose of the AP zone is satisfied. Exhibit I of the September 19, 2022, Staff Report to the Planning Commission includes Exhibit B of the approved Lease Agreement with Ben and Jody Tatone. The document indicates that the owner or sub-tenant of the hangar may utilize the office space portion of the structure for non-aeronautical activities, but provides the City with the ability to discontinue non-aeronautical uses within the hangar, such as the proposed real estate office, at any time if the City reasonably determines that all or a portion of the hangar is necessary to meet airport needs for aeronautical use in the near future. The purpose for this section of the lease is to acknowledge that the primary use of the hangar is for aeronautical purposes, but that the hangar may be used for non-aeronautical uses if there is not a current need for aeronautical space.

Further evidence that the non-aeronautical use of a portion of Hangar 12 for office space is in keeping with the purpose of the AP zone is provided in the approval granted by the Federal Aviation Administration (FAA) for the 5-year extension of a previously approved interim non-aeronautical use permit specifically provided for the office space in Hangar 12. See Exhibit J of the September 19, 2022, Staff Report to the Planning Commission.

A common concern provided by those submitting written comments was about the airport losing federal (FAA) funding due to non-aviation related uses utilizing hangar space at the airport and there being better suited locations for a real estate sales offices outside of an airport. A 5-year extension of the approved non-aeronautical use permit for the office space in Hangar 12 from the FAA, negates the concern over the airport losing federal approval or funding concerning the airport. The FAA is aware of the use of Hangar 12 for office space and has authorized this non-aeronautical use through their own

permitting process. One may argue that there are more suitable locations for the establishment of a real estate office, but the Planning Commission has determined that their role is not to determine a better suited location for the applicant, but rather review the conditional use permit request as outlined in RMC 12.10.080 in order to determine whether it may or may not be approved.

The idea that non-aeronautical uses can occur in the AP zone in harmony with other aeronautical uses, or at times in which there is no pressing need to utilize vacant space for specific aeronautical uses, is further demonstrated by the uses listed under numbers 4, 5 and 6 identified in Table 2-11: AP –Allowed Uses within RMC Section 12.04.060. Use number 4 (Offices) and use number 6 (Telecommunication Facilities) both non-aeronautical uses may be allowed within the AP zone, if reviewed and approved in accordance with the conditional use procedures outlined in the Roseburg Municipal Code. In addition, use number 5 (Restaurants or Taverns), a non-aeronautical use, is listed as being permitted as-of-right with the AP zone. The Planning Commission finds that as the use of a restaurant or tavern could be considerably more intensive than that of a real estate office within the AP zone as a use permitted outright, it demonstrates that if reviewed through the proper procedure offices can inherently be consistent with the purpose of the base zone and enhance the neighborhood.

Testimony was provided by several individuals during the course of the public hearing involving concerns about the ground lease agreement between the City and the applicant. The Planning Commission finds that although provisions within the lease agreement help to demonstrate that non-aeronautical uses, such as a real estate office, may occur in harmony with the AP zone or be discontinued if necessary, to ensure the purpose of the AP zone is satisfied, understanding the historical context and evaluating the legality of the lease agreement is not the purpose or intent of the conditional use permit process. Rather, the intent of the conditional use permit process is to establish that the proposed use of a real estate office complies with the conditional use criteria identified in RMC Section 12.10.080(F).

Finally, the proposed use will enhance other operating characteristics of the neighborhood outside the AP zone, directly adjacent to the airport. The proposed use will be consistent with that of neighboring office type uses along Aviation Dr. such as Simmons Law practice and Orca Investment Management. Although not located in the AP zone these types of uses are located within the neighborhood and the applicants proposed real estate office in addition to these uses will help to further enhance the characteristics of the neighborhood.

Based upon the findings provided above, the Planning Commission has determined that the proposal is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood.

- c. *“The site for the proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use.”*

Findings: The applicant has indicated that Roseburg Homes Realty (real estate office) has a low traffic impact. With the onset of digital signatures for real estate contracts, the applicant has stated they rarely have customer/clients visit the office so the traffic is nearly exclusively the workers. This area of the airport is serviced by a fully developed

street (NW Aviation Dr.) and the parking lot for this unit is designated and built with much more capacity than the business requires.

RMC Section 12.06.030, Table 3-3: Minimum Parking Spaces Required, indicates that based on the square footage of the second floor, proposed for the real estate office, the business must have a minimum of nine parking spaces. Adequate parking is available adjacent to the hangar. The use of 14 parking spaces have been acknowledged by the City for previous uses at the hangar. There is a paved sidewalk that fronts the western face of the structure, which provides an ADA pedestrian sidewalk from the parking area to the pedestrian entrance. The sidewalk also serves an emergency fire exit door on the north face of the building, which is west of the security perimeter fence prohibiting pedestrian and vehicles from accessing the taxiway.

The Planning Commission finds that the proposed use is served by NW Aviation Dr., a street of adequate width and construction to safely carry the few vehicles anticipated as part of the real estate office.

- d. *"The proposed development will not have an adverse physical effect on the development or use of abutting or contiguous property."*

Findings: The most common theme throughout both the written and oral testimony provided by those in opposition to the application was concerns about airport security and safety. Remonstrators feel that allowing non-aviation related uses at the airport compromises security and will increase the possibility of public access to restricted areas causing damage and harm to the airport and its users. The applicant has responded to this concern by indicating that the use of their real estate office will be fully contained within the non-aviation portion of the hangar and will have no reason for access to the "airside" of the airport. The proposal is limited to the occupation of an existing upper floor office space with a multi-tenant office building built for office space uses. Clientele to the real estate office will not be given access to the airplane storage or adjacent aviation-related portions of the hangar. Access to the hangar portion of the structure could only possibly be obtained by a client or employee of the business, through the office space by two interior doors on the first floor, which will be locked at all times. The proposed real estate office will be located on the second floor. The applicant intends to take additional safety measures by installing biometric locking door handles to all the doors that access the aviation-related storage area. This means access will only be allowed to those utilizing the aviation side of the hangar for aviation purposes. All other real estate employees, clients or customers will not be provided access as they will not need access to the space, nor have need to be on the first floor of the building as the real estate office is located on the second floor.

Security fencing attached to the hangar halfway along the building prevents individuals from accessing the airside of the airport from the exterior of the building. The emergency exit for the building located on the north side of the hangar is located west side of the security fence, meaning that even in the event of an emergency, employees or clients exiting the building via the emergency door will exit on the non-airside of the airport and be limited access because of the security fence.

Concerns over the closure of the entrance gate to the parking lot providing access to the hangar was expressed by multiple individuals during the hearing. Currently the gate remains open during business hours for those wishing to access the non-airside of the airport via existing hangars at the northern entrance. Authorizing closure of the gate is at the discretion of City Council and may be influenced based upon recommendations made by the Airport Commission. The applicant has stated that he does not have control of the gate and will ultimately adjust to whatever decision the Council may make concerning its possible closure during business hours.

Regardless of the status of the gate, based upon the location of the real estate office within the non-aeronautical portions of the building and the actions of the applicant to mitigate safety concerns the Planning Commission finds that the proposed real estate office at Hangar 12 does not pose a security/safety threat and will not have an adverse physical effect on the current operation of the airport. The Planning Commission also finds that the proposed real estate office will not have an adverse physical effect on the undeveloped building pads or possibility of further development of the airport and/or surrounding property.

- e. *"The proposed development will conform to the policies of the Comprehensive Plan and adopted plans and policies of the City Council."*

Findings: A recent periodic (2018) update of the Roseburg Regional Airport Masterplan did not indicate or identify any damaging impacts to the current or future airport operations related to non-aviation related uses existing on the airport, nor did it identify any prohibited office type uses that could pose a threat to airport operations. Although the real estate office did not exist at the time in which the airport master plan was updated, the office space within Hangar 12 did exist, and was acknowledged at that time as an appropriate non-aviation use occurring at the airport by the FAA. The Planning Commission finds that the proposed use does not conflict with the airport master plan.

The purpose of Title 12, (Land Use and Development Regulations) as provided in RMC Section 12.02.010, is to: 1. Coordinate regulations governing the development and use of lands within the City, and; 2. Implement the Roseburg Urban Area Comprehensive Plan.

Offices are listed as a use that may be allowed within the AP zone if reviewed and approved in accordance with the conditional use permit procedures provided in RMC Section 12.10.080. The applicant has submitted a complete conditional use permit application and the City has processed the application in accordance with Title 12, in order to ensure the appropriate implementation of the Comprehensive Plan. The Planning Commission has determined that based upon the findings addressing approval criteria RMC Section 12.10.080(F), listed above in items a.-d., that the use of a real estate office located on the second floor of Hangar 12 as proposed, conforms to the policies of the comprehensive plan and policies of the City.

III. CONCLUSION

Upon review of the application, staff report, and other materials referenced as File CUP-22-001 and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application by Ben Tatone, for a real estate office on the second floor of Hangar 12

within the AP zone of the Roseburg Airport, satisfies the approval criteria, therefore warranting the approval of the conditional use permit as requested.

IV. ORDER

Based on the Findings and Conclusions above, the Planning Commission grants **APPROVAL** of the conditional use permit, as contained within file CUP-22-001.

Changes or alterations to the proposed request after approval has been granted shall be processed as a new administrative action. A Conditional Use Permit is site-specific yet transferrable between owners. The Permit is automatically revoked when:

1. The permit is not exercised within one (1) year of the date of approval.
2. The use approved by the Conditional Use Permit is discontinued for any reason for more than one (1) year.

Daniel Onchuck, Planning Commission Chair Date _____

Stuart Cowie, Community Development Director Date _____

Planning Commission Members:

- Daniel Onchuck, Chair
- Shelby Osborn, Vice Chair
- Victoria Hawks
- Jamie Yraguen
- Janelle James
- Andrew Blondell
- Matthew Brady

**CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT**



File No. CPA-22-001/ZC-22-001

Meeting Date: November 7, 2022

To: Planning Commission
From: Ricky Hoffman, Associate Planner
Subject: Comprehensive Plan Map Amendment & Zone Change Request

PROJECT SUMMARY & PROCEDURES:

761 NE Garden Valley Blvd LLC & 797 NE Garden Valley Blvd LLC owners of properties at 761 NE Garden Valley Blvd and 797 NE Garden Valley Blvd have submitted an application for a Comprehensive Plan Map Amendment and Zone Change (CPA/ZC). The requested action is to swap a 14,890 S.F. portion of the subject properties that contains a Medium Density Residential (MDR) Comprehensive Plan designation and Multifamily Residential (MR14) zoning designation with an area of the same size designated as Commercial (COM) and zoned as General Commercial (C3). The subject area is primarily located along the southern property line of 761 NE Garden Valley Blvd and the common property line between 761 and 797 NE Garden Valley Blvd. The area also contains some of the southern portions of the recently vacated NE Crescent Street. The proposal is illustrated within the applicant's map of the request attached as Exhibit B. The properties involved in the proposal are described as described as Tax Lots 3500 & 3400 in Township 27 South, Range 05 West, Section 18BB, Willamette Meridian. The property I.D. numbers are R57018 & R57011.

The requested Comprehensive Plan Map Amendment and Zone Change is a Quasi-judicial land use action, as indicated by Section 12.10.010(B) of the Roseburg Municipal Code (RMC). Therefore, a Public Hearing has been scheduled to review the matter pursuant to requirements of Section 12.10.030 & 12.10.040 of the RMC. The notice requirements prescribed by Section 12.10.010 of the RMC and the required notices to the State Department of Land Conservation and Development have been provided by City staff in anticipation of the public hearing and the hearing shall follow the procedures outlined within Section 12.10.010(T) of the RMC.

BACKGROUND:

Beginning in 2020, the property owners initiated the process for expanding their existing business (Terra-Firma Foundation Systems) into southern and eastern portions of the subject properties. This included grading and shotcrete wall improvements along the southern and eastern ends of the existing business. Additionally in 2020, the property owners began the process for vacating an existing undeveloped right-of-way along the western property line (NE Crescent Street). The general timeline for land use actions that have occurred are as follows:

1. Jan. 15, 2020 - A pre-application conference was held with city staff regarding the long-term plans of expanding the business.

2. *April 8, 2020 - A right-of-way vacation was submitted and subsequently approved by City Council vacating the portion of the 50 ft NE Crescent Street right-of-way fronting the subject property.*
3. *May 11, 2020 – A grading permit was applied for and subsequently approved for bank excavation, placement of fill and installation of a shotcrete wall to accommodate future southern and eastern expansion of the business.*
4. *Jan. 13, 2022 – A boundary line adjustment was applied for a subsequently approved for adjustment of the westerly half of the NE Crescent Street right-of-way. This adjustment transferred the western half of the vacated right-of-way from the ownership of Roseburg Urban Sanitary Authority to the subject property. In other words, the subject property owner purchased this land from Roseburg Urban Sanitary Authority, which was authorized via the boundary line adjustment.*
5. *Feb. 1, 2022 – A grading permit was applied for and subsequently approved for placement of fill within the western portion of the subject property that was previously the area containing the right-of-way for NE Crescent Street that has since been vacated.*

The current request for a CPA/ZC is intended to finalize the land use requirements for expansion of the commercial business. Portions of the area intended to be utilized for future expansion of the business have a Comprehensive Plan designation of Medium Density Residential and is zoned MR14 (Multifamily Residential). Therefore in order to obtain future land use approval to expand the business within these areas, the applicant must first request and obtain approval for the proposed CPA/ZC, which is intended to apply the appropriate commercial Comprehensive Plan designation and C3 (General Commercial) zoning designation to allow for the commercial business expansion. As a note of procedure, the applicant has held off on proposing the CPA/ZC process in order to be able to propose a boundary of the proposed comprehensive plan and zoning designation that accurately reflects the physical boundaries of the grading work performed and future expansion of the business. This is commonly referred to as an “as-built” plan.

APPLICABLE CRITERIA:

The applicant’s request for a Comprehensive Plan Map Amendment and Zone Change application was reviewed by the City based on the applicable criteria as follows from the Roseburg Municipal Code:

- RMC Section 12.10.030(D.)(2.)(3.) – “Application form content and amendment standards”
- RMC Section 12.10.040(C) – “Criteria for Zone Change”

- a) In addition to the applicable criteria listed above, the request has been sent out to the City Public Works Department, Roseburg Fire Department and Roseburg Urban Sanitary Authority. Where applicable, City staff has incorporated comments from these agencies within the drafted findings of fact.

STAFF RECOMMENDATION:

Staff determines that the comprehensive plan map amendment and zone change request as reviewed within the findings of fact attached as Exhibit A, satisfies the criteria for approval. Therefore, staff recommends the Planning Commission refer the requested comprehensive plan map amendment and zone change to City Council, as submitted and contained within file CPA-22-001/ZC-20-001, with a recommendation of approval based on the findings of fact attached as Exhibit A.

OPTIONS:

- Adopt Findings of Fact referring the request to City Council with a recommendation that City Council approve the Comprehensive Plan Map Amendment and Zone Change request.
- Continue consideration of the request.
- Adopt Findings of Fact referring the request to City Council with a recommendation that City Council deny the Comprehensive Plan Map Amendment and Zone Change request.

SUGGESTED MOTION:

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND RECOMMEND CITY COUNCIL **APPROVE** THE REQUESTED COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE, REFERENCED AS FILE NO. CPA-22-001 & ZC-22-001.

EXHIBITS:

A – Findings of Fact

B – Proposed CPA/ZC map

EXHIBIT A

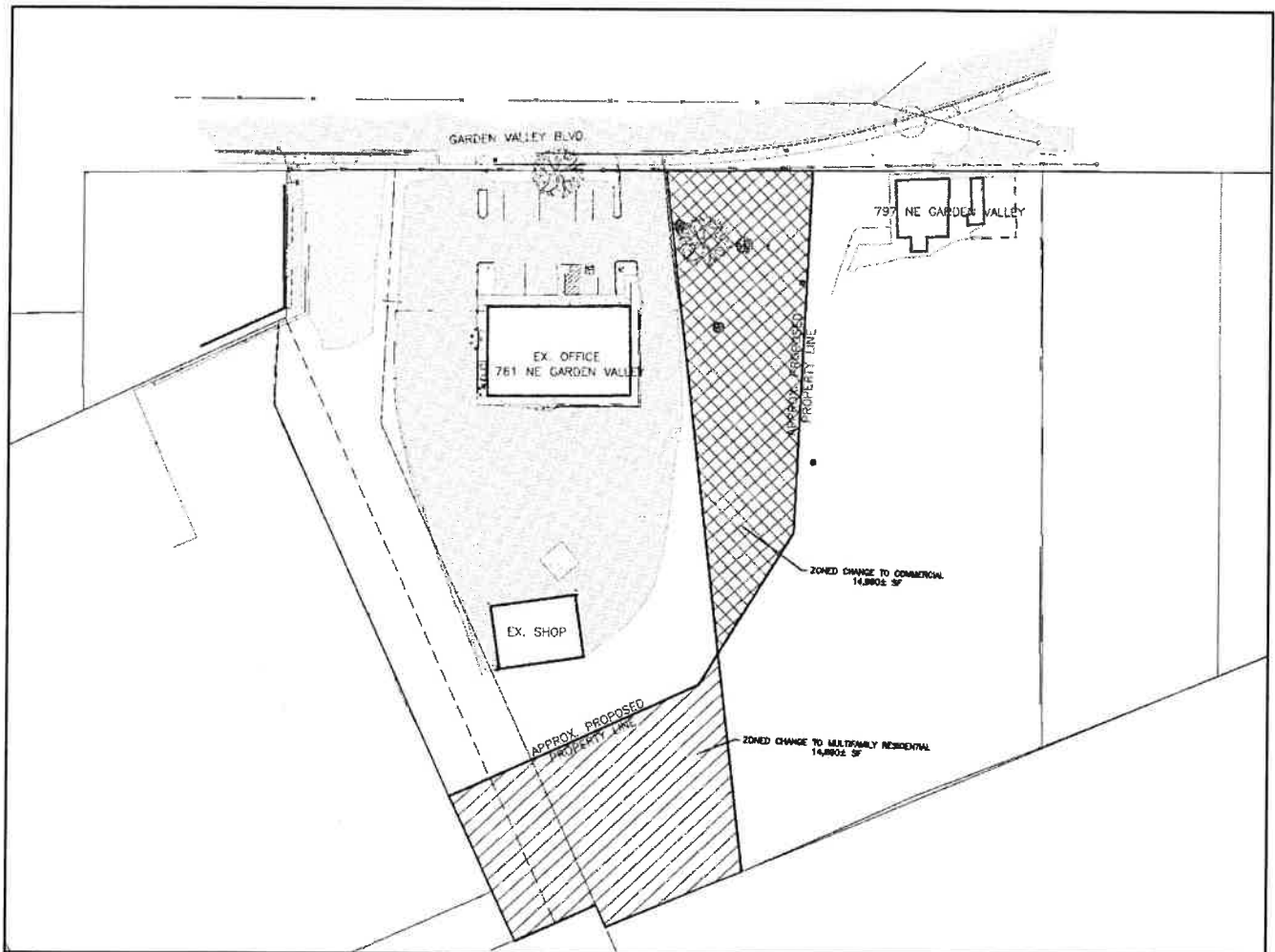
In the matter of the Comprehensive Plan) CPA-22-001
Map Amendment and Zone Change) ZC-22-001
request by 761 NE Garden Valley Blvd LLC &)
797 NE Garden Valley Blvd LLC)

BEFORE THE ROSEBURG PLANNING COMMISSION

FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

The applicant's request is for a Comprehensive Plan Map Amendment and Zone Change (CPA/ZC). The requested action is to swap a 14,890 S.F. portion of the subject properties that contains a Medium Density Residential (MDR) Comprehensive Plan designation and Multifamily Residential (MR14) zoning designation with an area of the same size designated as Commercial (COM) and zoned as General Commercial (C3). The subject area is primarily located along the southern property line of 761 NE Garden Valley Blvd and the common property line between 761 and 797 NE Garden Valley Blvd. The area also contains some of the southern portions of the recently vacated NE Crescent Street right-of-way. The request is illustrated by the graphic shown below:



II. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.
2. Notice of the public hearing was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing. Notice was also provided to the State Department of Land Conservation and Development pursuant to Oregon Revised Statute (ORS) 197.610.
3. The property is described as Tax Lots 3500 & 3400 in Township 27 South, Range 05 West, Section 18BB, Willamette Meridian. The property I.D. numbers are R57018 & R57011. The properties are addressed as 761 & 797 NE Garden Valley Blvd.
4. The subject properties are 1.89 acres (761 NE Garden Valley Blvd) and 1.57 acres (797 NE Garden Valley Blvd).
5. The property owner of the properties at 761 & 797 NE Garden Valley Blvd applied for a comprehensive plan map amendment and zone change to swap a 14,890 S.F. portion of the subject properties that contains a Medium Density Residential (MDR) Comprehensive Plan designation and Multifamily Residential (MR14) zoning designation with an area of the same size designated as Commercial (COM) and zoned as General Commercial (C3).

B. AGENCY COMMENTS

Comments regarding the conditional use permit request were solicited from the Fire Department, Public Works Department and Roseburg Urban Sanitary Authority. All comments received have been incorporated, where appropriate, into the conditions of approval at the end of these findings of fact.

C. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per ORS 197.610 and RMC 12.10.030. No comments have been received by City staff.

D. PUBLIC HEARING

A public hearing was held on November 7, 2020 regarding the matter of the CPA/ZC request. Chair Onchuck read through the public hearing procedures and opened the public hearing. City Staff provided a report regarding the request and the applicable criteria. Staff outlined the proposal and staff's recommendation for Planning Commissions action. Once the staff report and testimony was complete,

Chair Onchuck closed the public hearing and commenced with Planning Commission Deliberation on the CPA/ZC request.

E. APPLICABLE CRITERIA

RMC 12.10.030 – “Quasi-judicial plan amendment”

a) Section 12.10.030(2.)(a.)

- 1) That the amendment complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, pursuant to ORS 197.240, or as revised pursuant to ORS 197.245.

Finding: City Staff takes note that Statewide Planning Goals 3, 4, 5, 8, 9, 11, 14 & 15-19 are not applicable to the proposed request and therefore will not be reviewed within the following criteria analysis. The remaining Statewide Planning Goals have been listed and reviewed in numerical order below:

Goal 1: Citizen Involvement. To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes.

Finding: Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Roseburg Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On October 17, 2022, City staff mailed copies of a Notice of Public Hearing to all owners of property within 300 feet of the subject property. The same notice was published in the News-Review, a local newspaper of general circulation, on October 18, 2022. Written evidence relied on by the land use decision-making bodies (i.e. the applications and supporting material) was available for public review at Roseburg City Hall seven days prior to the first public hearing. Roseburg has fulfilled its citizen involvement process through early direct notification of nearby property owners, publication of a public hearing notice and contact information in the newspaper, and by facilitating informed public participation during the public hearing itself. Notice was also provided to the State Department of Land Conservation and Development pursuant to Oregon Revised Statute (ORS) 197.610.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Finding: Roseburg's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's

Comprehensive Plan and implementing ordinances provide the local criteria by which Applicant's request was judged. The subject property is within the Roseburg's City Limits Boundary, no exception to statewide planning goals is necessary and therefore the acknowledged land use process for which a CPA/ZC shall be judged and approved upon is as outlined within these findings of fact.

Goal 6: Air, Water, and Land Resource Quality. To maintain and improve the quality of air, water, and land resources of the State.

Finding: Statewide Planning Goal 6 requires that any resulting impacts from future development combined with that of existing development do not violate State or Federal environmental quality regulations. The application, if approved, will allow removal of the existing 4,000 square foot structure and erection of a new 9,000 square foot building and another 3,000 square foot office building in order to help facilitate to the growth of the existing commercial operation. Any further development of the property will undergo the required City of Roseburg site plan review process, at which time compliance with local storm water regulation will be met. Any applicable state and federal air quality permits would be the responsibility of the business owner to maintain regardless of the CPA/ZC process.

Goal 7: Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Finding: With the exception of the areas currently developed with the existing commercial business and the areas that have been graded in anticipation of expanding the business, the remaining portions of the property contain significant hillside slopes in excess of 25%. The proposal is intended to facilitate the expansion of the existing business within the remaining portions of the property that do not contain prohibitive slopes and avoid any further disturbances of the hillside areas.

Goal 10: Housing. To provide for the housing needs of citizens of the State.

Finding: The subject property is broken up into two tax lots which consists of differing Comprehensive Plan and zoning designations. Tax Lot 3400 (eastern portion of property) is currently zoned MR14 indicating the underlying intention of the property is residential in nature. Tax Lot 3500 (western portion of property) is zoned C3 which dictates commercial operations are required to be the main intent. The entirety of the property has been used in a commercial capacity (Terra Firma), however there has been an existing single-family dwelling on the northeast corner of Tax Lot 3400 since its construction in 1934 (Douglas County Assessors records). The proposed application for a Plan Amendment and Zone Change will orchestrate the change in such a way that there will be no net change in residential or commercial zoning. It should be noted, that tax lot 3400 (eastern parcel) has limited opportunity for multifamily development based on

the existing topography of the parcel, the resulting configuration will not change the limited nature of development potential.

Goal 12: Transportation. To provide and encourage a safe, convenient, and economic transportation system.

Findings: The statewide transportation goal is generally intended to be applied on a city-wide basis. Specific transportation-related policies and development standards are included within the Roseburg Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility". In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, the City of Roseburg has adopted a Transportation System Plan, supplemental to the Comprehensive Plan. The property is currently accessed via NE Garden Valley Blvd, which has a functional classification of a Collector. The Transportation System Plan (TSP) states that adequate width for bicycle and pedestrian facilities are provided within the right of way. Striping and sidewalks are present where it fronts the subject property. The applicant's request does not significantly alter the amount of development that could occur on either of the subject properties, but rather facilitates the efficient use of developable land for the expansion of the existing commercial business on the westerly parcel. Therefore, this proposal does not pose a notable potential change in the demand of the existing transportation facilities fronting the subject properties.

Goal 13: Energy Conservation. To conserve energy.

Finding: Statewide Planning Goal 13 requires that land uses shall be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. The subject property has existing commercial development and future expansion of the commercial operation will be completed under City standards for the specific use. The proposed map amendment includes changing a portion of zoning on the property from MR14 to C3 and another portion from C3 to MR14 in conformance with the requested MDR and COM plan designations under the City of Roseburg Comprehensive Plan. The 2.92-acre property will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. Additionally, the proposal is intended to provide expansion opportunity for the existing business within the current business location. Currently, the business does not have adequate space to house the necessary equipment for the entire business, which in turn requires the existing business to operate within remote location requiring additional travel for equipment to and from the site. The proposal

CPA/ZC will facilitate the future expansion of the business allowing a more efficient business operation and reduction of otherwise unnecessary logistical operations. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

b) Section 12.10.030(2)(a)(i-iv.)

1) Why the proposed use should be provided for:

Finding: The subject property is currently occupied by a commercial operation (Terra Firma) and the applicant's request is directly associated with the expansion of the existing commercial operation in order to facilitate to the growth of their business. The potential development of the eastern property is significantly constrained based on the sloping topography. However, the ability for expansion of the existing commercial use on the western property is primarily limited by the existing zoning and property boundary. Therefore, the proposal is intended to allow what is the only feasible option for making efficient use of either parcel because of the prohibitive topography on the lands surrounding the proposed expansion area.

2) What alternative locations in the area could provide for proposed use:

Finding: The commercial operation is existing, the applicant/property owner is not proposing a new commercial use and, therefore; the alternative of relocating the business is less efficient than accommodating expansion within the current business location.

3) What are long-term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the proposed use:

Finding: The ability of being able to expand the business in the existing location is the most beneficial option in terms of environmental, economic, social and energy consequences.

4) How the proposed use will be compatible with other adjacent uses:

Finding: The subject property bifurcates commercial and residential zoned area based on its current location. Directly to the west, the property is zoned C3 and currently has an existing commercial operation (Express Employment). Southwest of the subject property is also C3 zoned area, but the property is vacant of commercial or structural development. Directly to the north and northwest are C3 zoned properties that have existing commercial operations (Coastal and BotteDrop, respectively). Directly to the east the area turns residential in nature and from the eastern property line of the subject property all properties are zoned MR14. As previously stated, the subject property is residentially zoned on the east side (Tax Lot 3400) and has a pre-existing single-family dwelling. The next and closest single-family dwelling is located

approximately 300 feet east of the subject property (807 NE Garden Valley Blvd). All adjacent land uses have coexisted with the current land use of the property for well over 20 years and the proposal does not significantly alter the proposed land use patterns of the subject or adjacent properties.

c) Section 12.10.030(2.)(b.)

- 1) The amendment complies with applicable policies of the Comprehensive Plan: Economic Growth Policy No. 3 The City shall encourage economic activities which strengthen the urban area's position as a regional distribution, trade, and service center.

Finding: The existing commercial operation, Terra Firma, provides support in several areas to the community which includes foundation repair, basement waterproofing, crawlspace repair, earthquake retrofitting and wall stabilization all for residential, commercial and industrial structures. These services allow Terra Firma to be a necessary community function because the business provides vital community support. This falls in line with Economic Growth Policy No. 3 as the commercial business can be defined to be a service center which merits the support of the City.

Economic Growth Policy No. 4 Through the planning process, the City and County shall continue to monitor the supply of developable commercial and industrial sites to ensure opportunity for the expansion of existing and the establishment of new economic enterprises throughout the urban area.

Finding: The underlying intent of the subject application is to prepare for the expansion of the existing commercial operation. The property owner will remove the 4,000 square foot structure that is currently on the property and replace it with a 9,000 square foot shop building and a corresponding 3,000 square foot office building. This is due to the growth and need of the community directly related to the services the property owner provides. The proposal promotes the efficient use of the existing commercial parcel. The proposed application is consistent with Economic Growth Policy No. 4.

Transportation Policy No. 10 - New developments shall include consideration to accommodate public transit and other modes.

Finding: NE Garden Valley Blvd, as it fronts the subject property, has a functional classification of Collector. This particular road currently has a 60 right of way width and is fully built out with sidewalks, curbs and gutters. In addition, there is a fully striped pedestrian bike lane located on the south side of the road (north of the subject property). At this time, no public transit infrastructure is planned along the subject property frontage.

Housing Policy No. 3 - The City and County shall ensure an adequate supply of land suitable for development which is zoned for low, medium, and high density residential uses. Determination of an adequate supply shall be based on two to

three year projections of demand. The City and County shall annually monitor and analyze population projects and projected housing demand to provide a reliable basis for land use decisions and to assure sufficient residential land to maintain a balance between supply and demand.

Finding: The City of Roseburg recently adopted a Housing Needs Analysis (Econorthwest, 2019) that incorporated a buildable lands inventory. As State mandate dictates, the analysis focused on a 20 year supply for residential land for the City. The following key factors were determined “A 20-year population forecast (in this instance, 2019 to 2039) is the foundation for estimating needed new dwelling units. Roseburg UGB will grow from 30,256 persons in 2019 to 35,771 persons in 2039, an increase of 5,515 people...Roseburg will have demand for 2,678 new dwelling units over the 20-year period, with an average of 134 dwelling units...60% of which will be single-family detached housing (Roseburg Housing Needs Analysis, Page 70). Roseburg will have demand for 2,678 new dwelling units over the 20-year period. Of these 2,678 dwelling units, 1,607 dwelling units will be single-family detached housing (see Exhibit 65). Accordingly, Roseburg will have demand for 1,587 single-family detached units on vacant or partially vacant land.”

Page 79 of the City of Roseburg Housing Needs Analysis dictates there are 155 total unconstrained buildable acres available that are currently medium density residential in nature. In addition, Exhibit 72 (Page 80) illustrates there is a total capacity of 604 dwelling units within these acres located in the medium density residential area and a demand for 561 dwelling units. This leaves a capacity of 43 total dwelling units which further indicates the vacant available buildable acres are sufficient to facilitate to the existing need of the City.

The proposed application process does not include taking any residential land out of the inventory, but rather relocating an “in-kind” amount of medium density residential land to a different portion of the property in order to accommodate the expansion of the existing commercial use. It is notable that the practical density of residential development within the existing eastern parcel is highly constrained based on the sloping topography and the resulting configuration will not dramatically change that constraint.

Public Facilities Policy No. 2 - In addition to the physical, economic, energy, and social considerations addressed by other policies in this Plan, the timing and location of urban development within the urban area shall be based upon the current or imminent availability of urban services, particularly public sewer and water.

Finding: As stated above, the property is surrounded on the north, west and south sides by commercial development and is appropriately served by public facilities and services. Affected agencies were provided notice of the proposed development and have indicated that public sewer and water are available and immediately adjacent (to the north along the right of way of NE Garden Valley Blvd) to the subject property.

The purpose of the Zone Change is to facilitate the expansion of an existing commercial use of the subject property according to the standards prescribed in the C-3 zone. The subject property is within the City of Roseburg. There are existing water and sewer lines located near the subject properties at this time along the right of way of NE Garden Valley. The property owners will be responsible for installing any future infrastructure dictated by future development on the property as appropriate in accordance with the Public Facilities Plan and the Roseburg Development Code.

The Plan Amendment and Zone Change will not create additional need for public facilities at this time. Any improvements for those public facilities necessary as a result of future commercial development and expansion at the site will require the owners to participate in funding those improvements. The extent to which public facilities and services are required to serve the property will be determined at the time a specific development proposal is reviewed. The requested Plan Amendment and Zone Change are consistent with the Public Facilities Plan.

d) Section 12.10.030(2).(c.)

1) There is a public need for a change of the kind in question:

Finding: The existing commercial operation facilitates a necessary service to the community and they now find it necessary to expand their commercial business in order to fulfill the needs of the community and region. The completion of the application is necessary in order to fully permit the necessary improvement and expansion as a portion of the new 9,000 square foot shop structure will protrude to the east into MR14 zoned property. The property owner is changing the minimal amount of MR14 to C3 that is needed for the expansion and is in turn mitigating any potential impacts directly related to the adjustment by concurrently changing another portion of the property from C3 to MR14. The requested CPA/ZC is a result of a regional demand for the business's services, which provides a reasonable cause for the request to occur considering the alternative would be for the commercial business to relocate to a larger more accommodating commercial site.

e) Section 12.10.030(2).(d.)

1) Such need will be best served by changing the Plan designation of the particular piece of property in question as compared with other available property:

Finding: The alternative for the existing business to relocate to a more accommodating commercial parcel would be an illogical alternative considering that the area in question has no other significant value for any adjacent uses that could occupy the proposed area. Precluding the expansion of commercial

use into the proposed area in question would be essentially rendering the area useless for any alternative purpose.

RMC 12.10.040 – “Zone Change”

a) Section 12.10.040(C)

- 1) The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.

Finding: The proposed rezoning is applied concurrent with comprehensive plan map amendment to match the proposed rezoning boundary. The proposed comprehensive plan designation is consistent with the zoning designation for both areas being changed respective to their boundaries. Upon approval and adoption of the proposed comprehensive plan and zoning designation, the applicable land use and development regulations shall be applied to any future development of the subject properties. At such future time, development will be reviewed to determine compliance with the applicable development regulations, which will ensure long-term consistency with the base zone and comprehensive plan designation.

- 2) The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

Finding: The existing zoning and use does not pose any known risks to public health, safety and welfare to the surrounding uses. No concerns have come forth thus far in the review process and public input on the request has not indicated any significant concerns. The resulting use from the proposed CPA/ZC is not intended to significantly alter the existing use, but rather allow the expansion of the business to facilitate growth within the business.

- 3) The rezone is consistent with the safety and performance measures of the transportation system.

Finding: The potential development resulting from the proposed CPA/ZC does not significantly impact the existing transportation infrastructure serving the properties. That being said, the property owner at the time of development will be required, where applicable, to offer right-of-way dedications and/or contraction street improvements along the frontage of the subject properties pursuant to the site development standards of RMC Chapter 12.06.

IV. CONCLUSION

Upon review of the application, and other materials referenced as File CPA-22-001 and ZC-22-001, and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application by 761 NE Garden Valley Blvd

LLC and 797 NE Garden Valley Blvd LLC satisfies the approval criteria, therefore warranting the approval of the comprehensive plan map amendment and zone change as requested.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission refers the comprehensive plan map amendment and zone change request to the City Council recommending APPROVAL of the comprehensive plan map amendment and zone change, as contained within file CPA-22-001 & ZC-22-001 and subject to the conditions as follows:

1. The applicant shall obtain Site Plan Review and Building Permit Approval prior to the commencement of any construction of the subject property.
2. Any future development of the property shall fully conform to all the applicable standards and requirement of the Roseburg Municipal Code.

Dan Onchuck, Planning Commission Chair

Date

Stuart Cowie, Community Development Director

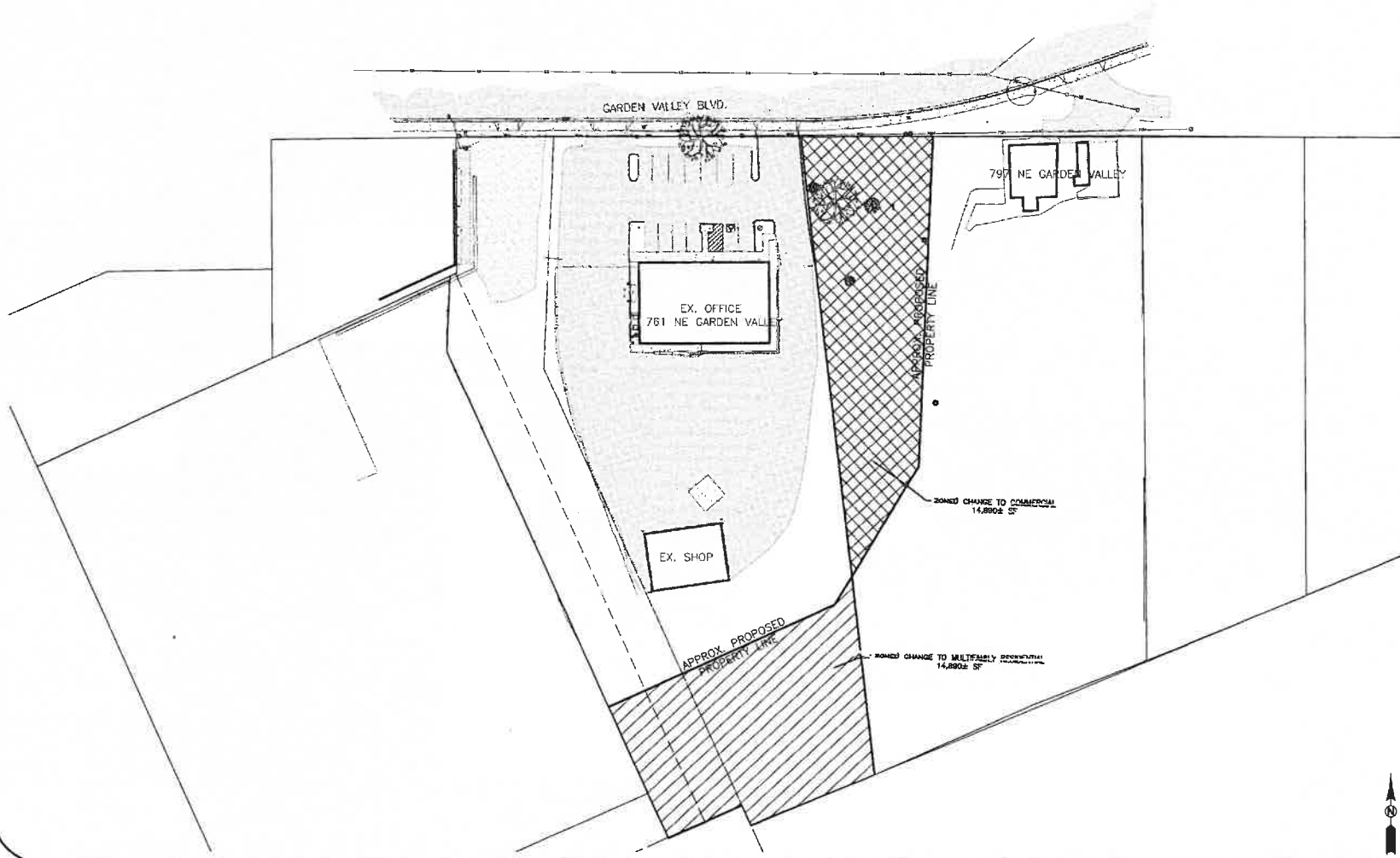
Date

Planning Commission Members:

Dan Onchuck, Chair	Jaime Yraguen
Shelby Osborn, Vice Chair	Victoria Hawks
Andrew Blondell	Janelle James
Matthew Brady	

TERRA FIRMA ROSEBURG BLA AREAS

EXHIBIT B



0' 15' 30' 60'
SCALE: 1" = 30'

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PROJECT NO. 2584-08 T1
DATE: 07.07.14