2-15-2023

CITY OF ROSEBURG PLANNING COMMISSION

Tuesday, February 21, 2023 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	Emily Brandt
Janelle James	Shelby Osborn	Jaime Yraguen	

3. **APPROVAL OF MINUTES**
   A. November 7, 2022 Planning Commission Meeting

4. **AUDIENCE PARTICIPATION: See Information on the Reverse**

5. **PUBLIC HEARING**
   A. SUB-22-001 & V-23-002 (2240 NW Merle Ave.)

6. **BUSINESS FROM STAFF**
   A. Director's Report

7. **BUSINESS FROM THE COMMISSION**

8. **NEXT MEETING** – April 3, 2023

9. **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
November 7, 2022

Due to video difficulties the Planning Commission meeting was audio recorded only.
Due to technical difficulties the first seven minutes of the meeting was not recorded.

CALL TO ORDER
Chair Onchuck called the meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, November 7, 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: Community Development Director Stuart Cowie and Department Technician Chrissy Matthews.

APPROVAL OF MINUTES
Commissioner Blondell moved to approve the September 19, 2022 minutes as submitted. The motion was seconded by Commissioner Hawks and approved with the following vote: Chair Onchuck, Commissioners Blondell, Brady, Hawks, James, and Osborn voted yes. No one voted no. Commissioner Yraguen abstained.

AUDIENCE PARTICIPATION - None.

ADOPTION OF FINDINGS
CUP-22-001 – 2797 NW Aviation Dr.
Chair Onchuck asked if the lease renewal process with the Federal Aviation Administration (FAA) was part of the conditional use application process.

Mr. Cowie said the lease renewal process with the FAA is separate.

There was no discussion. The Findings of Fact were signed.

PUBLIC HEARING
Chair Onchuck read the rules of meeting conduct.

Commissioner Blondell disclosed that he used to be employed with Roseburg Urban Sanitary Authority (RUSA) but does not have a conflict of interest.

CPA-22-001/ZC-22-001 - 761 & 797 NE Garden Valley Blvd.
Chair Onchuck read the procedures for the Quasi-Judicial Hearing; opened the public meeting and asked staff if any comments were received prior to the meeting.

Mr. Cowie stated no comments were received.

Chair Onchuck asked for the staff report.

Mr. Cowie stated 761 NE Garden Valley Blvd LLC & 797 NE Garden Valley Blvd LLC owners of properties at 761 & 797 NE Garden Valley Blvd submitted an application for a Comprehensive Plan Map Amendment and Zone Change (CPA/ZC) to swap a 14,890 square foot 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 & 797 NE Garden Valley Blvd. The area also contains some of the southern portions of the recently vacated NE Crescent Street.

The 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). In order to obtain future land use approval to expand the business within these areas, the applicant has to 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. The applicant 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 which is commonly referred to as an "as-built" plan.

Staff determined that the comprehensive plan map amendment and zone change request as reviewed within the Findings of Fact satisfied the criteria for approval. Staff recommended 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. Mr. Cowie discussed the applicable criteria.

Commissioner James asked if Terra Firma owns both properties.

Mr. Cowie stated they own both properties. A grading permit was issued for the excavation in the residential zone.

Alex Palm i.e. Engineering, 809 SE Pine Street – explained the owner had his employees build the shotcrete retaining wall during COVID when the work load diminished in an effort to keep from laying off his employees.

Commissioner Hawks inquired of the earth work being moved.

Mr. Cowie stated Terra Firma is doing work on Roseburg Urban Sanitary's property and placing the material in the area for development.

Hearing no further testimony, the public hearing was closed.

Commissioner Hawks moved 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. A motion was seconded by Commissioner Blondell 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 provided the following updates:

The Community Development Department is currently under staffed. The recruiting process is underway for the two vacant Associate Planner positions.

The Urban Growth Boundary (UGB) swap is moving forward - working on deadlines, fine tuning the application and working on outreach of support, including large employers as housing has been difficult when hiring new people.

The City is working with NeighborWorks Umpqua on a Community Development Block grant to assist qualified recipients with housing improvements. The grant is federally funded. NeighborWorks Umpqua runs the program while the City facilitates the grant.

WinCo project was recently issued a site review approval and is moving forward.

Approximately 400 apartment units are being constructed or recently constructed out NE Diamond Lake Blvd. The hope is commercial businesses with follow. The developer for Ash Springs and Oak Springs apartments participated in the System Development Buy down Program and stated the program was the reason they chose to build in Roseburg.

Thundering Waters is moving forward and is working on funding the project.

BUSINESS FROM COMMISSION
Commissioner Hawks announced she is retiring and tonight's meeting will be her last. She retired from 32 years in real estate at the end of October.

Mr. Cowie thanked Commissioner Hawks for her many years of service.

Chair Onchuck expressed his appreciation for Commissioner Hawks' service.

ADJOURNMENT - The meeting adjourned at 7:40 p.m. The next meeting is scheduled for Monday, December 5, 2022

Chrissy Matthews
Department Technician

CITY OF ROSEBURG
PLANNING COMMISSION
STAFF REPORT

File No. SUB-22-001/V-23-002 **Meeting Date: February 21, 2023**

To: Planning Commission
From: Mark Moffett, Associate Planner
Subject: Merle Avenue Subdivision & Variance Request

PROJECT SUMMARY & PROCEDURES:

Craig Ferber with Bobby & Jasmine Geyer own property at 2240 NW Merle Avenue and have contracted with i.e. Engineering, Inc. to submit an application for a Subdivision and concurrent Variance. The requested application is to subdivide a 2.54+/- acre parcel zoned R7.5 (Low Density Single-Family Residential) and develop a three (3) phase subdivision with a total of 10 duplex lots (Phase 1 – 3 lots/Phase 2 – 4 lots/Phase 3 – 3 lots). A variance to reduce portions of the public right-of-way width outside the Hillside Development overlay from 60 to 40 feet is also requested. The property legal description is Tax Lot 11300, Township 27 South, Range 06 West, Willamette Meridian, Section 15AA, with Tax Account ID # R10681.

The requested Subdivison and Variance is a Quasi-judicial land use action, as indicated by Section 12.10.010.B of the Roseburg Municipal Code (RMC). Typically this application would only be considered administratively, with a public hearing only in the event of an appeal per RMC 12.10.010.I and 12.10.010.L. Given the anticipated public interest in this application, the Community Development Director scheduled a Public Hearing to review the matter with the Planning Commission, as provided for under RMC 12.10.010.N.3. The notice requirements prescribed by Section 12.10.010 of the RMC 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.

APPLICABLE CRITERIA:

The applicant's request for a Subdivision and Variance application was reviewed by the City based on the applicable criteria as follows from the Roseburg Municipal Code (RMC):

- RMC Section 12.12.010 – Partitions and Subdivisions; and
- RMC Section 12.10.050 – Variances.

In addition, other chapters are incorporated by reference, including the following:

- RMC Section 12.04.100 – Hillside Development Overlay; and
- RMC Chapter 12.06 – Site Development.

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 ISSUES FOR FIRST HEARING:

Staff is not recommending full approval at this time, but instead recommends that the applicant be given an opportunity to correct deficiencies in their application prior to or at the initial hearing, with a timeline for

public comment on new information after the initial hearing. Staff expects to recommend conditional approval of the application once the missing pieces are provided.

We have received six letters and one petition to date, all generally opposed to the application. Please refer to the attached findings of fact for a brief, bulleted summary of the issues in these letters. Copies of the letters are also included in the Planning Commission packet sent in advance to Commissioners.

Outstanding issues with regards to meeting the approval criteria include the following:

- Lot 7 is shown with only 5,560 square feet, but must be at least 6,375 square feet. *Until lot 7 has a conforming lot size or receives approval for a variance, criterion 12.12.010.E.2 and 12.12.010.M are not met.*
- Lot 2 originally had at least 35 feet of frontage on a right-of-way, but a reconfiguration removed this frontage. In addition, the three access and utility easements for lots 2, 7 & 9 need to be expanded to make direct contact with each lot being served. *Until lot 2 regains the required street frontage and the easements are re-drawn to make direct contact with each lot, criterion 12.12.010.E.7, 12.12.010.K and 12.12.010.M are not met.*
- In order to meet the requirements of the Hillside Overlay zone, the applicant must provide additional information in an amended or supplemental geotechnical report. These include a tree inventory, removal and preservation plan, written recommendations on using plantings to stabilize slopes, and information on the proposed location, species and size of new planting materials. This information is especially important along the southern edge of the extended NW Merle right-of-way. In addition, a general Erosion Control plan and recommendations are needed, revised retaining walls need consideration, and the locations for the 11 investigation sites should be shown on a plan. *Until such time as the geotech report adequately addresses these items for the public improvements associated with this subdivision, this criterion is not met.*

TENTATIVE FUTURE RECOMMENDATION:

Staff expects the applicant can address all outstanding issues for this application, while the record is being held open. A reconfigured lot and easement layout on a revised preliminary plan, with an addendum to the original geotech report, should address concerns related to the approval criteria.

Although only a draft version, staff would expect the eventual approval to resemble the following:

Based on the Findings of Facts, the City of Roseburg grants approval for a 10-lot Subdivision at 2240 NW Merle Avenue (R10681), including a Variance to reduce the right-of-way width for new streets outside the Hillside Overlay Zone from 60 feet to 40 feet, subject to the following conditions:

General Conditions:

1. Approval is for the Property shown on the map submitted with the application. Preliminary Plat approval is granted based on the revised plan and layout dated (TBD).

2. This preliminary approval is not a final plat approval, and shall be null and void within 36 months unless the necessary final plat application is initiated, or an extension is requested and approved.

3. Subdivision phasing is to be as follows. Phase 1 final plat shall be approved within 24 months of this approval. Phase 2 final plat must be approved within 24 months of final approval of phase 1. Phase 3 final plat approval must be approved within 24 months of final approval of phase 2.

4. Prior to acceptance and recording of the final plat, the applicant shall coordinate with the City to obtain final approval of street naming and lot addressing, including payment of the associated addressing fees.

5. Preliminary and Final Plat approval does not constitute site development approval. Site plan reviews and building permits must be obtained prior to beginning any residential construction on each lot within the subdivision.

6. The Final Plat must be submitted, reviewed and recorded per the requirements of RMC 12.10.10.S.

7. Grading, drainage improvements and other ground disturbing activity within the Hillside Overlay Zone is limited to the dates between April 15th and October 15th of each year, with the exception of actions needed in the event of an emergency (12.04.100.E.1).

Roseburg Urban Sanitary Authority Conditions:

8. Sanitary sewer plans and specifications will be required to meet the Oregon DEQ and RUSAs' standard for construction. Plans and specifications for the sanitary sewer main extension will be required to be designed by a professional engineer licensed in the state of Oregon.

9. The new main line will be required to be tested as per the DEQ and RUSA standards. A RUSA inspector will witness all test conducted by the Engineer of record.

10. The applicant will be required to pay all applicable System Development Charges and fees before or at the time of the issuance of a building permit. The applicant shall follow the development procedures set forth in RUSA's Sanitary Sewer Mainline Construction Process.

Fire Department Conditions - General:

11. Automatic fire sprinklers are not required unless supplied as a supplement to deficient Fire Department water supply (2019 OFC, 903.3.1.3 - NFPA 13D System), in accordance with 2019 OFC Section B105.1.

12. Required fire flow per building is 1,000 gpm for 1 hour with no automatic sprinkler system or 500 gpm for 1/2 hour with a NFPA 13D System.

Fire Department Conditions – Water:

13. The nearest fire hydrant is located at the corner of Hopper St. and Merle Ave. This hydrant can only provide service for R-3 Occupancies located within 600 ft. The submitted plans show a proposed hydrant at Bobby Court. New fire hydrants will be required within 600 feet of the proposed duplexes, per 2019 OFC, Section 507.5:

    507.5.1 Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

    Exceptions:
    1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.

    The following items must be taken into consideration regarding fire hydrant placement:

- No more than 100 feet from the Fire Department Connection (for automatic sprinklers), per NFPA 14 (2016) 6.4.5.4
- No closer than 40 feet from building (fallout danger), per NFPA 24 (2016) 7.2.3
- Spacing and placement shall be based on 2019 OFC Appendix C and Fire Department requirements, but no more than 500 feet (possibly less based on fire flow requirements) between hydrants (Table C102.1)
- Must be located within 12' of a Fire Department access road per NFPA 1, Section18.5.1.6

14. The submitted plans must include locations of and details for fire hydrants, FDC's and any other fire service appurtenances, as well as information on Fire Department access roads.

15. The newly installed fire hydrant must meet City standards and undergo acceptance testing by the Roseburg Fire Department. There will be a fee associated with this testing.

16. The requirements for additional hydrants beyond those required by 2019 OFC, Table C102.1 (spacing every 500 feet along an access road), may be offset by the addition of residential automatic fire sprinklers (NFPA 13D) in the proposed duplexes, per 2019 OFC, B105.1 (1).

Fire Department Conditions – Access Requirements:

17. Fire apparatus access roads shall be in accordance with 2019 OFC Appendix D and all other applicable requirements of the International Fire Code. Note: Per ORS 368.039, road standards adopted by local government supersede standards in fire codes.

18. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of the Oregon Fire Code Section 503 and shall extend to within 150' of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. 2019 OFC 503.1.1

19. Fire apparatus access roads shall have an unobstructed width of not less than 20' except for approved security gates in accordance with the Oregon Fire Code Section 503.6, and an unobstructed vertical clearance of not less than 13'6". 2019 OFC 503.2.1

20. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds (in the case of aerial ladder truck, the weight is 78,000 lbs.) 2019 OFC D102.1

21. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of combustible construction. 2019 OFC 501.4

22. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. 2019 OFC 503.2.5 & Figure D103.1.

23. At the completion of the project/installation, the Fire Marshal will inspect the site to confirm compliance with the standards set forth in the aforementioned permit application.

24. During construction, the contractor must abide by fire safety measures required by OFC Chapter 33 and NFPA 1, Chapter 17, including fencing, fire extinguishers, and site security. Fire Department

access and water supplies must be available and serviceable at the time of combustible construction. Contact the Fire Department for more information, if needed.

Public Works Conditions - Water:

25. Water Main extensions shall be designed by a licensed engineer in the state of Oregon RMC 5.04.040

26. Maximum design domestic flow velocity is 5 FPS, and 10 FPS for fire flow.

Public Works Conditions - Water System Master Plan:

27. Normal routing for water mains shall be in dedicated street right-of-way, RMC 5.04.040. Water mains located on private property will be centered in an easement 15' wide.

28. The minimum size of the water main to be installed shall be six inches in diameter. The minimum size may be reduced where mains are installed in a nonextendable dead-end street, along fringes of pressure levels or at other locations determined to be nonextendable by the utility, provided that the size reduction will not lower present or future fire protection or hydrant coverage, RMC 5.04.040

29. There is an existing 8" water main in NW Grove Avenue. Hopper Street has a 6-Inch DI/AC line that extends from the 8-Inch line on Grove to a Hydrant at the beginning of Merle Ave. The 6" main in NW Hopper Street may need to be upsized to meet fire flow requirements for the proposed development.

30. Hydrant WL16488 at the intersection of Hopper and Merle has 100 PSI Static pressure and approximately 1,500 gpm (Unofficial Flow Values). Actual fire flows need to be independently verified.

31. Applicant shall meet fire department requirements for proper fire hydrant spacing and flow volume requirements. If 1,000 GPM is required, applicant may need to upgrade the existing main on Hopper Street from a 6-inch to an 8-inch to achieve flow volume and extend the 8-inch up Merle to the last fire hydrant.

32. All main extensions and system design shall include fire hydrants and other devices necessary to meet requirements of the City or fire district where the development occurs. RMC 05.04.040.

33. Water service is available to parcels where the distribution main is adjacent to and extends at least midway along the right-of-way fronting the lot to be served. In cases where the main exists halfway along the right-of-way fronting the lot to serve properties on opposite side of right-of-way, the applicant must complete the extension through their lot to obtain service. The only exception to this rule will be that service can be made available through an easement which fronts the water line, provided: RMC 5.04.090
    a. That the easement is no more than two hundred feet long,
    b. That only one home on premises is served by the easement,
    c. That the easement is the only feasible present or future access to the building lot,
    d. That fire protection can be provided to the property from the water line,
    e. That utility shall be the sole judge in determining that the property requesting service under this rule meets all of the conditions.

34. A backflow prevention is required per RMC 5.04.210 if one of the following conditions exist.
    a. RMC 5.04.210.H: All landscape irrigation systems shall be protected according to Chapter 6 of the Oregon Specialty Plumbing Code. All backflow devices used must have approval from

either Uniform Plumbing Code (UPC) or American Society of Sanitary Engineers (ASSE) identified somewhere on the backflow device and installed properly.

i. Acceptable devices for non-chemical injection systems
    1. Atmospheric Vacuum Breakers (AVB)
    2. Pressure Vacuum Breaker (PVB)
    3. Double Check Valve Assembly (DCVA)
    4. Reduced Pressure Assembly (RP)

ii. Acceptable devices for chemical injection systems
    1. Reduced Pressure Assembly (RP)

Public Works Conditions - Storm:

35. Commercial, industrial and multifamily developments or phased developments creating new impervious surfaces greater than 3,000 SF shall meet City storm design standards, Storm Design STD 2.1

36. Storm drainage system shall be designed by a registered professional engineer in the State of Oregon. Design shall include calculations, detention, treatment, pipe size, material and necessary thermoplastic markings per City standards. Minimum pipe size is 12-inches, Storm Design STD 2.2. Provide a copy of drainage report for review

37. A detention facility shall be designed for a 100 year storm event. Storm Design STD 4.0.

38. Easement containing storm pipe shall be a minimum of 20 feet wide. Easements for open channel water vary depending on channel width. Storm Design STD 3.1 & 5.8

39. There is an existing 21" diameter storm line in NW Calkins Avenue and an 18-Inch diameter storm stubbed to two catch basins in NW Hopper Street.

40. Per LUDR section 12.06.030 (C) – Adequate provisions shall be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

41. Preliminary subdivision plans do not indicate storm detention. Final plans will need to address detention.

Public Works Conditions – Street:

42. Subdivision Application coincides with Variance Application V-23-002 to reduce portion of eight-of-way outside the Hillside Development Overlay from 60 to 40 feet. Minimum ROW for local hillside streets is 40'. LUDO 12.04.100 – Hillside Development Overlay. Revised site plan identifies 50 foot wide R/W on NW Hopper Street with a 28 foot wide street transitioning to existing 26'wide at the intersection of NW Grove Street and 24 feet wide street on NW Merle Ave. Proposed plan on Merle indicates a 40' ROW, with 24' roadway with sidewalks on one side terminating with a hammer head turnaround.

43. On street parking is allowed on one side for street widths of 28' in 50' ROW, and no parking is allowed for street width of 24' in 40' ROW LUDO 12.04.100.

44. Streets shall be constructed to City standard and shall include asphalt surface, curb, gutter and sidewalk. LUDO 12.12.Q and sidewalks 5' wide will be required on both side of the street for 28' roadway and one side of street for 28' ROW. LUDO 12.04.100.

45. Per LUDO 12.04.100 – Hillside Development Overlay (Figure 2-11), a 28' roadway in 50' ROW with no parking requires a 5' sidewalk on one side. A 24' roadway in 40' ROW with no parking requires a 5' sidewalk on one side.

46. Maximum grade of local streets is fifteen percent (15%). When it can be shown that steeper grades cannot be avoided by different street alignment and redesign of the preliminary plan, grades not exceeding 20% may be permitted for short steep pitches not exceeding 300 feet in length. 12.12.F

47. Streets shall be constructed to City standard and shall include asphalt surface, curb, gutter and sidewalk and ADA Curb Ramps. LUDO 12.12.Q

48. Street lighting, postal lock-boxes, street name signs and all attendant street hardware shall be installed as part of construction. LUDO 4.02.160

49. Mail boxes shall be in a grouping per City standard.

50. Survey Monuments: Permanent iron pipe monuments at subdivision boundary corners and concrete monuments below street grade at intersections of street centerline tangents. LUDO 4.02.160, LUDO 12.12.Q

51. All permanent utilities shall be underground, LUDO 4.02.160, LUDO 12.12.Q

52. LUDO 12.12.010(K)(1) – Public Easements. Dedication to the public of easements for storm drains, sanitary sewers, and other public utilities, and for access, walkways, and other public access needs, may be required. Widths shall be sufficient for the intended purpose, and may vary to suit the need as determined by the approving authority. Required easements will normally be located along lot or parcel lines, but may be located elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the Comprehensive Plan and purpose of this code.

53. Subdivision shall include street lighting, underground utilities and monuments. LUDO 12.12.Q

54. LUDO 12.12.010(F)(7)(c) – if a permanent dead-end street is necessary, it shall provide adequate access for emergency vehicles, as determined by the fire chief, and it shall not serve more than 20 single-family dwellings, or multi-family or commercial uses generating more than 200 vehicles per weekday.

55. Topography on the north side of Merle slopes steeply downhill onto the neighboring parcels. Design of the road section may require engineered fill slopes and or retainage structures to support the road section within 40' ROW.

56. Retaining walls are to be located outside of Right-of-way on private property.

STAFF RECOMMENDATION:

Staff recommends that the record be held open in conformance with RMC Section 12.10.010.T.7.b to allow for additional information from the applicant regarding geotechnical considerations in the Hillside Overlay Zone, and to update easement locations, lot size for lot 7, and minimum frontage for lot 2.

Staff recommends Planning Commission adopt a timeline for new information, rebuttal, staff report and deliberation dates on this application, as noted below.

SUGGESTED MOTION:

I MOVE TO EXTEND THE RECORD IN THE APPLICATION REFERENCED AS FILE NO. SUB-22-001 & V-23-002, IN ORDER TO ADDRESS LOT SIZE, LOT FRONTAGE, EASEMENT AND GEOTECHNICAL ISSUES. THE PROCESS AND DATES GOING FORWARD SHALL BE AS FOLLOWS:

- New Information must be submitted by 5:00 PM on Tuesday, February 28th, 2023;
- Rebuttal by all parties must be submitted by 5:00 PM on Tuesday, March 7th, 2023;
- Applicant final rebuttal must be submitted by 5:00 PM on Tuesday, March 14th, 2023;
- Staff publishes revised staff report and draft Findings of Fact and Order no later than Monday, March 27th, 2023 by 5:00pm; and
- Planning Commission (PC) deliberations and final vote during PC meeting on Monday, April 3rd, 2023 (7:00 PM, City Council Chambers, 900 SE Douglas Avenue).

EXHIBITS:

A – Findings of Fact
B – Revised Plans, dated 2/6/23 and 2/8/23
C – Original Plan set, dated 12/7/22
D – Applicant Narrative
E – Applicant Geotech Report
F – Neighbor Letters Received at time of staff publication on February 14, 2023
G – Public Hearing Notice

EXHIBIT A

In the matter of an application by i.e. Engineering, Inc. for a 10-lot Subdivision with concurrent Variance to reduce right-of-way width from 60 to 40 feet on property located at 2240 NW Merle Avenue	))))	Subdivision File No. SUB-22-001 and concurrent Variance File No. V-23-002

BEFORE THE ROSEBURG PLANNING COMMISSION

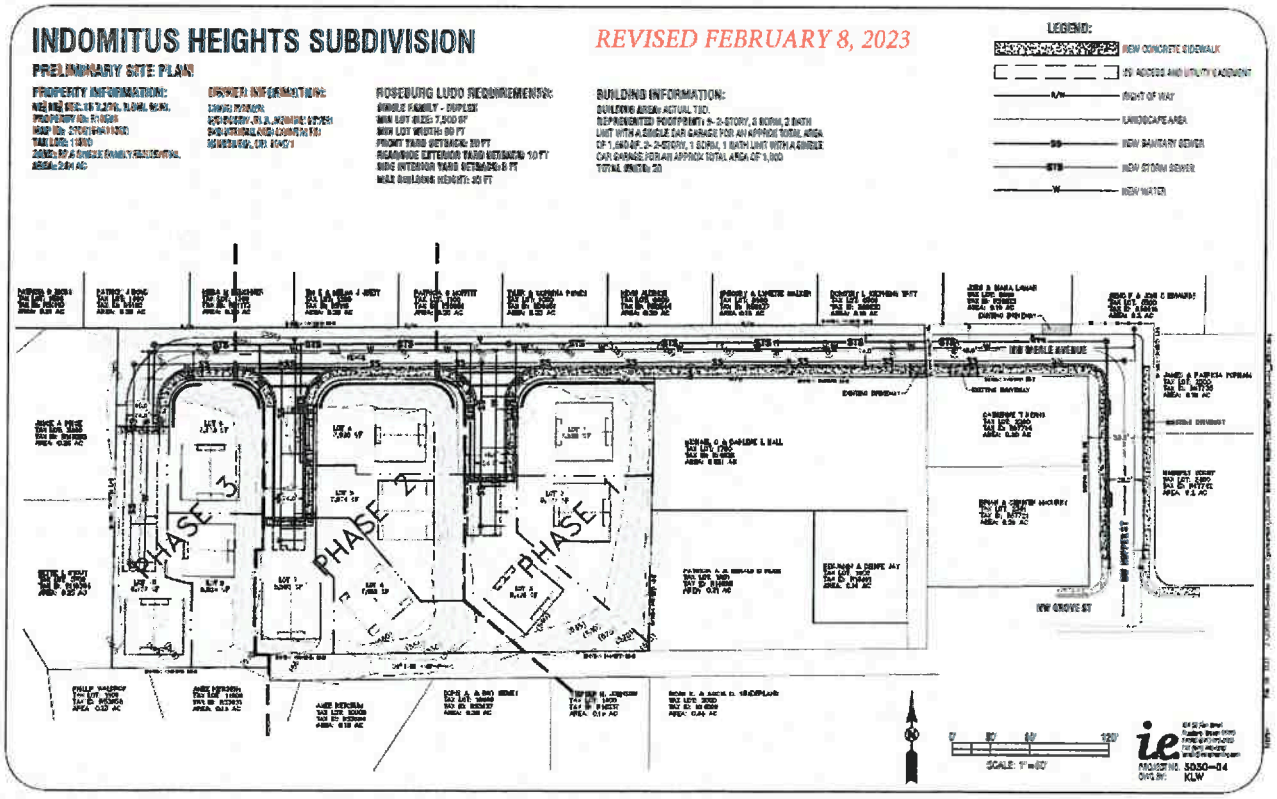
FINDINGS OF FACT

I. NATURE OF APPLICATION

The applicant and property owners propose a 10-lot subdivision with concurrent variance to right-of-way width on a 2.54+/- acre parcel zoned R7.5 (Low Density Single-Family Residential). The subdivision would be phased, with three lots in phases 1 and 3, and 4 lots in phase 2. A variance is necessary to reduce portions of the new public right-of-way width outside the Hillside Development overlay from 60 to 40 feet. Adjacent sections of NW Merle Avenue and NW Hopper Street would be improved with a new roadway, curbing and sidewalks to access the project.

The property is addressed as 2240 NW Merle Avenue, and legally described as Tax Lot 11300, Township 27 South, Range 06 West, Section 15AA, Willamette Meridian (Tax ID # R10681).

The preliminary subdivision plat map, as amended February 8, 2023, is shown below.



II. FINDINGS OF FACT

A. GENERAL FACTS

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 purpose of Roseburg's subdivision regulations (RMC 12.12.010.B) is to provide for the proper width and layout of streets in relation to existing and planned streets, to ensure conformity with the Roseburg Comprehensive Plan, and to improve the health, safety and general welfare of the city. Land divisions seek to improve the health of Roseburg citizens by encouraging a variety of transportation choices such as walking, biking and transit.
3. The property owners of the land at 2240 NW Merle Avenue, Craig Ferber with Bobby & Jasmine Geyer, applied for a 10-lot subdivision and variance to right-of-way width with the City of Roseburg Community Development department. The applicant and authorized agent for the property owners is Alex Palm of i.e. Engineering, Inc.
4. The subject site was previously developed by the Mulholland Family as an estate-sized property configured as a large flag lot, with a driveway entry at the dead-end of NW Merle Avenue east of NW Hopper Street. The property enjoys panoramic views of the City of Roseburg and surrounding mountains, and is developed with three relatively flat ascending terraces rising up the hill. The larger middle terrace contains a foundation for the Mulholland-owned house that burned down in February, 2013. The smaller upper and lower terraces hold pasture areas and outbuildings. A gravel driveway along the north edge of the site provides vehicular access to all three terraces.

5. The property is addressed as 2240 NW Merle Avenue, and legally described as Tax Lot 11300, Township 27 South, Range 06 West, Section 15AA, Willamette Meridian (Tax ID # R10681). The property contains 2.54 acres, more or less.
6. The property has frontage on NW Merle Avenue west of Hopper Street, and on a 20'-wide public right-of-way that runs along most of the south property line. The 20'-wide public right-of-way on the south edge is unimproved, terminates approximately in line with the western edge of phase 2, and heads downhill to the east to connect with NW Grove Street.
7. An 11-lot version of the current application was reviewed by city staff at a pre-application conference in March, 2022 (PRE-22-004).
8. The current subdivision application was submitted on December 7, 2022, and a hearing was scheduled for February 21st, 2023 @ 7:00pm on January 5, 2023. The case was made complete at the time fees for the variance were paid on January 23, 2023.

9. The approval criteria for subdivisions are found in the Roseburg Municipal Code (RMC) at 12.12.010, and the approval criteria for variances are listed at 12.10.050. Selected RMC regulations from the R7.5 Residential District at 12.04.030 and Hillside Overlay Zone at 12.04.100 also apply to this proposal.

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 addressed incorporated, where appropriate, into the findings of fact, recommendation and conditions of approval below.

C. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per RMC 12.10.010. Six comment letters and one petition were received by City staff at the time of staff report publication on February 14, 2023.

Summary of Comments: Concerns raised in the letters addressed a variety of issues, largely in opposition to the proposal. Common concerns in individual letters include the following:

- Density of 10 duplexes or 20 units is too high for the site, and inappropriate given the surrounding neighborhood character;
- Safe ingress and egress from the site, including emergency access and other routine services or deliveries, is problematic;
- Slope stability, drainage and erosion control impacts of developing the roadway and future homes on this a steeply-sloping site could potentially impact neighbors in a negative way;
- Legal questions are raised about ownership of landscaped areas on the subject site that have been maintained by abutting neighbors for years;
- Ground movement, slowly moving landslides and underground springs have been a feature of surrounding lots. People downhill from the project, especially those north of and below the new extension of NW Merle Avenue, are concerned about slides, erosion control and drainage impacts on their properties;
- Encroachment of the new roadway onto private property at 1780 NW Merle;
- Driveway and utility connections to future street improvements in NW Hopper and Merle;
- Questions about parking on the future street, and if parking will be prohibited;
- Levels of traffic on NW Merle impacting neighborhood character, and unfortunate "double frontage" lot condition being created for many lots that face NW Canterbury but which will back up onto future NW Merle Avenue;
- The street width variance is reckless and should not be approved, the situation was created by a prior property owner who should have known better;
- Threatening, obnoxious behavior of neighbors, parking, and other activity in the currently unimproved areas of NW Hopper and NW Merle;
- An abandoned basketball post and hoop remaining in currently unimproved areas of NW Hopper and NW Merle;
- Impacts on and blocked views experienced by neighbors of the subdivision;
- Mechanisms to protect neighbors from dangerous excavation or filling within the slopes that occupy the site;
- The site is an old quarry and the dynamite shed can still be seen on the top/phase 3 level;
- Blasting activities could be required and would spark legal claims and litigation;

- Adequacy of parking for residents and visitors, given no room to park on the new roads;
- Concerns about fire protection and access, as well as turning around of fire vehicles in an emergency; and
- Safety concerns from the new road, specifically accidents causing cars to careen off the road and roll downhill into abutting properties to the north.

Staff Response: The proposed subdivision is being constructed at a density consistent with the Roseburg Comprehensive Plan, and Oregon State Law mandates that duplexes be allowed in all single-family zones per HB 2001 passed in the 2019 legislative session. The limited roadway width is allowed by-right in the Hillside Overlay Zone areas. Minimum parking standards of 2 parking spaces per unit will be applied during build-out, and parking will not be allowed on the sides of the new public roadways or private easements that extend from the new roads.

Encroachment of the new roadway onto property at 1780 NW Merle was corrected by the applicant through the submittal of a revised plan on February 8, 2023. Utility and driveway connections will be addressed during development of drawings and construction plans for the grading permit. Satisfactory construction of the new roadway in NW Merle and NW Hopper will be completed before individual lots can be developed. This application has no bearing on the behavior of individuals, and cannot resolve potential private civil or criminal claims against other property owners. Geotechnical concerns must be addressed in the application, including slopes, drainage, erosion control, the preservation of existing vegetation in hillside areas, and establishing plants or other measures to ensure the stability or potentially hazardous slopes.

The Fire Department has reviewed the proposal and determined that their fire trucks can adequately serve the subdivision in emergencies, and can safely maneuver both into and out of the property. Traffic safety is not a directly relevant criterion, outside of ensuring that minimum roadway dimensional, vision clearance and access standards are being met. There are no specific provisions or criteria addressing the protection of private views. There are provisions for blasting activity in the Roseburg Municipal Code, requiring such to "be consistent with Section 03335 – Blasting Methods and Protection of Excavation Backslopes in ODOT/APWA Oregon Standard Specifications Part 00300 " (12.04.100.G). The applicant has not identified any proposed blasting work, which is nevertheless part of construction activity and not under review in a subdivision or variance.

D. PUBLIC HEARING

A public hearing is on the proposed subdivision and variance is being held before the Planning Commission on February 21, 2023 at 7:00 PM. Acting Chair of the Planning Commission will read through public hearing procedures and then open the public hearing. City Staff will provide a report regarding the request, including findings on the relevant criteria and a recommendation. Public testimony will be heard by neighbors, the applicant and property owner. Planning Commission will deliberate on the proposal and public testimony, offering a motion as to specific next steps and timing for their decision.

E. APPLICABLE CRITERIA

Staff Finding: The approval criteria for this application include those in the Roseburg Municipal Code for subdivisions (**12.12.010**), as well as those for variances (**12.10.050**). Selected RMC regulations from the R7.5 Residential District (**12.04.030**) and Hillside Overlay Zone (**12.04.100**) also apply to this proposal.

Code citations below are listed in **bold text**, and findings summaries are shown in *italics*. Bulleted code citations are generally paraphrased to summarize the meaning, and do not constitute a complete code citation. The Roseburg Municipal Code can be found online at https://library.qcode.us/lib/roseburg_or/pub/municipal_code .

SECTION 12.12.010 APPROVAL CRITERIA FOR A SUBDIVISION

12.12.010.A, Land Divisions.

12.12.010.B, Purpose.

12.12.010.C, Definitions.

Staff Finding: The above sections are descriptive, and don't include relevant approval criteria or standards. *Sections 12.12.010.A through 12.12.010.C do not apply.*

12.12.010.D, Hillside Developments. In the case where standards and criteria in Section 12.04.100: Hillside Development Overlay of this Code conflict with provisions in this Chapter, development shall conform to Section 12.04.100 of this Code.

Staff Finding: The Hillside Overlay zone requires a geotechnical report requirement for construction activity, and includes alternative standards for development inside the overlay. Lot width and depth can be less than required elsewhere, provided no lot has a depth of more than 2.5 times the average width between the side lot lines (12.04.100.D.4.b). Frontage standards for lots in the overlay are reduced from 40 to 35 feet (12.04.100.D.4.c). Alternative right-of-way standards allow a local residential street right-of-way to be reduced from 60 to 40 feet (12.04.100.D.8.b).

The Hillside Overlay zone also limits grading, drainage improvements and other ground disturbances to between April 15th and October 15th of each year, with the exception of actions needed in the event of an emergency (12.04.100.E.1). Restrictions on building near slopes (12.04.100.E.3-4), Erosion Control and slope planting standards (12.04.100.E.5), stormwater drainage (12.04.100.E.6) and landscape inventory and tree preservation standards (12.04.100.F) are also included in this chapter.

The Hillside Overlay standards for lot width and depth (no minimum width/depth vs. 60'/80' width/depth), street frontage (35' versus 40'), and right-of-way dimensions (40' vs. 60') are being applied to lots within the overlay zone over the more restrictive standards found elsewhere. Where Hillside Overlay standards conflict with others, staff has applied the Hillside standards. Portions of lots 1-4, 6 & 8 are within the hillside overlay zone, whereas lots 5, 7, 9 & 10 are fully outside the overlay. Additional details regarding the Hillside Overlay Zone are included in findings for 12.12.010.E.2, below. *This criterion is met.*

12.12.010.E, Requirements and standards for preliminary plans.

1. **(12.12.010.E.1, Conformity with Comprehensive Plan) All divisions of land and common boundary line adjustments shall conform to the Roseburg Urban Area Comprehensive Plan with respect to the type and intensity of use, population densities, locations, and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by comprehensive plan goals, policies or maps.**

   Staff Finding: The City of Roseburg Comprehensive Plan designates the subject property as

LDR or Low-Density Residential, and the property is zoned R7.5 or Single-Family Residential. The Land Use and Urbanization Element of the Comprehensive Plan identifies the LDR plan designation as providing for residential densities up to approximately six lots per gross acre. In the three zones that fit within the LDR designation, density ranges from 4 (R10) to 6 (R7.5) to 7 (R6) lots per acre. All the single-family zones allow duplexes as well as single-family homes, in compliance with Oregon State Law. With 2.54 gross acres, the site density under the LDR designation of 6 lots per acre would provide for 15 lots, whereas only 10 lots are proposed. Townhouse development is allowed in all zones with the LDR designation, further increasing the potential density allowed.

In practice, the land area remaining after dedicating public rights-of-way is divided by the minimum lot size to get allowed density. At this site there are approximately 1.78 acres remaining of the original 2.54 acres once street dedications are made. Dividing the 1.78 acres by the 7,500 sq. ft. house/duplex standard allows for ten lots, and 21 lots per the 3,600 sq. ft. townhouse standard. Built out with 10 duplex lots as proposed with 20 units total, the proposed use types and population density fully conform with the LDR Comprehensive Plan designation.

A review of Comprehensive Plan goals and policies is indicated for subdivision preliminary plats at 12.10.010.K.2. Oregon Land Use Planning uses zoning and land use regulations, as well as comprehensive plan and zoning maps, to implement city and county comprehensive plans. Roseburg's comprehensive plan goals and policies for natural resources, economic growth and transportation are implemented with environmental, subdivision and access regulations in Title 12 that apply to the proposed subdivision. Energy conservation, housing and urban growth policies are implemented with lot size, density and urban infill regulations in Title 12 that allow new housing opportunities on vacant or underutilized land inside city limits. A detailed review of subdivision applications by community development, public works and fire department staff, along with the professional reports from engineers and consultants on the applicant team, ensure that critical public facilities and services will be provided as intended in the Comprehensive Plan. In addition, there are no site-specific roadway alignments or proposed public open space designations in the Comprehensive Plan that impact the layout or design of the proposed subdivision.

Therefore, with respect to the factors noted above, the proposal conforms to the Roseburg Urban Area Comprehensive Plan. *This criterion is met.*

2. **(12.12.010.E.2, Conformity with Chapter 12.04) All divisions of land and common boundary line adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by RMC Chapter 12.04.**

Staff Finding: Two sections of Chapter 12.04 are relevant to this subdivision, including those of the R7.5 zone (12.04.030) and Hillside Overlay Zone (12.04.100).

Residential district standards (12.04.030) that apply to this specific proposal are generally limited to the density and lot size standards. Single-family and duplex dwellings are allowed by-right, and new lots for these dwelling types must be at least 7,500 square feet. Standards

for building setbacks, height and lot coverage are applied at the time of individual home site development, and not during the subdivision.

Most proposed lots are at least 60 feet wide and meet the R7.5 lot width standard. With regard to lot size, all but three of the lots are at least 7,500 square feet. Lots 7, 8 & 9 are under 7,500 square feet with 5,560, 7,173 and 6,924 square feet, respectively. The average size of all ten lots is 7,788 square feet. Platting standards for all subdivisions allow up to 30% of the lots in any subdivision to be smaller than the lot size standard, provided the average for all lots is above the baseline standard, and as long as no lot contains less than 85% of the minimum required area (RMC 12.12.010.M.1.d). Eighty-five percent of 7,500 square feet is 6,375 square feet. While no more than 30% of the lots are reduced below 7,500 square feet, and the overall average lot size meets code, Lot 7 (at 5,560 square feet) is below the 85% minimum of 6,375 square feet.

Therefore, in order to meet the minimum lot size standards of the R7.5 zone, the applicant must increase the size of lot 7 to 6,375 square feet, or propose and receive approval for a variance to the size of lot 7. *Until lot 7 has a conforming lot size of at least 6,375 square feet or receives approval for a lot size variance, this criterion is not met.*

The Hillside Overlay zone (12.04.100) requires a geotechnical report requirement for construction activity, and includes alternative standards for development inside the overlay. Lot width and depth can be less than required elsewhere, provided no lot has a depth of more than 2.5 times the average width between the side lot lines (12.04.100.D.4.b). Frontage standards for lots in the overlay are reduced from 40 to 35 feet (12.04.100.D.4.c). Alternative right-of-way standards allow a local residential street right-of-way to be reduced from 60 to 40 feet (12.04.100.D.8.b).

The applicant included a geotech report that includes most, but not all of the required elements. The report analyzed the geologic setting and soils, and included a site investigation with 11 investigation sites. Soil stability was evaluated in detail. Specific recommendations were made regarding site grading, the road pavement structure, foundations and substructure elements, retaining walls, and design review and construction.

In the Hillside Overlay, a site analysis from a registered Geotechnical Engineer is required and includes site development submittal (12.04.100.C.2.a.i) and geotechnical report (12.04.100.C.2.a.ii) requirements. A scalable site plan with 2' countours is required and include the following:

(12.04.100.C.2.a.i.D): **On areas having a slope of greater than 12%, prior to removal of any vegetation, plans shall show the location, species, and size of vegetation to be removed, along with data that identifies slope stability with and without such planting. Trees that measure 24 inches or more in diameter at breast height (DBH), and multi-stemmed trees with one stem of at least 8 inches in DBH shall be identified and preserved to the extent possible. During construction, trees identified for preservation shall be protected with fencing around the drip line;**

(12.04.100.C.2.a.i.E): **Plan showing location, species, size, and proposed re-vegetation;**

(12.04.100.C.2.a.i.H): **Erosion and Sediment Control Plan shall be consistent with requirements in the DEQ Construction Storm Water Permit Guidance 1200-C NPDES General Permit and as specified for Hillside/Geologic Review Areas.**

The geotechnical report is also required to include the following specific details:

(12.04.100.C.2.a.ii.F): **Designs of retaining walls and structures, as well as drainage systems;**

(**12.04.100.C.2.a.ii.H**): **Detailed reports of field investigations that provide: date of work done, investigative methods, sampling methods, locations and logs of borings/test pits, elevations of borings/test pits for reference of materials,**

In the submitted geotechnical report, there are no plans attached to the report, there is no inventory of trees to be removed versus retained, no revegetation or planting recommendations, and no general erosion and sediment control plan is included. The original concept of installing a tall retaining wall on the south side of NW Merle is addressed in the report, but not the revised plan for retaining walls on the north side of NW Merle. An inventory of 11 investigation sites is provided, but there is no accompanying plan showing their location on the property.

Therefore, in order to meet the requirements of the Hillside Overlay zone, the applicant must provide additional information in an amended or supplemental geotechnical report. These include a tree inventory, removal and preservation plan, written recommendations on using plantings to stabilize slopes, and information on the proposed location, species and size of new planting materials. This information is especially important along the southern edge of the extended NW Merle right-of-way. In addition, a general Erosion Control plan and recommendations are needed, revised retaining walls need consideration, and the locations for the 11 investigation sites should be shown on a plan. *Until such time as the geotech report adequately addresses these items for the public improvements associated with this subdivision, this criterion is not met.*

The Hillside Overlay zone also limits grading, drainage improvements and other ground disturbances to between April 15th and October 15th of each year, with the exception of actions needed in the event of an emergency (12.04.100.E.1). Restrictions on building near slopes (12.04.100.E.3-4), Erosion Control and slope planting standards (12.04.100.E.5), stormwater drainage (12.04.100.E.6) and vegetation inventory and tree preservation standards (12.04.100.F) are also included in this chapter. *A condition of approval will note that the Hillside Overlay Zone standards apply to both infrastructure and residential construction at the site.*

Issues identified above for the R7.5 zone (Lot 7 lot size) and Hillside Overlay Zone (missing geotech report features) must be resolved to meet this criterion. A condition of approval will note that Hillside Overlay Zone requirements apply to both infrastructure and residential development at the site.

3. **(12.12.010.E.3, Variance from Subdivision Provisions) Variance from the strict application of the standards and provisions of this Section may be granted by the Approving Authority when such standards and provisions would impose unusual practical difficulty on the applicant.**

   Staff Finding: One variance to reduce the minimum right-of-way width from 60 to 40 feet, in areas outside the Hillside Overlay Zone, has been requested. Findings for the variance are included later in this report, following the subdivision findings.

4. **(12.12.010.E.4, Relation to Adjoining Street System and Bicycle System) A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. The connecting street network shall have capacity to support the proposed land uses.**

Connections shall also be made for pedestrian, bicycle, and vehicle access to schools, parks, employment, and recreation areas. Where the Approving Authority finds that topographic conditions make such continuation or conformity impractical, appropriate exceptions to this requirement shall be made.

Staff Finding: The property is currently laid out similar to a flag lot, with a long narrow flag "pole" or driveway abutting the dead end in NW Merle Avenue, just west of the intersection of NW Merle and Hopper. The existing right-of-way in these two streets is partially improved with a narrow gravel roadway, gravel or grassy sloped shoulders, and no paved sidewalks. The existing right-of-way is 50' wide in NW Hopper, and 40' wide in NW Merle. There is also an unimproved 20'-wide public right-of-way along most of the southern site border, extending east to NW Grove Street. Findings for the right-of-way width reduction are found later in this report.

Given the lack of other street frontage, and the surrounding neighborhood pattern with no other likely or future street access to the property, the projection of NW Merle into the subdivision with side streets as proposed is a logical and practical solution. Topography and terracing of the property in light of minimum lot size standards also makes the proposed layout a logical solution for dividing the property. The proposal includes an extension of NW Merle westwards up the hill, and three primary L-shaped dead-end access roads turning south off NW Merle, one oriented to each of the three level terraces on the upper portion of the site. The three new street stubs turn south off of future NW Merle Avenue approximately 480', 625' and 715' from the intersection of NW Merle and Hopper. In order from east to west heading uphill away from NW Hopper, the side streets of NW Merle would be named NW Bobby Court, NW Ryder Court and NW Geyer Court. Utility Services for water, sewer and storm lines are located in NW Hopper Street and available for connection.

The proposal provides for the continuation of existing streets where necessary, and with approval of a variance all the minimum street width standards can be met. Bicycle and pedestrian access is available over the new roadway and sidewalks. *This criterion is met.*

5. **(12.12.010.E.5) Requests shall conform with requirements of Subsection 12.04.090(X).**

   Staff Finding: Subsection 12.04.090(X) relates to the floodplain overlay. There is no floodplain overlay on the site. This criterion does not apply.

6. **(12.12.010.E.6, Future Subdivision of Lots or Parcels) Where the subdivision or partition will result in a lot or parcel which in the judgment of the Approving Authority is likely to be further divided in the future, the Approving Authority may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Code and without interfering with orderly extension of adjacent streets.**

   Staff Finding: The applicant's plan shows a full build out for the subject property. No further division of this property is allowable under current zoning after development of the proposed subdivision, and no potential lots will interfere with future street locations. *This criterion is met.*

7. **(12.12.010.E.7, Access) Every lot or parcel created by partition or subdivision or common boundary adjustment shall have direct access to a public street or road except as provided in this Section.**

Staff Finding: Generally speaking, residential lots in R7.5 zones are required to have 40' of public street frontage. Lots in the Hillside Overlay zone are required to have at least 35' of public street frontage. Provisions of this section allow for one lot per subdivision to have an "easement of way" access, which in this proposal is generally met with Lot 9. The actual location of the easement access to serve lot 2, 7 & 9 also need to expand to directly connect the lots being served with the public right-of-way, whereas today they are held back from easement "frontage" of the lot being served.

In the original proposal only Lot 9 had an easement access, but the revised layout plan of February 8, 2023 removed the frontage access for Lot 2. *Until such time as lot 2 is provided again with regular street frontage at least 35' long, the access standards are not met. In addition, the three access and utility easements for lots 2, 7 & 9 need to be expanded to make direct contact with each lot.*

8. **(12.12.010.E.8, Special Investigations Required) In addition to the information and data submitted in fulfillment of other Sections of this Code, the sub-divider may be required to accomplish special investigations, studies and reports concerning soil, geologic and foundation conditions, floodplain elevation and other conditions determined by the Approving Authority to be of concern. Such information, reports, etc. shall be submitted for review by the Approving Authority. The information and findings may form the basis for conditions to be applied by the Approving Authority to the subdivision plan and improvements.**

   Staff Finding: The Roseburg Municipal Code requires all the standard requirements necessary for a subdivision review, as well as the additional materials associated with a geotechnical report per the Hillside Overlay Zone. Issues associated with the geotechnical report are addressed in findings above for 12.12.010.D and 12.12.010.E.2. No other information or data is required at this time beyond the standard subdivision and geotechnical report requirements. *This criterion is met.*

12.12.010.F, Platting and Mapping Standards – Streets and Roads.

Applicant Findings: (12.12.010.F.2.a, Table 6-1) According to Table 6-1, local streets in single-family density areas are required to have a 60 foot right of way width. As previously discussed, NW Hopper Street currently has a 50 foot right of way width and where the residential street travels north and turns to the west (transition into NW Merle Avenue) it reduces down to a 40 foot right of way width. The hillside overlay allows for this kind of transition to mitigate and offset the affects of the existing terrain. Design and installation of the subdivision would become impractical if the typical standard is required due to these topographical constraints. The applicant is proposing a concurrence variance application for a reduction in right of way width to 40 feet.

(12.12.010.F.2.c, Existing Adjacent Street) Dedication of new public streets will be completed in conjunction with conditions of approval. Right of way dedication due to deficiencies in adjacent existing public streets is not necessary as the subject property does not front streets where the issue exists.

(12.12.010.F.4.a, Angles) A full length street extension can only practically take place on the northerly portion of the property due to topographical constraints. Access has been proposed along with angles to avoid sloping. Rolling hills bifurcate the property significantly and the access is essentially spaced in between these areas as to meet the RMC requirements while also avoid these natural features. Three

dead end streets with the full utilization of easements becomes necessary because of the aforementioned constraints which are beyond the fault or creation of the property owner.

(12.12.010.F.7.c, Permanent Dead-End Streets) As previously discussed, the subject property is constrained by hillside natural features. NRCS soil classification 76E (Edenbower Clay) with the potential for percentage changes of 3 – 30 percent. There is a reduction in usable area to facilitate access and in order to mitigate the sloping situation while also attempting to maximize development potential a design that contemplates dead ends streets becomes necessary. The proposed access will still meet fire code access requirements (see conceptual plan).

(12.12.010.F.9, Grades and Curves) The application submitted is for a residential subdivision that will only involve the creation of new local residential streets. The extension of NW Merle Street along with the three new dead-end streets will not exceed 15 percent grade. All engineering plans will show the necessary components that help fully identify compliance with the requirements of RMC 12.12.010(F)(9). Street grades flatter than .5 percent will not be used. A grading plan can be completed being the submitted engineers conceptual plan to help satisfy this criteria.

Staff Finding: The applicant has correctly identified the required street width as 60' outside the Hillside Overlay Zone, and 40' inside the Hillside Overlay Zone. A variance to the 60' standard for areas outside the Hillside Overlay is addressed later in this report. No slope easements or offsets are proposed or required. Intersection angles are proposed at right angles as encouraged by code.

Three new intersections are created and result in permanent dead-end streets, but topographical conditions, the fully developed nature of surrounding lots, and a lack of multiple street frontages on the site make application of the cul-de-sac standard impractical. The Fire Marshall has reviewed the proposal to ensure that the street layout provides adequate access for emergency vehicles, and because no more than 20 dwellings are proposed, the dead-end streets are approvable.

Street names have been proposed for the three new north-south stub streets being proposed off the extension of NW Merle. There are no nearby north-south streets in precise alignment with the new streets being named Geyer, Ryder and Bobby Court. Northwest Vallejo Drive comes closest to aligning with NW Geyer Court at the upper west edge of the site, but NW Vallejo is a winding street in both a north-south and east-west configuration, and whose uppermost street segment angles to the northwest. Because the proposed street names do not duplicate or resemble any existing platted streets in Roseburg, the street naming is approvable.

The applicant has correctly identified the maximum public street grade as 15%. Verification of this maximum grade will occur on the engineered permit details and drawings submitted with the required grading permit. Grading permits are required prior to approval of the final plat for public improvements.

Based on the above findings and with approval of the variance to street width, and by incorporating the proposed conditions from Public Works and the Fire Marshall into the decision, the platting and mapping standards for streets can be met.

12.12.010.G, Platting and Mapping Standards – Alleys.

Staff Finding: There are no proposed alleys. *This section does not apply.*

12.12.010.H, Grading Plan.

Staff Finding: The proposal does involve grading work necessary for the construction of the public right-of-way and utility improvements. Some grading on the private lots in association with the

street construction are also proposed, including the construction of retaining walls on the lots directly abutting the south side of the new roadway and sidewalk. A grading plan was submitted with this application showing potential grading work, and will be required again during review and approval of the grading permit for the public street and utilities. Additional information related to grading is being requested to meet the Hillside Overlay Zone requirements, but these are in addition and supplemental to the basic grading plan that has already been submitted. *This criterion is met.*

12.12.010.I, Walkways and Public Accessways.

Staff Finding: This section provides for pathway standards mid-block when proposed block lengths exceed 500', and for pathway connections between two opposing cul-de-sacs where a connection is feasible. *Since the longest new "block" being created along NW Merle between Hopper and Bobby Court is approximately 440 feet long, and with no opposing cul-de-sacs in the layout, this section does not apply.*

12.12.010.J, Off-Site Improvements.

Staff Finding: Off-site improvements include the development of a new roadway, utilities and sidewalks, etc. in both NW Merle Avenue and NW Hopper Street, directly east of the subdivision site. The applicant was made aware of these requirements during the Pre-Application Conference, and will be required to make the improvements through a grading permit prior to final plat approval. *This criterion is met.*

12.12.010.K, Easements.

Applicant Finding: As previously discussed, the applicant is proposing three easements that stand as extension of the three proposed street terminations (Geyer Ct, Bobby Ct and Ryder Ct). These 25' access and utility easements are necessary in order to facilitate access to all the proposed lots while also maximizing development potential while also avoid hillside natural constraints.

Staff Finding: Three private access and utility easements are proposed extending south from the three new stub streets, to provide for water, stormwater, sanitary sewer and private utility connections, as well as vehicular and pedestrian access, to lots 2, 6 & 9. Easement placement and size must be sufficient to suit the need, and should be clearly labeled to show for whose benefit the easement is being granted. The Bobby Court easement is needed to serve lot 2, the Ryder Court easement is needed to serve lot 6, and the Geyer Court easement would serve lot 9.

As shown on the preliminary plat map, the proposed easements are all held back several feet from the lots they intend to serve. Each of the three proposed easements must make contact of sufficient width for future driveways and utility service to the beneficiary lots. Individual labels on the plat should indicate the use and beneficiary lot for each easement. *With a condition of approval that easements be redrawn to make contact with and be labeled for the lots they serve, the easement-related requirements of this criterion can be met.*

12.12.010.L, Platting and Mapping Standards – Blocks.

Staff Finding: There are no blocks longer than 500 feet being proposed, with the longest new "block" between NW Hopper and future NW Bobby Court at approximately 440 feet long. *This criterion is met.*

12.12.010.M, Platting and Mapping Standards – Lots and Parcels.

Staff Finding: All proposed lots are at least 60 feet wide and meet the R7.5 lot width standard. With regard to lot size, all but three of the lots are at least 7,500 square feet. Lots 7, 8 & 9 are under 7,500 square feet with 5,560, 7,173 and 6,924 square feet, respectively. The average size of all ten lots is 7,788 square feet. Platting standards for all subdivisions allow up to 30% of the lots in any subdivision to be smaller than the lot size standard, provided the average for all lots is above the baseline standard, and as long as no lot contains less than 85% of the minimum required area (RMC 12.12.010.M.1.d). Eighty-five percent of 7,500 square feet is 6,375 square feet. While no more than 30% of the lots are reduced below 7,500 square feet, and the overall average lot size meets code, Lot 7 (at 5,560 square feet) is below the 85% minimum of 6,375 square feet.

Therefore, in order to meet the minimum lot size standards, the applicant must increase the size of lot 7 to 6,375 square feet, or propose and receive approval for a variance to the size of lot 7. *Until lot 7 has a conforming lot size of at least 6,375 square feet or receives approval for a lot size variance, this criterion is not met.*

Generally speaking, residential lots in R7.5 zones are required to have 40' of public street frontage. Lots in the Hillside Overlay zone are required to have at least 35' of public street frontage. Provisions of this section allow for one lot per subdivision to have an "easement of way" access, which in this proposal is generally met with Lot 9. The actual location of the easement access to serve lot 2, 7 & 9 also need to expand to directly connect the lots being served with the public right-of-way, whereas today they are held back from easement "frontage" of the lot being served.

In the original proposal only Lot 9 had an easement access, but the revised layout plan of February 8, 2023 removed the frontage access for Lot 2. *Until such time as lot 2 is provided again with regular street frontage at least 35' long, the access standards are not met. In addition, the three access and utility easements for lots 2, 7 & 9 need to be expanded to make direct contact with each lot.*

12.12.010.N, Platting and Mapping Standards – Railroads.

12.12.010.O, Platting and Mapping Standards – Master development plans.

Staff Finding: Neither railroads nor master development plans are proposed. *Sections 12.12.010.N and 12.12.010.O do not apply.*

12.12.010.P, Improvement Procedures.

Staff Finding: The requirements of this section apply to the grading permit for public improvements, and address the responsibilities of the applicant team and city staff. Generally the applicant team is responsible for preparing suitable plans and the construction itself, for making changes as necessary to conform with city regulations and any preliminary subdivision approval, and for avoiding damage or undue disturbance to nearby residents during construction work. City staff is responsible for carrying out timely inspections and coordinating with the applicant team as issues arise. *This criterion is not directly applicable to the preliminary subdivision review, and will be met when construction is underway.*

12.12.010.Q, Improvement Requirements.

Staff Finding: Streets, sidewalks, storm drains, sanitary sewer lines, water lines and underground utilities shall be installed at the expense of the applicant. Deposits may be required for

improvements and services provided by the city during construction. All new utilities shall be underground. Public Works staff has requested conditions of approval addressing these factors as necessary, and will be included in preliminary subdivision approval. *With conditions of approval ensuring the public improvements will be completed prior to final plat approval, this criterion can be met.*

12.12.010.R, Preliminary Subdivision Plan Approval.

Staff Finding: The provisions of this section address phasing. The applicant has not specified any specific timing for the three phases proposed. It is unclear if the applicant intends to phase the platting itself, constructing the roadway and public improvements, or just the future build-out of individual lots. Phasing requirements allow for up to 24 months between final plat approval for up to a maximum of three phases, and in no case shall preliminary approval prior to an approved final plat last more than ten years. In the absence of any supplemental or specific phasing proposal from the applicant, a condition of approval will impose a phasing timeline consistent with the maximum 24 months per phase for each of three final plats, with the associated phasing of public street and utility improvements. *With a standard condition of approval laying out timing per the three phases per code, this criterion can be met.*

12.12.010.S, Final Subdivision Plat Approval.

Staff Finding: This section lays out the requirements for the final plat submittal, including details required on the plat maps, and other items such as providing copies of recorded easements, dedications, and related declarations. *With a condition of approval verifying that the final plat is required per the standards of this section, this criterion can be met.*

12.12.010.T, Land partitioning approval.

12.12.010.U, Common boundary line adjustments.

12.12.010.V, Amendments to preliminary plans and final plats or maps.

12.12.010.W, Prohibition on Sale.

Staff Finding: No partitions or boundary line adjustments are proposed, nor are any amendments to prior approved plans, plats or maps. No lot will be available for sale until the final plat has been approved and recorded. *Sections 12.12.010.T through 12.12.010.W do not apply in this review.*

SECTION 12.10.050 APPROVAL CRITERIA FOR A VARIANCE

Per Section 12.10.050 a variance to the requirements of this Ordinance may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1. **Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.**

Applicant Finding: The Merle Avenue Right-of-Way from Hopper to the middle of the subject property lies within the City's Hillside Development Overlay. This overlay, as detailed in Section12.04.100, exists in areas that have a slope in excess of 12%. Areas located within the Hillside Development Overlay are allowed to have public street Right-of-Way width of 40-feet with a cross section including a 24-foot wide two-lane travel section with a 5-foot wide sidewalk on one side of the street. We are specifically requesting that for the three short roadways that come off Merle that are above this area that is located in the Hillside Development Overlay, specifically Geyer Ct, Ryder Ct., and Bobby Ct., that this development be able to keep the same 40-foot Right-of-Way cross section for two reasons. The first reason is to keep a consistent roadway section that doesn't transition back and forth from a 40-foot Right-of-Way/24-foot roadway section/5-foot wide sidewalk on one side to a roadways section this a 50foot Right-of-Way/28 –foot roadway section/5-foot wide sidewalks on both sides of the road. This would be an awkward transition and confusing to drivers. The second reason we are requesting this variance is the requirement to maintain a minimum lot size, with the exception of the allowance for a reduction in lot size for 30% of the lots. To go any wider in Right-of-Way width on any of the three access roads or Merle would require a reduction in the total number of lots due to size constraints and not maximize the potential density of this development, which is greatly needed in our Roseburg area.

2. **The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.**

Applicant Finding: The surrounding subdivisions have similar site constraints as the subject property. These similar site constraints such as exceptionally steep terrain in a hillside development and minimum lot sizes all contributed to the need for the Right-of-Way variances for 40-feet as allowed in the Hillside Development Overlay on NW Merle Ave and the three internal access roads previously stated.

3. **The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict of reasonable be expected to conflict with the Comprehensive Plan.**

Applicant Finding: The proposed duplex development is comprised of two-family duplex lots which will be designed and constructed consistent in character and zoning with the surrounding developments. Immediately surrounding the proposed development residential lots with pedestrian and vehicular connections which do not connect to the subject site nor will they after this development is completed. The proposed duplexes will function as two-family homes which will be the same in character and intensity of land use in regards to traffic, noise, and safety.

4. **The variance requested is the minimum variance which would alleviate the difficulty.**

Applicant Finding: The request to reduce the right-of-way from 50-feet to 40-feet is the minimum that will overcome the site constraints (lot size and terrain) to satisfy the subdivision goals and minimum lot sizes for duplexes. It is also consistent with the Hillside Development Overlay which already covers much of this development.

5. **The need for the variance is not the resulting of a practical difficulty created by the action of the current owner or previous owner.**

Applicant Finding: The need for a variance is the result of both the existing topography of the area (as noted much of the parcel is located inside the City of Roseburg's Hillside Development

Overlay) and the constraints in meeting the required lot size on a hillside development while also maximizing the number of potential homes for area residents per the zoning ordinance. This is specifically important in the current housing crisis Roseburg faces.

Per Section 12.12.010, variances to right-of-way widths at 12.12.010.F must also address the following criteria:

a. **Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this Section. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, floodplains, or water bodies where a connection could not reasonably be provided. Grades too steep for streets may provide an accessway.**

Applicant Finding: The subject property is currently within the Hillside Overlay area with recognized terrain constraints. A street connection can be constructed, however, to avoid sloping that takes place in the two centralized portions of the property along with the decline in the southeastern area, the right of way should be reduced to 40 feet for the extension of NW Merle Avenue. The decline is specific areas of the property make it impractical to satisfy the street requirements completely, but utilization of the usable area is being maximized as demonstrated on the conceptual plan.

b. **Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.**

Applicant Finding: There are no development constraints on adjacent land. A full connection can be facilitated but the terrain makes it difficult to do the full right of way that would typically be necessary.

c. **Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.**

Applicant Finding: There will be no conflicts with existing leases, easement or agency access standards. There are no identifiable encumbrances of this type.

d. **Abutting undeveloped or underdeveloped property is within the 100-year floodplain.**

Applicant Finding: The subject property is not located in the floodplain or regulatory floodway.

IV. CONCLUSION

Staff recommends that the record be held open to allow for additional information from the applicant regarding geotechnical considerations in the Hillside Overlay Zone, and to update easement locations, lot size for lot 7, and minimum frontage for lot 2. As a result, no order is being included in this version of the findings. Please see the staff report for additional details.

MERLE AVE SUBDIVISION

PRELIMINARY SITE PLAN

REVISED PLAN, RECEIVED 2/6/23

EXHIBIT # B
SUB 22-001 + V-23-002

PROPERTY INFORMATION:

$NE\frac{1}{4}$ $NE\frac{1}{4}$ SEC.15 T.27S. R.6W. W.M.
PROPERTY ID: R10681
MAP ID: 270615AA11300
TAX LOT: 11300
ZONE: R7.5 SINGLE FAMILY RESIDENTIAL
AREA: 2.54 AC

OWNER INFORMATION:

CRAIG FERBER
C/O BOBBY JR & JASMINE GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

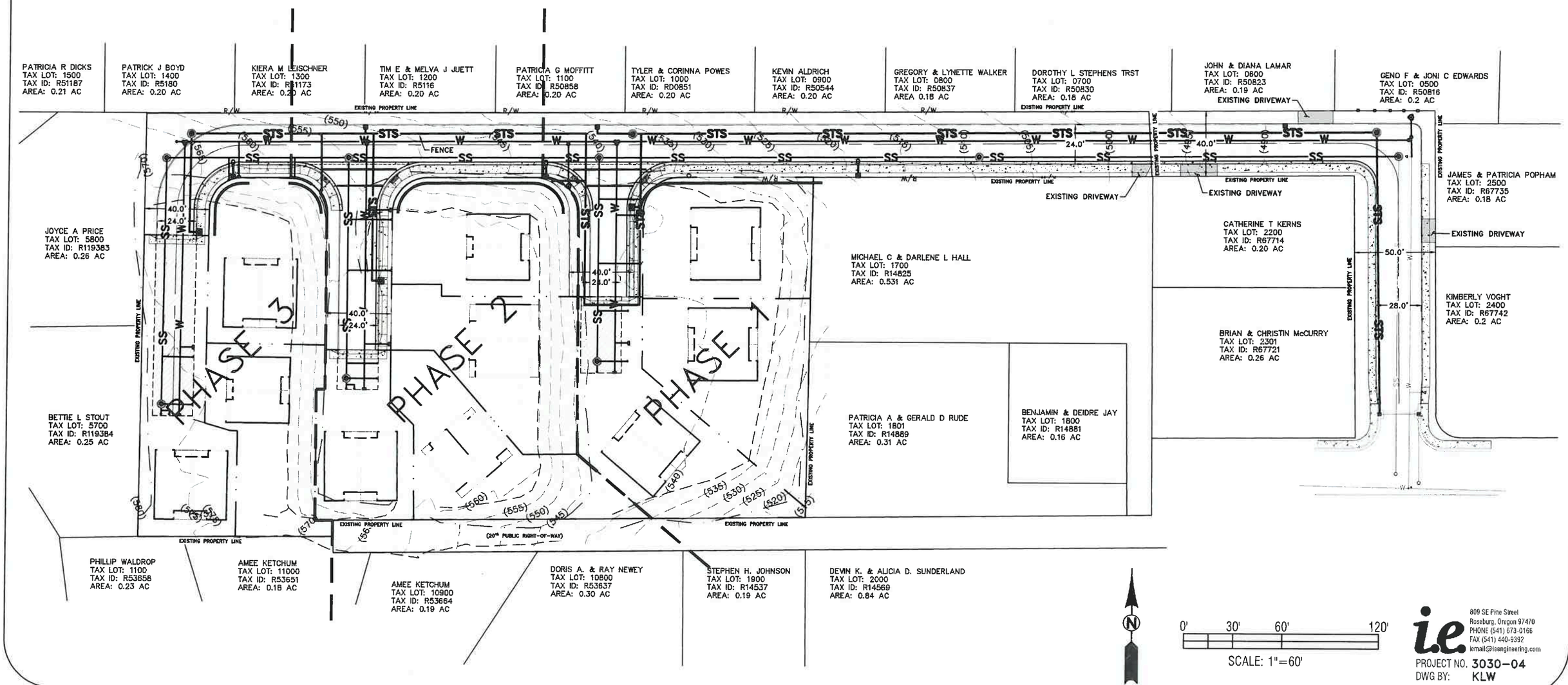
ROSEBURG LUDO REQUIREMENTS:

SINGLE FAMILY - DUPLEX
MIN LOT SIZE: 7,500 SF
MIN LOT WIDTH: 60 FT
FRONT YARD SETBACK: 20 FT
REAR/SIDE EXTERIOR YARD SETBACK: 10 FT
SIDE INTERIOR YARD SETBACK: 5 FT
MAX BUILDING HEIGHT: 35 FT

BUILDING INFORMATION:

BUILDING AREA: ACTUAL TBD.
REPRESENTED FOOTPRINT: 9- 2-STORY, 3 BDRM, 2 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,650 SF. 2- 2-STORY, 1 BDRM, 1 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,000
TOTAL UNITS: 20

NEW CONCRETE SIDEWALK
25' ACCESS AND UTILITY EASEMENT
R/W — RIGHT OF WAY
LANDSCAPE AREA
SS — NEW SANITARY SEWER
STS — NEW STORM SEWER
W — NEW WATER



ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
lemail@ieengineering.com

PROJECT NO. 3030-04
DWG BY: KLW

Z:\JOBS\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\XREF\3030-04_DESIGN.dwg Feb 06, 2023 kristiw

INDOMITUS HEIGHTS SUBDIVISION

REVISED PLAN, RECEIVED 2/8/23

PRELIMINARY SITE PLAN

PROPERTY INFORMATION:

$NE\frac{1}{4}$ $NE\frac{1}{4}$ SEC.15 T.27S. R.6W. W.M.
PROPERTY ID: R10681
MAP ID: 270615AA11300
TAX LOT: 11300
ZONE: R7.5 SINGLE FAMILY RESIDENTIAL
AREA: 2.54 AC

OWNER INFORMATION:

CRAIG FERBER
C/O BOBBY JR & JASMINE GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

ROSEBURG LUDO REQUIREMENTS:

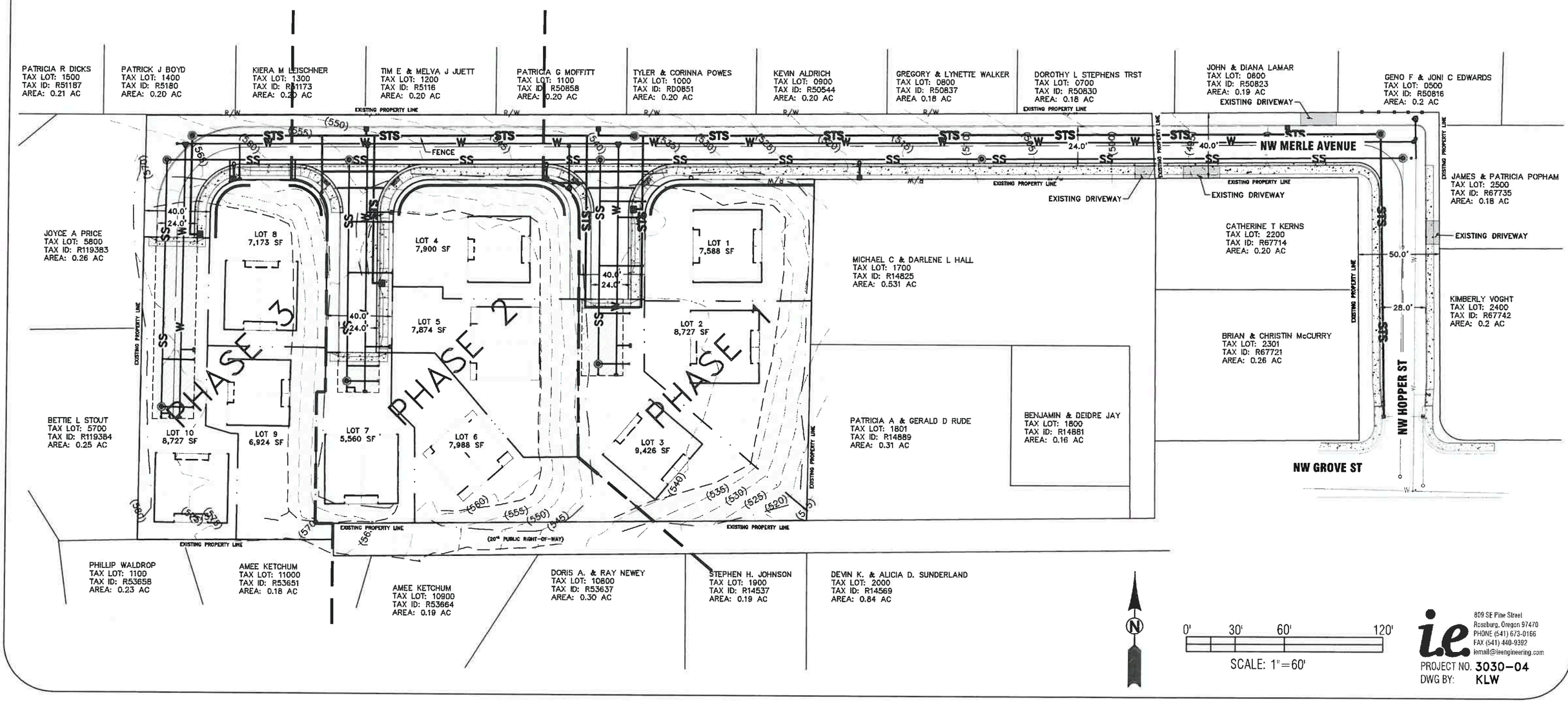
SINGLE FAMILY - DUPLEX
MIN LOT SIZE: 7,500 SF
MIN LOT WIDTH: 60 FT
FRONT YARD SETBACK: 20 FT
REAR/SIDE EXTERIOR YARD SETBACK: 10 FT
SIDE INTERIOR YARD SETBACK: 5 FT
MAX BUILDING HEIGHT: 35 FT

BUILDING INFORMATION:

BUILDING AREA: ACTUAL TBD.
REPRESENTED FOOTPRINT: 9- 2-STORY, 3 BDRM, 2 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,650 SF. 2- 2-STORY, 1 BDRM, 1 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,000
TOTAL UNITS: 20

LEGEND:

- NEW CONCRETE SIDEWALK
- 25' ACCESS AND UTILITY EASEMENT
- R/W — RIGHT OF WAY
- LANDSCAPE AREA
- SS — NEW SANITARY SEWER
- STS — NEW STORM SEWER
- W — NEW WATER



809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
lemail@leengineering.com

PROJECT NO. **3030-04**
DWG BY: **KLW**

Z:\JOBS\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\XREF\3030-04_DESIGN.dwg Feb 08, 2023 kristiw

ORIG. PLANS 1/6

EXHIBIT # C
SUB-22-001 + V-23-002

MERLE AVE SUBDIVISION

PRELIMINARY SITE PLAN

PROPERTY INFORMATION:

NE¼ NE¼ SEC.15 T.27S. R.6W. W.M.
PROPERTY ID: R10681
MAP ID: 270615AA11300
TAX LOT: 11300
ZONE: R7.5 SINGLE FAMILY RESIDENTIAL
AREA: 2.54 AC

OWNER INFORMATION:

CRAIG FERBER
C/O BOBBY JR & JASMINE GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

ROSEBURG LUDO REQUIREMENTS:

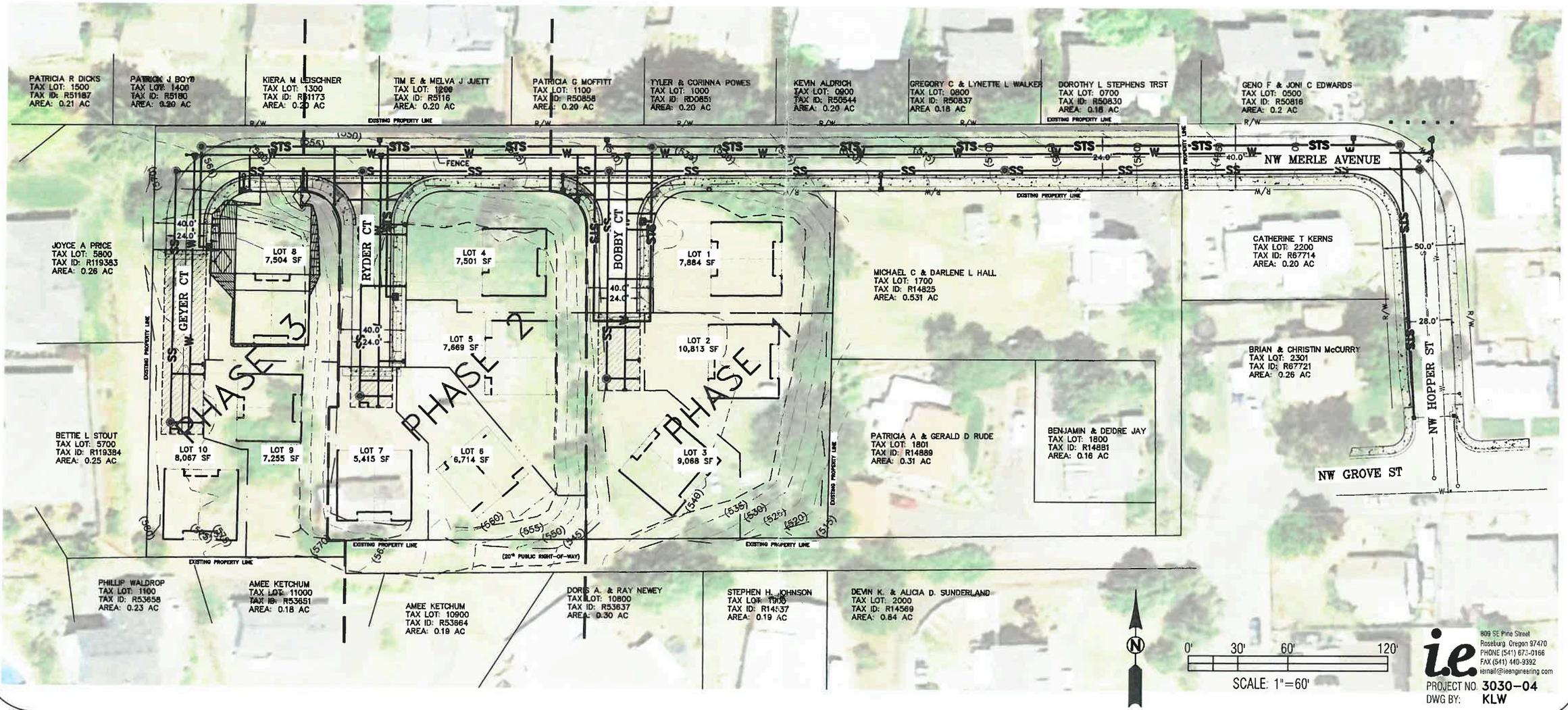
SINGLE FAMILY - DUPLEX
MIN LOT SIZE: 7,500 SF
MIN LOT WIDTH: 60 FT
FRONT YARD SETBACK: 20 FT
REAR/SIDE EXTERIOR YARD SETBACK: 10 FT
SIDE INTERIOR YARD SETBACK: 5 FT
MAX BUILDING HEIGHT: 35 FT

BUILDING INFORMATION:

BUILDING AREA: ACTUAL TBD.
REPRESENTED FOOTPRINT: 9- 2-STORY, 3 BDRM, 2 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,650 SF. 2- 2-STORY, 1 BDRM, 1 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,000
TOTAL UNITS: 20

LEGEND:

- NEW CONCRETE SIDEWALK
- 25' ACCESS AND UTILITY EASEMENT
- R/W — RIGHT OF WAY
- LANDSCAPE AREA
- SS — NEW SANITARY SEWER
- STS — NEW STORM SEWER
- W — NEW WATER



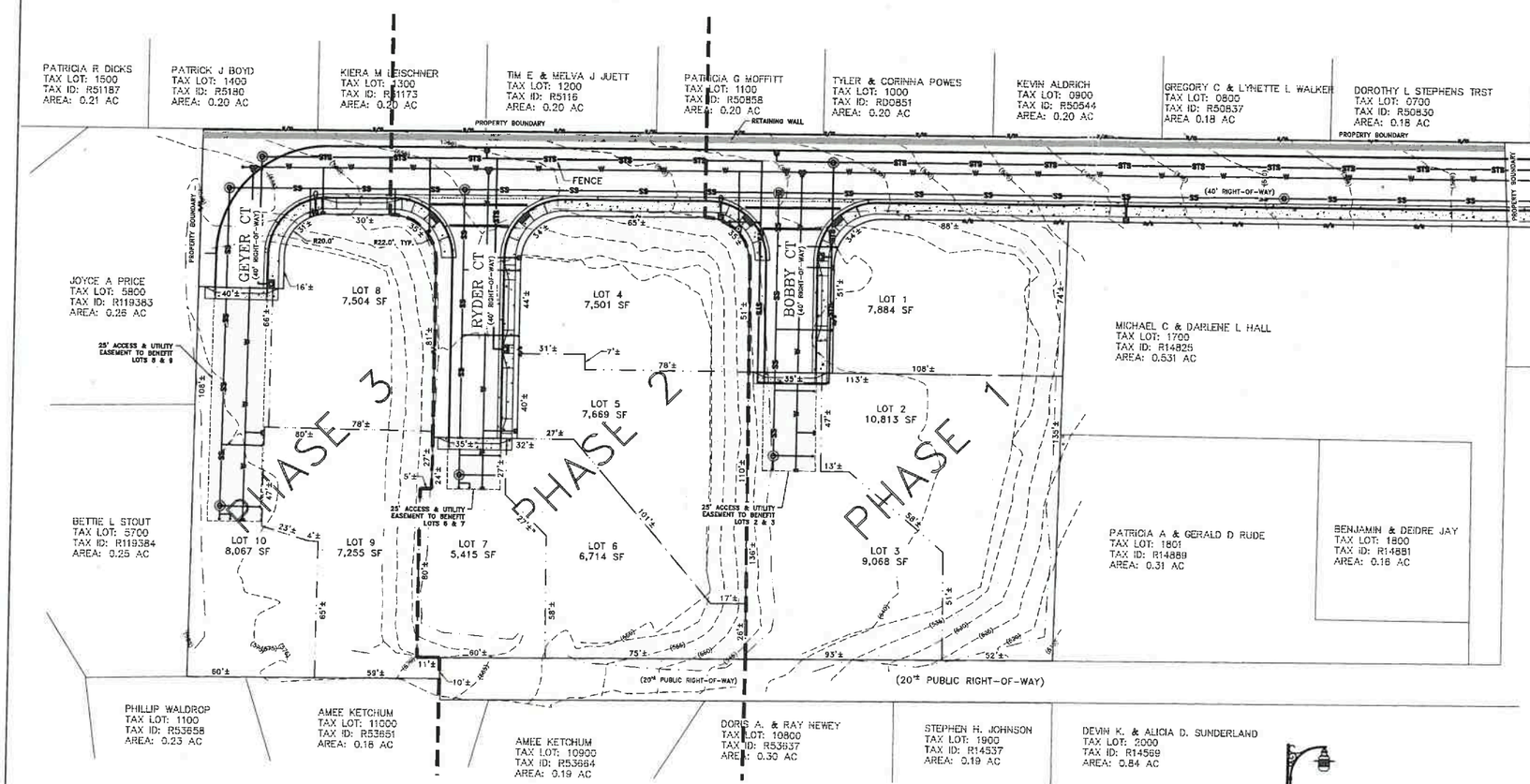
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
ieinail@ieengineering.com

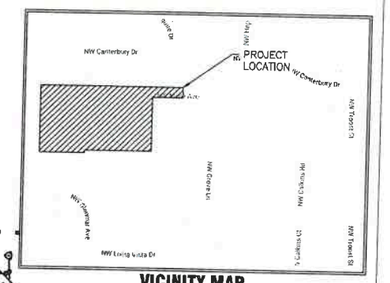
PROJECT NO. 3030-04
DWG BY: KLW

kristiw Jun 29, 2022 Z:\JOBS\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\XREF\3030-04_DESIGN.dwg

ORIG PLANS 2/6

PRELIMINARY PLAT INDOMITUS HEIGHTS





VICINITY MAP
NTS

ZONING: R7.5
COMP. PLAN: SINGLE FAMILY RESIDENTIAL
WATER: CITY OF ROSEBURG
SEWER: RUSA
ASSESSOR'S MAP: NE¼ NE¼ T27S, R6W, SEC.15
TAXLOT: #11300
ACRES: 2.54

NOTE:
CONTOURS ARE ORIGINAL GROUND INTERVAL 1'

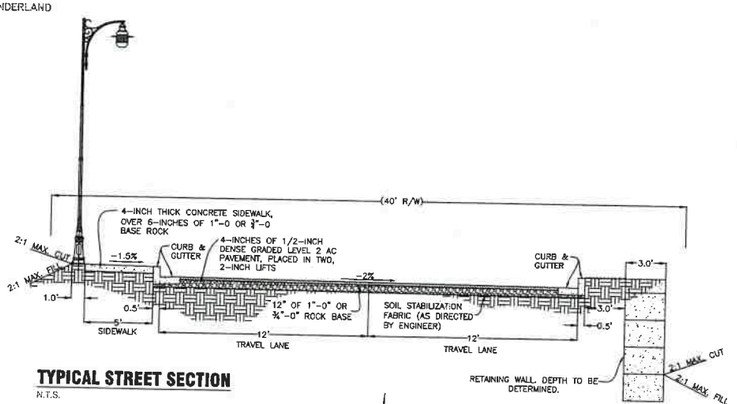
UTILITY COMPANIES & CONTACTS

COMPANY	CONTACT	PHONE	FAX
Avista Utilities P.O. Box 1520 Roseburg, OR 97470	Ryan Forsloff Corporate Office	541-440-1162 800-659-4427	541-672-571
Lumen	Luke Pilon	541-484-7827	
Charter Communications 575 W. Harrison Roseburg, OR 97470	Aaron Wilson	541-778-0957	541-672-5193
Douglas Fast Net 480 Oakland Ave., NE Roseburg, OR 97470	Todd Way	541-673-4242	
Pacific Power 4025 Old Hwy 99 South Roseburg, OR 97470	Shannon Watson Martha Warner	541-679-3671 541-679-3642	541-679-3626
Roseburg, City of, Water Dept. 900 SE Douglas Roseburg, OR 97470	Daryn Anderson	541-492-6885	
RUSA 1297 NE Grandview PO Box 1185 Roseburg, OR 97470	Ryon Kershner	541-672-1551	541-672-7548

LEGEND

(ELEV.)	EXISTING ELEV.
ELEV.	NEW ELEV.
	PROPERTY BOUNDARY
	LOT BOUNDARY
	SAW CUT
TV TV	EXISTING CABLE TV
	EXISTING EDGE OF AC OR GRAVEL
POH POH	EXISTING POWER (OVERHEAD)
PUG PUG	EXISTING POWER (UNDERGROUND)
UGU UGU	NEW UNDERGROUND (TV, POWER, PHONE)
GAS GAS	EXISTING GAS
R/W R/W	EXISTING RIGHT-OF-WAY
	NEW RIGHT-OF-WAY
X X	EXISTING FENCE
	NEW FENCE
W W	EXISTING WATER
WM WM	EXISTING WATER MAIN
W W	NEW WATER
ST ST	EXISTING STORM SEWER (STS)
STS STS	NEW STORM SEWER (STS)
SS SS	EXISTING SANITARY SEWER (SS)
SS SS	NEW SANITARY SEWER (SS)
PS PS	EXISTING PRESSURE SEWER (PS)
PS PS	NEW PRESSURE SEWER (PS)
FM FM	EXISTING FORCE MAIN (FM)
FM FM	NEW FORCE MAIN (FM)
S-F S-F	SILT FENCE (S-F)
E E	NEW ELECTRICAL CONDUIT
TC	TOP OF CURB
AC	ASPHALT
BW	BACK OF WALK
FG	FINISH GRADE
FF	FINISH FLOOR
OG	ORIGINAL GROUND
TW	TOP OF WALK

	EXISTING CURB INLET (CI)
	NEW CURB INLET (CI)
	EXISTING CATCH BASIN (CB)
	NEW CATCH BASIN (CB)
	CLEANOUT
	GUY WIRE
	GAS METER
	EXISTING FIRE HYDRANT
	NEW FIRE HYDRANT
	LANDSCAPING
	EXISTING VALVE
	NEW VALVE
	EXISTING MANHOLE (MH)
	NEW MANHOLE (MH)
	POWER POLE
	PHONE PED
	EXISTING LIGHT POLE
	NEW LIGHT POLE
MAIL	MAIL BOX
	EXISTING WATER SERVICE
	NEW WATER SERVICE
	BLOWOFF
TV	CABLE TV PED (TV)



TYPICAL STREET SECTION

N.T.S.

DEVELOPMENT INFORMATION

OWNER/ DEVELOPER:	BOBBY GEYER CONSTRUCTION CORP. 640 STRICKLAND CANYON RD ROSEBURG, OR 97471
ENGINEER/ SURVEYOR:	i.e. ENGINEERING 809 SE PINE ST ROSEBURG, OR 97470

North

SCALE: 1"=30'

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2019
ERNEST H. KNAPP
81116
EXPIRES: 6/30/2023
PRELIMINARY

PRELIMINARY PLAT INDOMITUS HEIGHTS
LOCATED IN THE NE1/4 AND NE1/4 QUARTERS OF SECTION 15, T27 S, R 06W WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON

SURVEYED FOR:
JASMINE & BOBBY GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

SURVEYED BY:
i.e. ENGINEERING
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
iemail@ieengineering.com

SCALE: AS SHOWN | JOB NO: 3030-04 | DATE: 05.11.2022 | DWG. BY: KLW | PM: AMP | PAGE: 1 OF 1

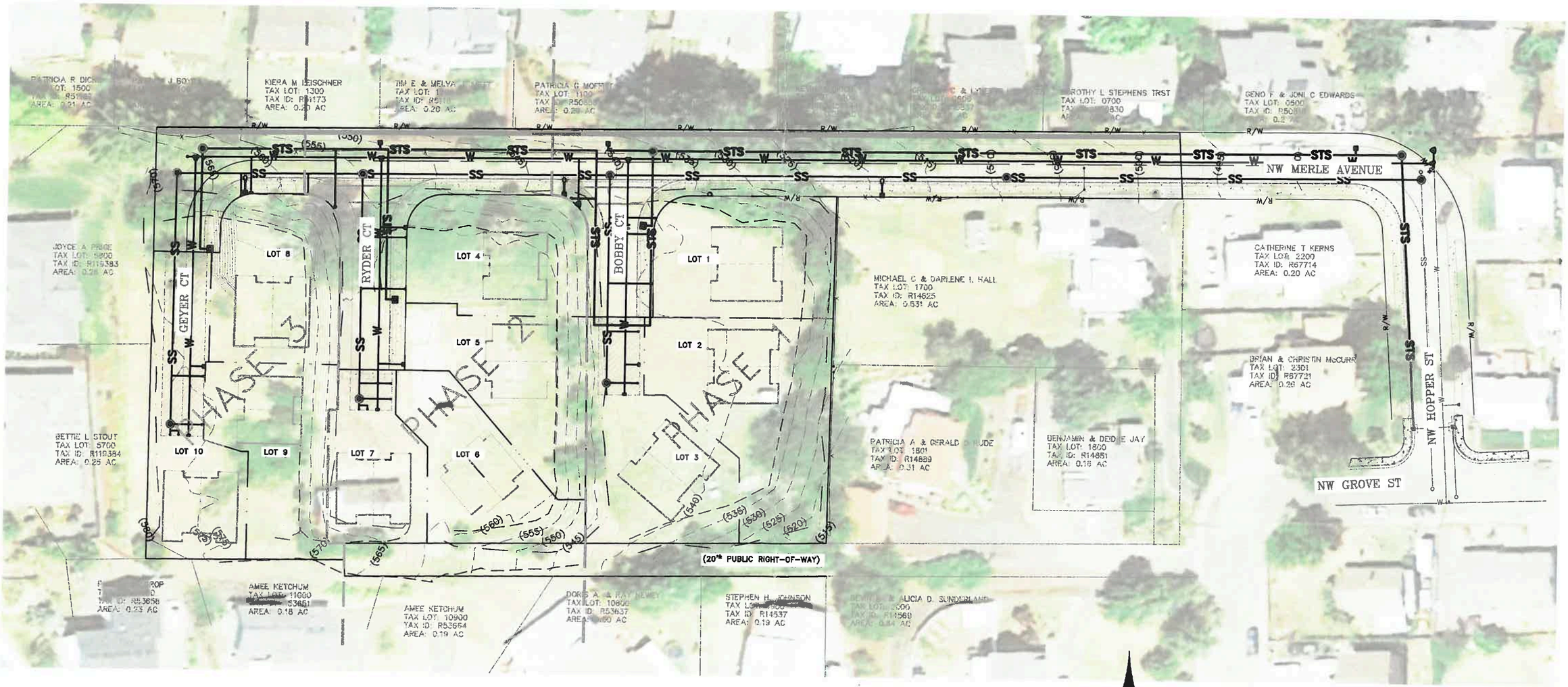
ORIG. PLANS 316

MERLE AVE SUBDIVISION

PRELIMINARY SITE UTILITY PLAN

LEGEND:

- SS — EX SANITARY SEWER
- STS — EX STORM SEWER
- W — W — EX WATER
- NEW CONCRETE SIDEWALK
- 25' ACCESS AND UTILITY EASEMENT
- R/W — RIGHT OF WAY
- SS — NEW SANITARY SEWER
- STS — NEW STORM SEWER
- W — NEW WATER



N

0' 30' 60' 120'

SCALE: 1"=60'

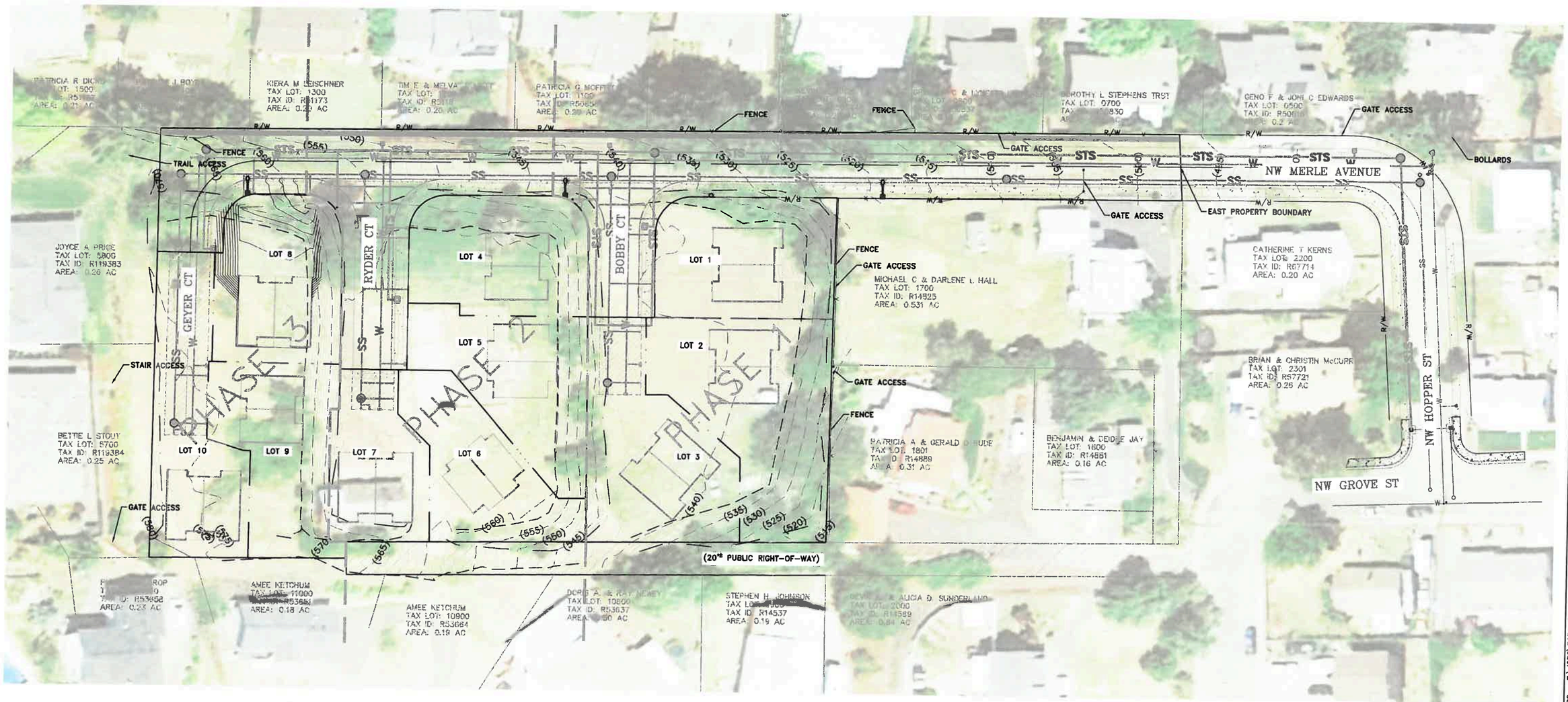
ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
lemail@ieengineering.com

PROJECT NO. 3030-04
DWG BY: KLW

ORIG. PLANS 4/6

MERLE AVE SUBDIVISION

PRELIMINARY SITE ENCROACHEMENTS



N

0' 30' 60' 120'

SCALE: 1"=60'

ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
lemail@leengineering.com

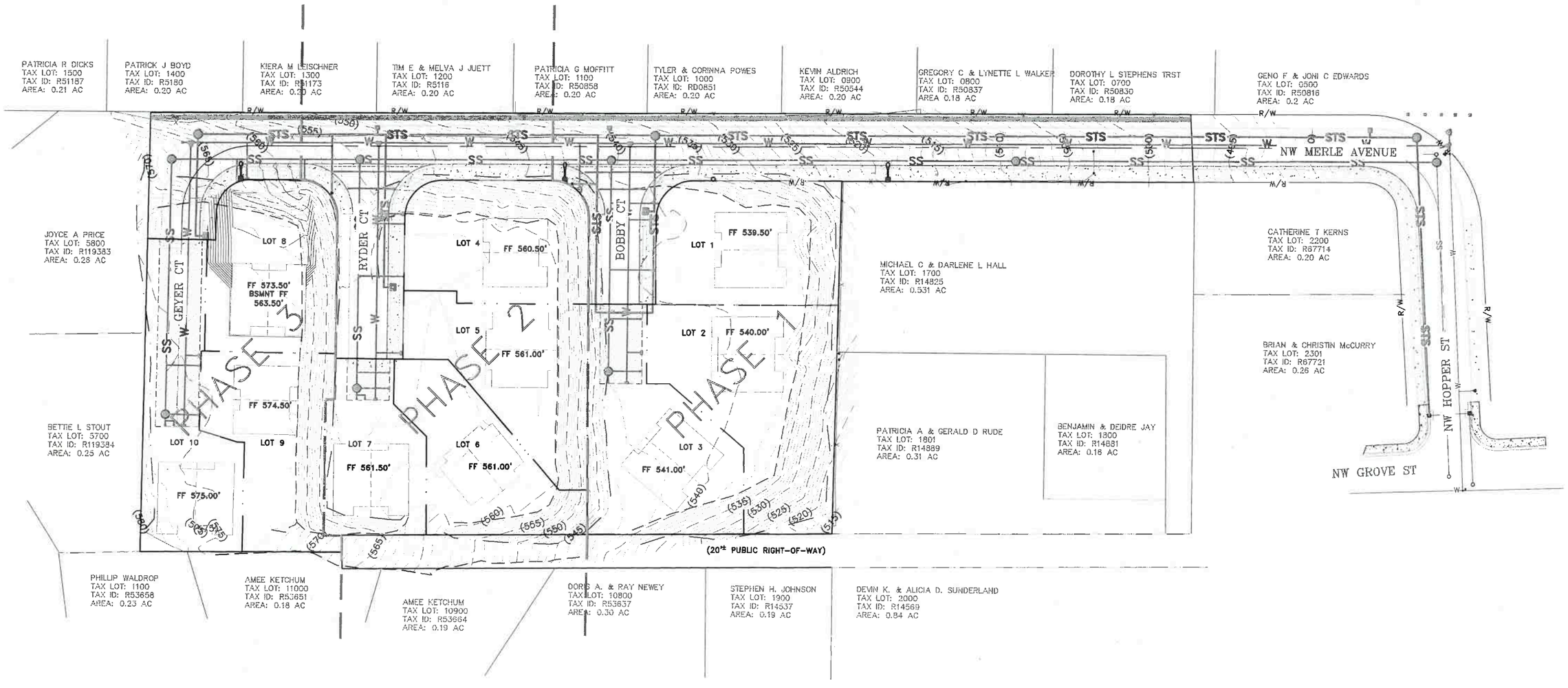
PROJECT NO. 3030-04
DWG BY: KLW

kristiw Jun 29, 2022 Z:\JOBS\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\XREF\3030-04_DESIGN.dwg

ORIG. PLANS 5/6

MERLE AVE SUBDIVISION

PRELIMINARY SITE GRADING



N

0' 30' 60' 120'

SCALE: 1"=60'

ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9332
lemail@ieengineering.com

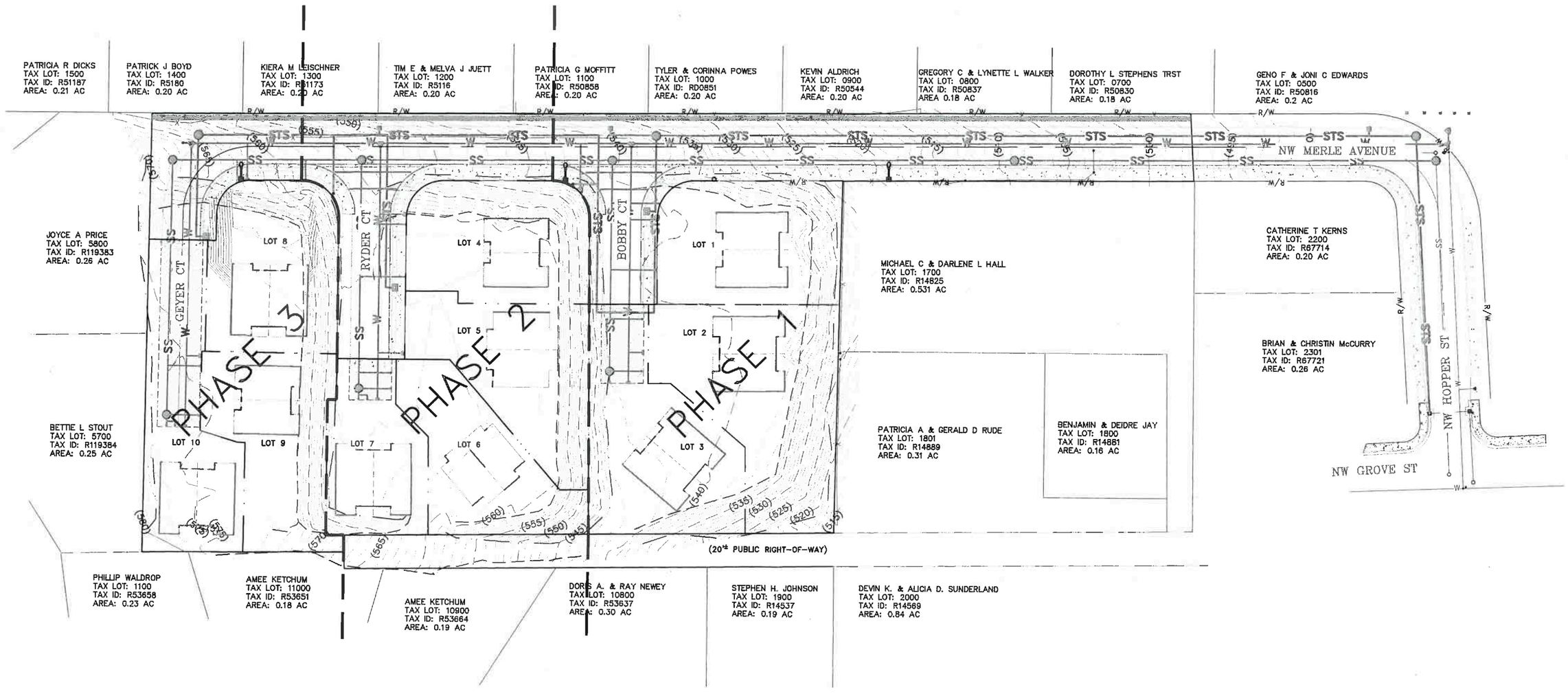
PROJECT NO. 3030-04
DWG BY: KLW

Jun 29, 2022 Z:\JOBS\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\VREF\3030-04_DESIGN.dwg Kristiw

ORIG. PLANS 6/6

MERLE AVE SUBDIVISION

PRELIMINARY SITE PHASES



809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
lemail@ieengineering.com

PROJECT NO. **3030-04**
DWG BY: **KLW**

EXHIBIT # 0
SUB-22-001 + V-22-002

May 2, 2022

City of Roseburg
Community Development Department
900 SE Douglas Ave
Roseburg, OR 97470

Re: Jasmine & Bobby Geyer (Applicant)
Subdivision and Variance Findings– Indomitus Heights Subdivision Roseburg, OR

1. PROJECT OVERVIEW

The applicant and property owner the proposed Indomitus Heights Subdivision is requesting a Right-of-Way Variance for all roads within the said proposed Subdivision (excluding NW Hopper Street which leads to the development but is not located within the development). Phase I of the subdivision proposes the development of a new road nearest to the east of the property off of NW Merle Ave that will serve three (3) new duplex lots (see attached Phase I Preliminary Layout) and the extension of NW Merle Ave. The future phases of the subdivision will include the development of Lots 4-10 and two roads that will provide access to NW Merle Ave. A full build out of the subdivision will include the following:

The property is addressed 2240 NW Merle Ave in Roseburg and is located inside the Urban Growth Boundary. The property is legally described as Tax Lot 11300 in Section 15 of Township 27, Range 06W. It is a 2.54-acre $^{+/-}$ (110,642$^{+/-}$ sq. ft.) unit of land between the south side of NW Canterbury Dr. and the north side of NW Glenmar and NW Loma Vista Dr. The site is located approximately 140-feet west of the intersection of NW Merle Ave and NW Hopper St in Roseburg, Oregon.

The subject property is zoned Single Family Residential (R7.5) by the City of Roseburg (see zoning map above on page 1). Section 12.04.030 of the City of Roseburg Municipal Code identifies "Duplexes" as a permitted use in R7.5 zone. Two-family dwellings (duplexes) are permitted on designated duplex lots approved in subdivision proceedings pursuant to Chapter 12.12. Duplexes have a minimum required lot size of 7,500 sq. ft., front setback of 20-feet, side (interior) setback of 5-feet, side (exterior) and rear setback of 10-feet. Please note that 30% of the lots as necessary are allowed to be below the 7,500 square foot minimum lot size requirement per the City of Roseburg Development Code. In this subdivision, we are proposing to have three (3) of the ten (10) lots below the 7,500 square foot lot size as allowed.

2. SITE CONDITIONS

The subject property sits along the west side of NW Merle Avenue in west Roseburg, west of Troost St. and NW Grove St intersection. The property is an undeveloped 2.54-acre$^{+/-}$ unit of land and is zoned Single Family residential (R7.5). The property is graded out into three large flat pads. It is currently vacant with some run-down buildings and is used by the surrounding neighborhood as a recreation area.

Existing public Right-of-Ways are also noted on the attached preliminary site plan. A public right-of-way runs along part of the south property line out to NW Grove St.

View looking to the southern border of the subject property Phase 1

View looking to the southwest of Phase 1

The existing conditions of NW Merle Ave pose some steep grades and maneuverability constraints to the overall layout of the proposed design. The project proposes three primary access roads off of NW Merle Ave located approximately 480 ft$^{+/}$, 625 ft$^{+/-}$ and 715 ft$^{+/-}$ from the start or bottom of NW Merle Ave as it turns off of NW Hopper St. Both NW Merle Avenue and the three additional access roads are the proposed with a 40-foot wide public Right-of-Way that will internally connect to NW Hopper St. Utility services for water, sewer, and storm lines are located at NW Hopper St and are available for connection. No sidewalks currently exist along the property frontage. NW Hopper St is a 50-foot wide Right-of-Way that currently turns into NW Merle Ave, a dead-end street terminating approximately 200-feet at a gate past the corner. As mentioned previously, the site is zoned Single Family Residential (R7.5). The subject property is positioned within an existing neighborhood consisting of properties zoned Single Family Residential (R7.5) to the north and Limited Multi-Family Residential (MR-14) to the south.

3. Approval Criteria – Subdivision

RMC 12.04.100(C)(2)(b)(i) – Land Division/Subdivision Geo-Technical Report

Land Division: If a division of land is proposed in accordance with Chapter 12.12 of this Code prior to recording the plat a written certification shall be submitted from a registered Geotechnical Engineer or Engineering Geologist verifying the recommendations of the Report were carried-out during the grading and/or construction infrastructure, or that needed changes in design were made based on the recommendation of and in conformance with the required Report.

Finding: A geotechnical engineering assessment was completed by Karel Broda, Registered Licensed Engineer in the State of Oregon. In order to complete this report, Mr. Broda performed a geotechnical investigation and observed site conditions associated with the proposed project. The scope of this particular report is limited to the assessment of conditions at the Merle Avenue subdivision, the evaluation of the geologic materials, assessment of safe soil/rock bearing capacity for future residential buildings and

retaining structures, slope stability evaluation of the fill and cut slopes, evaluation of the road subgrade and assessment of drainage. Mr. Broda concluded with the following recommendations:

1. The construction documents (drawings and specifications), as they relate to land development (site grading), road surfacing, foundations and drainage, should be reviewed and approved in writing by a registered Geotechnical Engineer.
2. A meeting should be held between the owner, design engineer and the contractor prior to commencing the construction to discuss the project, special requirements, contingency plans and to ask and answer questions.
3. Excavation and construction of the footings should be planned, preferably, for "dry period" of the year, May through October. Softening of founding material, difficult compaction and wet weather excavation and materials handling are the primary reasons for this recommendation.

RMC 12.04.100(D)(8) – Hillside Overlay Access Standards

a. Streets shall meet the standards included in the latest adopted City of Roseburg Transportation System Plan and as adopted by the Department of Public Works construction standards that are in effect at the time of the proposed development.

Finding: The applicant is requesting a concurrence Variance to right-of-way width standards. The entry of NW Hopper Street has a 50-foot right of way width but approaching to the north and traveling westerly its reduced down to a 40 foot right of way width due to the hillside and terrain type constraints. The applicant is proposing to extend the existing 40-fot right of way to facilitate to the proposed development. The City of Roseburg TSP dictates streets of this nature are required to have a 60 foot right of way width however, the reduction is directly associated with the hillside constraints.

b. Alternative street standards depicted herein may be used in Hillside Developments as shown in Figure 2-11: Hillside Street Alternatives, unless otherwise required by the Public Works Director and justified by the Geotechnical Report. Dead-end streets shall have an approved turn-around area; however, dead-end streets are discouraged.

Finding: The subject property is located within the Hillside Overlay area and a geotechnical report has been submitted. An alternative street design has been proposed that matches the current right of way width for NW Merle Avenue. The conceptual plan submitted with the application materials outlines three additional street terminations all with a 40 foot right of way width which should be ample for fire vehicle turnaround (Geyer Ct, Ryder Ct, Bobby Ct).

c. Streets are to follow the natural terrain where feasible. Travel ways, walkways and parking areas are to be designed to parallel the natural contours of the site.

Finding: There are hillside features located on the property and the proposed development is orchestrated in such a way as to utilize buildable areas while avoid any detriments to natural features (see conceptual plan).

d. Driveways used to access onsite parking shall comply with subsection 12.06.030(I) and the following criteria: the inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the center point to provide for emergency apparatus access.

Finding: The conceptual plan illustrates sufficient turn around space meeting the requirements of RMC 12.04.100(D)(8)(d).

e. With the approval of the Fire Chief, driveways that are greater than 100 feet in length may have intermittent sections of grades up to a maximum of 20% provided that:

i. The 100-foot distance back from the structure maintains the 15% grade described herein.

ii. Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.

iii. An approved fire apparatus turnaround area having a grade no greater than ten percent (10%) is provided.

Finding: No driveways proposed in the development has a length greater than 100 feet, this particular criteria is not applicable.

f. Driveways shall conform to the width requirements of subsection 12.06.030(I); however, the Public Works Director and the Fire Chief may require additional width in order to meet the purpose and intent of this Code.

Finding: All driveway approaches will conform to the width requirements of subsection 12.06.030(I).

g. Parking shall meet the requirements of Subsection 12.06.020(A); in addition, when driveways serving commercial, industrial or multi-family development exceed 150 feet in length, one additional onsite paved parking area shall be provided for each additional 50 feet up to a maximum of five (5) spaces.

Finding: All parking will meet the requirements of subsection 12.06.020(A). The proposed development is not commercial, industrial, or multi-family.

RMC 12.12.010(E)(3) – Additional Variance Criteria

Variance from Subdivision Provisions. Variance from the strict application of the standards and provisions of this Section may be granted by the Approving Authority when such standards and provisions would impose unusual practical difficulty on the applicant. Application for a variance as authorized by this Section shall be heard by the Approving Authority concurrently with the proceedings for preliminary plat approval. The criteria for granting a variance shall be the same as that required in Subsection 12.10.050(B). However, if the variance is a modification to the standards of Subsections 12.12.010(F), 12.12.010(G), 12.12.010(I) and 12.12.010(L), the variance shall also address the following criteria:

a. Physical or topographic conditions make it impractical to satisfy the street or walkway connection requirements of this Section. These conditions include, but are not limited to, controlled access streets, steep slopes, wetlands, floodplains, or water bodies where a connection could not reasonably be provided. Grades too steep for streets may provide an accessway.

Finding: The subject property is currently within the Hillside Overlay area with recognized terrain constraints. A street connection can be constructed, however, to avoid sloping that takes place in the two centralized portions of the property along with the decline in the southeastern area, the right of way should be reduced to 40 feet for the extension of NW Merle Avenue. The decline is specific areas of the property make it impractical to satisfy the street requirements completely, but utilization of the usable area is being maximized as demonstrated on the conceptual plan.

b. Buildings or other existing development on adjacent lands physically preclude a street or accessway connection now or in the future considering the potential for redevelopment.

Finding: There are no development constraints on adjacent land. A full connection can be facilitated but the terrain makes it difficult to do the full right of way that would typically be necessary.

c. Streets or accessways would violate provisions of existing leases, easements, agency access standards, or similar restrictions that are demonstrated to be legally beyond the control of and not entered into by the applicant, developer, or property owner.

Finding: There will be no conflicts with existing leases, easement or agency access standards. There are no identifiable encumbrances of this type.

d. Abutting undeveloped or underdeveloped property is within the 100-year floodplain.

Finding: The subject property is not located in the floodplain or regulatory floodway.

RMC 12.12.010(E)(7) – Access

Access to a lot or parcel created by partition or subdivision or common boundary line adjustment may be accomplished by a private easement of way established by deed or by creation of flag lots, if:

i. The Approving Authority finds that such private easement or flag lot is the only reasonable method of providing sufficient access to the rear portion of an unusually narrow and deep lot, otherwise large enough to warrant partitioning.

ii. There is an express grant or reservation of an easement in a document recorded in the office of the County Clerk or the flag lot is created through a recorded final plat or final partition plat.

iii. No more than one (1) lot or parcel will be provided access via the easement or flag lot.

iv. Residential use of a lot or parcel provided access via an easement or flag lot will be limited to a single-family or duplex dwelling.

v. The easement or the "pole" portion of the flag lot must meet the following standards:

1) The minimum street frontage shall be 20 feet. The width of the remaining street frontage of the parent lot or parcel must also be a minimum of 20 feet.

Finding: Lots 1 – 10 all have frontage that meet or exceed 20 feet with the exception of Lot 9. This particular lot does have frontage on the 25' access and utility easement extension of proposed Geyer Ct. The existing terrain and sloping several limited conceptual design requiring some easements to be created to maintain sufficient access. All lots are at least 35 feet wide or more and cannot be considered flag lots.

2) The minimum paved driveway width shall be 12 feet.

Finding: Driveway construction and installation will meet the standards of the Roseburg Municipal Code.

3) The easement or flag lot driveway shall be consolidated with the driveway on the parent lot or parcel to the greatest extent practicable.

Finding: Easements are designed to allow maximum access for all proposed lots possible. None of lots 1 – 10 can be considered flag lots. Lot 10 has a long wide portion to the north but is at least forty feet wide which encompasses the extension of Geyer Court. Three designed easement extensions are necessary as to avoid the existing hillside constraints while also allowing the property owner to maximum development potential.

4) Parking along any portion of the driveway within the easement or "pole" portion is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

Finding: Parking areas will be factored in at 2 9' X 18' spaces per lot as the Roseburg Municipal Code requires for residential property.

RMC 12.12.010(F)(2) – Streets and Road Width

a. Generally. Widths of street right of way and paving design for streets shall be not less than those set forth in Table 6-1: Standard Street Widths, below.

Finding: According to Table 6-1, local streets in single-family density areas are required to have a 60 foot right of way width. As previously discussed, NW Hopper Street currently has a 50 foot right of way width and where the residential street travels north and turns to the west (transition into NW Merle Avenue) it reduces down to a 40 foot right of way width. The hillside overlay allows for this kind of transition to mitigate and offset the affects of the existing terrain. Design and installation of the subdivision would become impractical if the typical standard is required due to these topographical constraints. The applicant is proposing a concurrence variance application for a reduction in right of way width to 40 feet.

b. New Street Adjoining Undeveloped Land. For a street abutting land not in the subdivision or partition area, a lesser width than shown in the table may be allowed at the discretion of the Approving Authority where the applicant presents a satisfactory plan for ultimate expansion of the street to the width otherwise required.

Finding: This criterion is not applicable. Upon approval and construction, the division and development potential will be maximized and there is not vacant land surrounding the subject property.

c. Existing Adjacent Street. The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the subdivision or partition, and the applicant shall dedicate additional right-of-way, as determined by the Approving Authority in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in said table.

Finding: Dedication of new public streets will be completed in conjunction with conditions of approval. Right of way dedication due to deficiencies in adjacent existing public streets is not necessary as the subject property does not front streets where the issue exists.

e. Slope Easements. The Approving Authority may require special slope easements which shall be dedicated in accordance with the specifications and procedures established by this Code.

Finding: The proposed easement areas are carefully placed as to avoid detrimental sloping. The design of the roadways is in direct correlation with avoiding hillside and terrain type constraints and maximize the property's usable area.

RMC 12.12.010(F)(4) – Intersection of Streets

a. Angles. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout, but in no case at an angle less than 60 degrees. The right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius.

Finding: A full length street extension can only practically take place on the northerly portion of the property due to topographical constraints. Access has been proposed along with angles to avoid sloping. Rolling hills bifurcate the property significantly and the access is essentially spaced in between these areas as to meet the RMC requirements while also avoid these natural features. Three dead end streets with the full utilization of easements becomes necessary because of the aforementioned constraints which are beyond the fault or creation of the property owner.

b. Offsets. With the exception of residential zones intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering intersections; and with the exception of residential zones, shall there be an offset of less than 200 feet from centerline to centerline. Larger offsets may be required for major arterials and collector streets if traffic circulation is adversely impacted.

Finding: The subject property is residentially zoned and will be built out in a residential capacity. There are no intersections proposed but there are three tee shaped turns factored into the development. Such turns will be designed and constructed as prescribed in the Roseburg Municipal Code.

RMC 12.12010(F)(7)(c) – Permanent dead-end streets

If a determination is made under Subsection 12.12.010(F)(7)(a-b) that a permanent dead-end street is necessary, it shall provide adequate access for emergency vehicles, as determined by the Fire Chief, and it shall not serve more than 20 single-family dwellings, or any combination of residential, multi-family or commercial uses generating more than 200 vehicles per weekday.

Finding: As previously discussed, the subject property is constrained by hillside natural features. NRCS soil classification 76E (Edenbower Clay) with the potential for percentage changes of 3 – 30 percent. There is a reduction in usable area to facilitate access and in order to mitigate the sloping situation while also attempting to maximize development potential a design that contemplates dead ends streets becomes necessary. The proposed access will still meet fire code access requirements (see conceptual plan).

RMC 12.12.010(F)(9) – Grades and Curves

Grades and Curves. Unless otherwise approved by the Approving Authority because topographical conditions will not reasonably permit, grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets, and fifteen percent (15%) on all other streets. When it can be shown that steeper grades cannot be avoided by different street alignment and redesign of the preliminary plan, grades not exceeding 20% may be permitted for short steep pitches not exceeding 300 feet in length. For street grades steeper than six percent (6%), a centerline profile shall be included in the preliminary plan. No street grades flatter than five-tenths percent (.5%) shall be used. Improvement plans shall include top of curb profiles of all curbs. Centerline radii on curves shall not be less than 300 feet on arterials and high traffic collector industrial streets, 200 feet on other collector streets, or 100 feet on all other streets.

Finding: The application submitted is for a residential subdivision that will only involve the creation of new local residential streets. The extension of NW Merle Street along with the three new dead-end streets will not exceed 15 percent grade. All engineering plans will show the necessary components that help fully identify compliance with the requirements of RMC 12.12.010(F)(9). Street grades flatter than .5 percent will not be used. A grading plan can be completed being the submitted engineers conceptual plan to help satisfy this criteria.

RMC 12.12.010(H) – Grading Plan

Grading plan. Where the developer proposes to grade, cut or fill, or change existing ground contours in areas of the subdivision or partition outside the limits of street construction or within the Special Flood Hazard Area (SFHA), the Approving Authority may require submittal of a grading plan as part of the preliminary plan or improvement plans in order to evaluate impact of the work on drainage, soil stability, driveways, access, foundation conditions, etc. A grading plan may also be required to evaluate impact of street construction cuts and fills, probable lot grading by subsequent buyers to achieve building sites or access or to evaluate borrow or spoil areas.

Finding: The proposed subdivision does involve some grading and infill work that is necessary in preparation for infrastructure and structural development. As such, a grading plan will be submitted that illustrates compliance with RMC 12.12.010(H).

RMC 12.12.010(J) – Off-site improvements required

Off-site improvements required. The Approving Authority may determine that the proposed subdivision or partition may result in impacts extending beyond the boundaries of the area to be divided, and in order to provide for the health and welfare of the broader neighborhood area, or the urban area as a whole, may require the developer to construct or participate in the construction of improvements or facilities to alleviate those impacts. Included may be street repair, widening, extension, drainage improvements, measures to facilitate traffic flow, traffic signals, sewer improvements, etc. It is the intent of these requirements to cause development to proceed in an orderly and timely manner, and to avoid overburdening existing facilities and creating hardship for other users of the public facilities that may result if the proposed development proceeded without correcting or participating in correction of deficiencies.

Finding: The applicant/property owner will satisfy conditions of approval directly related to off-site improvements required in order to mitigate the direct impacts of the proposed development.

RMC 12.12.010(K) – Easements

Public Easements. Dedication to the public of easements for storm drains, sanitary sewers, and other public utilities, and for access, walkways, and other public access needs, may be required. Widths shall be sufficient for the intended purpose, and may vary to suit the need as determined by the Approving Authority. Required easements will normally be located along lot or parcel lines, but may also be located elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the Comprehensive Plan and purpose of this Code.

Finding: As previously discussed, the applicant is proposing three easements that stand as extension of the three proposed street terminations (Geyer Ct, Bobby Ct and Ryder Ct). These 25' access and utility easements are necessary in order to facilitate access to all the proposed lots while also maximizing development potential while also avoid hillside natural constraints.

RMC12.12.010(M)(1) – General Size and Frontage Requirements

a. Width. Each lot and parcel shall meet the minimum lot width stipulated in the Zoning District where located as specified in Section 12.04.030 of this Code.

   Finding: Residential 7.5 zoning properties are required to have a lot width of 60 feet. All possible options where considered in regards to lot configuration but due to terrain and topographical constraints the options were limited. In order to avoid such constraints while also utilizing division potential lots six and seven fall short of minimum parcel size and lot width requirements. The existing constraints are of no fault of the property owner and therefore, a concurrence variance will be submitted.

b. Depth. Each lot and parcel shall have an average depth between the front and rear lot lines of not less than 80 feet and not more than two and one-half (2½) times the average width between the side lines. Each double frontage lot and parcel shall have an average depth between the front and rear lot lines of not less than 120 feet unless a lesser depth is approved by the Approving Authority necessitated by unusual topographical conditions.

   Finding: There are no deficiencies in this regard. All proposed lots appear to meet the depth requirement.

c. The Approving Authority may authorize the reversal of average minimum lot and parcel dimension with respect to width and depth upon a finding that such reversal is necessitated by unusual topographic conditions or that such reversal would facilitate improved subdivision or partition design.

Finding: The subject property meets the definition of the conditions for reversal. It is necessitated by unusual topographical conditions that dictate a reversal should be highly considered.

d. Area. Each lot shall meet the minimum lot area stipulated in the Zoning District where located. Except, however, the Approving Authority shall allow a maximum of 30% of the lots in a subdivision to contain less than the minimum lot area otherwise required in the applicable zoning district, provided that the average area of all lots in the subdivision must be at least the minimum specified in the applicable Zoning District, but in no case shall any lot contain less than 85% of the minimum area specified for the applicable Zoning District.

Finding: Lots six and seven both fall below minimum parcel size, lots six being 6,714 square feet and lot seven 5,415 square feet. The minimum parcel size for residential 7.5 lots is 7,500. Thirty percent would be 2,250 square feet. Lot six is only deficient 786 square feet and lot seven 2,085 square feet.

e. Frontage. Except as otherwise permitted for townhouses, each lot and parcel shall have frontage of not less than 40 feet upon a street having a proposed right-of-way width of at least 50 feet, except that a lot or parcel on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 20 feet upon a street, measured on the arc. In the case of flag lots or partitioning of odd-shaped lots with narrow frontages, the minimum lot frontage shall be 20 feet.

Finding: All lots proposed currently have a 40' frontage and meet his requirement.

RMC 12.12.010(P)(8) – Adjoining Properties

The developer and his/her contractor shall carry out the improvements in a manner that will not damage or disturb the lands or improvements of adjoining owners. Special conditions may be required by the Approving Authority to prevent damage, inconvenience, disruption or other infringement from erosion, dust, noise, blasting, construction traffic, drainage, or other impacts resulting from the work. The developer is solely responsible for the action of his/her contractor in carrying out the work.

Finding: All improvements and infrastructure will be installed in manner as to avoid any detrimental impacts on neighboring properties. In order to facilitate the full development a retaining wall will be necessary along the north property line. The installation will be carried out without causing adverse impacts to the property owners to the north and new access will be orchestrated in such a way that the aforementioned property owners will be allowed access. In addition, due to the decline in certain areas of the property the project will be managed as to avoid adverse impacts in drainage or runoff to neighboring property owners. The project will meet the requirements of RMC 12.12.010(P)(8).

4. Approval Criteria – Variance:

Per Section 12.10.050 a variance to the requirements of this Ordinance may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, **all** of the following circumstances are found to exist:

1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.*

Finding: The Merle Avenue Right-of-Way from Hopper to the middle of the subject property lies within the City's Hillside Development Overlay. This overlay, as detailed in Section12.04.100, exists in areas that have a slope in excess of 15%. Areas located within the Hillside Development Overlay are allowed to have public street Right-of-Way width of 40-feet with a cross section including a 24-foot wide two-lane travel section with a 5-foot wide sidewalk on one side of the street. We are specifically requesting that for the three short roadways that come off Merle that are above this area that is located in the Hillside Development Overlay, specifically Geyer Ct, Ryder Ct., and Bobby Ct., that this development be able to keep the same 40-foot Right-of-Way cross section for two reasons. The first reason is to keep a consistent roadway section that doesn't transition back and forth from a 40-foot Right-of-Way/24-foot roadway section/5-foot wide sidewalk on one side to a roadways section this a 50foot Right-of-Way/28 –foot roadway section/5-foot wide sidewalks on both sides of the road. This would be an awkward transition and confusing to drivers. The second reason we are requesting this variance is the requirement to maintain a minimum lot size, with the exception of the allowance for a reduction in lot size for 30% of the lots. To go any wider in Right-of-Way width on any of the three access roads or Merle would require a reduction in the total number of lots due to size constraints and not maximize the potential density of this development, which is greatly needed in our Roseburg area.

2. *The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.*

Finding: The surrounding subdivisions have similar site constraints as the subject property. These similar site constraints such as exceptionally steep terrain in a hillside development and minimum lot sizes all contributed to the need for the Right-of-Way variances for 40-feet as allowed in the Hillside Development Overlay on NW Merle Ave and the three internal access roads previously stated.

3. *The variance would not conflict with the purposes of this Ordinance and would not be materially detrimental to property in the vicinity in which the property is located, or otherwise conflict of reasonable be expected to conflict with the Comprehensive Plan.*

Finding: The proposed duplex development is comprised of two-family duplex lots which will be designed and constructed consistent in character and zoning with the surrounding developments. Immediately surrounding the proposed development residential lots with pedestrian and vehicular connections which do not connect to the subject site nor will they after this development in completed. The proposed duplexes will function as two-family homes which will be the same in character and intensity of land use in regards to traffic, noise, and safety.

4. *The variance requested is the minimum variance which would alleviate the difficulty.*

Finding: The request to reduce the right-of-way from 50-feet to 40-feet is the minimum that will overcome the site constraints (lot size and terrain) to satisfy the subdivision goals and minimum lot sizes for duplexes. It is also consistent with the Hillside Development Overlay which already covers much of this development.

5. The need for the variance is not the resulting of a practical difficulty created by the action of the current owner or previous owner.

Finding: The need for a variance is the result of both the existing topography of the area (as noted much of the parcel is located inside the City of Roseburg's Hillside Development Overlay) and the constraints in meeting the required lot size on a hillside development while also maximizing the number of potential homes for area residents per the zoning ordinance. This is specifically important in the current housing crisis Roseburg faces.

EXHIBIT # E
SUB-22-001 + V-23-002

ENGINEERING REPORT

Geotechnical Engineering Assessment
&
Development Recommendations

Merle Ave. Subdivision – Indomitus Heights

Tax Lot 11300

Roseburg, Oregon

Prepared for: **Mr. Bobby Geyer, Owner & Developer**
Bobby Geyer Construction Corp.
640 Strickland Canyon Rd.
Roseburg, Oregon

Prepared by: **Karel M. Broda, P.E.**
GEO Environmental Engineering, LLC
Roseburg, Oregon

Date: **August 26, 2022**

Exp. 12/2023

CONTENTS

INTRODUCTION

Bobby Geyer Construction Corp. plans to develop the land parcel, Tax Lot 11300, within the City of Roseburg limits. The land parcel is located along the Merle Avenue in Roseburg, Oregon. The property is zoned as R7.5 Single Family Residential.

The property is located in the Hillside/Geologic Review Area, and is therefore a subject to Section 12.04.100 – Hillside Development Overlay - of City of Roseburg Land Use and Development Ordinance (LUDO). As a condition for approval of the partition, the Community Development Department requires a geotechnical report, i.e., geotechnical evaluation and recommendations prepared by a registered Geotechnical Engineer related to slope stability, mass movement, erosion and drainage of the planned developments, i.e., access roads, building pads, foundations, retaining walls and surface/subsurface water control.

i.e. Engineering, the Project Engineer, of Roseburg, Oregon has prepared a preliminary grading plan, including proposed lot boundaries and access driveways. Neither the individual lots, nor the proposed street/access driveways were marked on the ground prior to the site assessment.

The GEO Environmental Engineering has completed investigation and evaluation of geologic conditions at the property. The site investigation and subsurface exploration were conducted on August 18 and 20, 2022.

PURPOSE & SCOPE

The **purpose** of this geotechnical report is to convey the results the geotechnical investigation and site conditions at the proposed development, and to propose geotechnical engineering recommendations as related to the design and construction the lots and a residential street, specifically: the design of cut slopes and fills, foundations and drainage.

The **scope** of the report is limited to assessment of the conditions at the Merle Avenue PUD, evaluation of the geologic materials, assessment of safe soil/rock bearing capacity for future residential buildings and retaining structures, slope stability evaluation of the fill and cut slopes, evaluation of the road subgrade and assessment of drainage. The scope of our engineering work does not include: site-specific investigation and design of structural foundations, specific designs of retaining structures and pavements, and assessment of site-specific seismic risks and liquefaction potential. Preparation of contract documents (drawings and specifications) is also not included in this report.

PROJECT UNDERSTANDING

The Merle Avenue Subdivision is a residential development for 10 single-family residences that is located on a property that is 2.54 acres large, off of the NW Merle Ave. in Roseburg.

The small subdivision will be accessed via an improved Merle Avenue, located along the northern property boundary. The improvements to the existing street will include, besides widening of the roadway, also: paved surfacing, concrete curbs, a concrete sidewalk and street lighting. The fill side of the roadway will be supported by a retaining structure.

The hillside development area has been graded in distant past by constructing three stepped platforms, making excavations into the natural slope on the west side, and placing the excavated material onto the slope below the leveled platforms. The three graded platforms are proposed to be divided into ten building lots, ranging in size between 5,400 and 10,800 square feet.

The property will be developed in three phases. The lower terrace will be developed in Phase 1. The area will be accessed off of the Merle Ave. via a short Bobby Ct., and is planned for 3 residences. The middle terrace is intended for 4 residences, and will be accessed via the Ryder Ct. The upper terrace will be developed during the Phase 3, and the 3 residences will have a common access street, the Geyer Ct.

According to the preliminary site plan, the residences will be placed along the eastern, fill portions of the three terraces. The one- and two-story residences will be placed as close as 5 ft from the existing edge of fill (TF - "top of fill").

GEOLOGIC SETTING & SOILS

Geology & Geomorphology

The development site lies within the Coast Range geological province where submarine basalt and rhythmically bedded sandstone and siltstone form the underlying geology. The underlying bedrock is massive submarine basalt flows (Tsr) - Ref.: Geologic Map of Douglas County, USGS (2002).

Geomorphologically, the natural, convex and planar slopes undergo slow erosional processes - residual weathering (physical and chemical) of underlying bedrock and slow transport of the soil residuum down slope by water and gravity. The natural slopes across the proposed development range between 14% and 19% steep. The property slopes toward the east. The land is characterized by shallow to moderately deep, residually weathered soil regolith with gradual transitions into decomposed and weathered bedrock. The composition of the soil is that of fine-grained, clayey soil of moderate stiffness. The excavated earth cuts near the development indicate presence of shallow submarine basalt flows (Trs). The proposed development is free of recent, visible soil mass movement. The surface drainage patterns across the development are not well defined. The general direction of the land drainage is in easterly direction.

Soils

The property is characterized by shallow, residually weathered soil mantle (regolith) that varies in depth between 9 to 18 inches across the entire development property. The soil is classified as high plasticity clay (CH) – Edenbower clay (76E) - Ref.: USDA, Natural Resources Conservation Service.

The soil at the development site is underlain by progressively less weathered and decomposed and highly fractured submarine basalt bedrock. The depth of the weathered bedrock portion varies between 1 to 2 feet. Less weathered, and therefore more massive bedrock is found at a depth ranging between 3 and 4 feet below the existing ground surface.

When exposed to atmospheric elements, the exposed, fractured bedrock decomposes rapidly - within a few months - into sandy, silty and clayey material, that has tendency to erode and undergo mass movement (sloughing) across exposed slopes, over time. The excavated and exposed bedrock surfaces degrade rapidly into silty and sandy soil after disturbance.

INVESTIGATION & FINDINGS

Investigation Methodology

The objective of the site investigations was to determine: (1) the nature of the geologic deposits; (2) the aerial extent, depth and thickness of the soil/rock strata; (3) the location of groundwater, if any; and (4) the engineering properties of soils and rocks that would determine the performance of the proposed developments, i.e., building platforms, road access and the stability of adjacent slopes.

The exploration consisted of evaluation of surficial soil and bedrock deposits, field-classifying the recovered material and performing in-situ soil tests – modified penetration testing and shear vane testing of the underlying materials, within and outside of the proposed development areas. Investigation was conducted at eleven (11) separate, geomorphologically typical sites.

Investigation Sites

The twelve investigation sites were selected based on their representation of similar attributes of the landscape, considering topography, geomorphology and geology. The approximate locations of the sites were as follows:

Site	Location	Characteristic
1	Level A (Phase 1)	Exposed cut area
2	Level A (Phase 1)	Fill, 10 ft from EF, north side
3	Level A (Phase 1)	Fill, 6 ft from EF, approx.. center
4	Level A (Phase 1)	Fill, 5 ft from EF, south side
5	Level B (Phase 2)	Fill, 4 ft from E, south side
6	Level B (Phase 2)	Fill, 6 ft from EF, center
7	Level B (Phase 2)	Fill, 10 ft from EF, north side
8	Level C (Phase 3)	Fill, 5 ft from EF, north side
9	Level C (Phase 3)	Fill, 8 ft from EF, south side
10	Merle Ave. at Level A	Fill side of road
11	Merle Ave. at Level C	Fill side of road

Findings

In general, the surficial soils at the proposed development were derived by decomposition from the underlying sedimentary rocks by physical and chemical weathering, and slow sediment transport form the upslope areas.

Description of the soil unit is as follows:

- The natural soil mantle (regolith) varies in depth an average 9 to 18 inches along the unaltered slopes.
- Soil Unit 10 (SU-10): natural, residual soil – dark brown, low permeability, high plasticity clay (USCS: CH) - residual soil from underlying submarine basalt bedrock; displays high shrink/swell behavior; average reported LL = 70%, PI = 40%. The fine-grained soil is only marginally suitable as construction material (e.g. structural fills) because it is difficult to compact, is highly compressible, and has high creep and instability potential on slopes, if placed by side-casting.
- Soil Unit 20 (SU-20): fill material – light brown, loose to medium dense sandy and silty gravel (USCS: SG/SM) derived from excavation of on-site geologic materials. In-situ density ranges between loose to med. dense, SPT between 7 and 14 bpf.

The bedrock unit was identified as submarine basalt flow. The "Unified Rock Classification System" (URCS) was used to classify the rock unit. Following is description of the rock units:

- Rock Unit 10 (RU-10): Submarine basalt – brown, soft, fractured rock, generally rounded discontinuities from spheroidal weathering. Weathering and fracturing decreases with depth.

  Ripping and excavation of the upper 6 to 12 feet should be possible with standard construction equipment; more difficult excavation should be expected at lower depths, when less weathered and less fractured rock is encountered, ripping and excavation with standard construction equipment is likely to be difficult, the use of jack-hammers may be needed, especially when the harder submarine basalt s encountered.

No perched ground water table was encountered during the subsurface exploration along the natural slopes over the entire property. Soil permeability was not measured.

SLOPE STABILITY EVLUATION

Evaluation

The natural slopes at the development site range generally between 14% and 19%, across the planar and convex slope morphology. The property was excavated and graded in the past by creating three stair-stepped pads. The grading consisted of excavating the natural hillslope along the western portion of the intended pads, and placing the excavated soil/rock material along the eastern portion of the slope. The excavated and fill slopes range between 60% and 80%, and the fill portions of the pads ranges between ¼ to ½ of the width of the three pads.

A geologic hazard, in form of slope movement, was assessed based on slope stability analysis using computerized and manual analytical methods. Properties found and derived from the subsurface investigation were used in the analyses. Both shallow (translational) and deep (rotational) slope stability analyses were performed.

Several assumptions were made in the cut slope design:

- perched ground water table within the slope;
- restrictive bedrock layer was considered.

Slope Stability Analyses

Natural Slopes

The natural, unaltered hill slopes across the project area are between 14% and 19% steep, and have a planar or convex morphology, without discernable surface channels or depressions. No instability in form of slump blocks or surface hammocks was noted during the on-site investigation along the natural slopes.

The analysis of slope stability of these natural slopes indicates the risk of translational and rotational sliding of the natural slope is small to non-existent. The Factor of Safety (FS) ranges between 4.9 and 7.1, depending on the steepness of the land. A minimum FS of 2.0 is generally acceptable stability for a sloped ground.

Constructed Cuts & Fills

The existing cuts and fills that frame the three development pads along the perimeters range in steepness between 60% and 80%, and range in height between 8 ft and 18 ft.

The excavation was be made primarily in the fractured submarine basalt bedrock, and the material used a fill material. The testing of the density of the constructed fills indicate moderate density of the material; the penetration tests ranging between SPT (Standard Penetration Test) between 9 and 15 bpf (blows per foot). The results of the subsurface investigation and measurements of the slope steepness was used in the evaluation of the existing slope stability.

The excavation of the hillside did not substantially affect the overall stability of the cut slope, since it will be made entirely in the underlying bedrock. The stability analysis indicates that the FS will decrease slightly to between 3.5 and 5.0, depending on the height of the cut slope. In addition, the weathered and fractured submarine basalt bedrock is not known for its inherent instability – large mass wasting, primarily due to the irregular fracturing and random orientation of the seams within the rock mass.

The analysis of the slope stability of the constructed fill slopes indicates only marginally stable slopes. Specifically, the stability of the fill slopes was:

Terrace A (Phase 1)

Fill slope (average): height = 8 ft, slope = 68%

Slope Stability:

Dry slope condition: FS = 1.2, Pf < 5% (Pf = "probability of failure")
Saturated condition: FS = 1.05, Pf ~ 40%

Terrace B (Phase 2)

Fill slope (average): height = 14 ft, slope = 80%

Slope Stability:

Dry slope condition: FS = 1.1, Pf ~ 25%
Saturated condition: FS = 1.02, Pf > 90%

Terrace C (Phase 3)

Fill slope (average): height = 10 ft, slope = 70%

Slope Stability:

Dry slope condition: FS = 1.2, Pf < 5%
Saturated condition: FS = 1.05, Pf ~ 40%

The analysis indicates that the outside edges of the constructed fills on all three terraces are at a considerable risk of slope movement. In engineering practice, the minimally acceptable FS for roads and "garden" (non-structural fills) is 1.5; for stability affecting important structures, e.g., homes, the minimum FS is 2.5 of 3.0.

Placement of homes to within 15 feet from the existing edge of the fill slopes will require detailed investigation and foundation analyses during the placement and design of the substructure of the individual homes.

The excavated geologic material, submarine deposits, is known to undergoe a rapid weathering and decomposition when the material is exposed to climatic elements. A strong surface erosion of the exposed cut slopes and degradation of the excavated material should be expected, unless covered.

RECOMMENDATIONS FOR DEVELOPMENT

A. Site Grading

Evaluation

The existing roadway of the Merle Ave. will be widened and ultimately paved. A retaining structure will be constructed along the northern, fill side of the roadway prism, in order to keep the road within the property boundary on that side. The wall will be approximately 600 ft long and 8 ft high, on average. The Owner, together with the Project Engineer, should evaluate and select the most appropriate wall for this location.

The planned grading operation across the existing surfaces will consist of additional grading and excavation of the platforms, in order to achieve a more uniform ground

surface. The platforms will be sloped to drain toward the east at between 2% and 3%. Removal of old structures and waste materials will also be undertaken.

A high and rapid runoff is characteristic of the clayey soils and exposed bedrock surfaces across the entire development area. This is due to the inherent low infiltration and permeability rates of the underlying soil and bedrock. A positive subsurface drainage ("French drain") along the uphill perimeter of each terrace would reduce the amount of the surface water flowing toward the homes during the rainy season.

The cut/fill slopes of the lower and middle terrace have been constructed at steep inclination (70% to 80%). In addition, the geologic material of fill/cut has tendency to degrade and erode rapidly. For these reasons, a low retaining wall should be constructed along the toe of the slopes.

Recommendations

In general, the grading and excavation of the building lots and access roads should follow the recommendations that are presented in the International Building Code (IBC), Appendix J – Grading, and the Oregon Structural Specialty Code (OSSC), Section 1803, Excavation, Grading and Fill.

The following recommendations should be incorporated into the overall grading plan for the Merle Ave. and terraces:

1. The structural fill material for the reconstructed access road should be constructed with rock aggregate material. The strength of the subbase structural fill should be a minimum of CBR of 30%, and the CBR of the aggregate base material should be 40%.

2. An erosion protection wall should be constructed along the toe of the existing cut at the lower and middle terrace – Phase 1 and Phase 2, respectively. The wall/buttress should be a minimum 4 ft high, and include a French drain along the bottom of the structure.

3. Any additional structural fill material across the projected building pads should consist of the excavated rocky material, or imported durable, crushed aggregate or pit-run material, 6" maximum size, and containing less than 25% fines (No. 200 sieve) by weight. The backfill should be placed in layers not more than 18" in loose depth, and compacted to 90% of max dry density, as determined by the Modified Proctor Test (ASTM D 1557), or relative density, Dr = 70%, min., equivalent to 35 bpf as measured by STP.

4. An on-going, protracted erosion of the exposed cut slope surfaces in bedrock can be expected. The soft, fractured bedrock has tendency to weather rapidly, and the weathered material is transported by gravity and surface water runoff along the steep cut slopes to the toe of the slope. Construction of rock revetment blankets and retaining walls would reduce this erosion.

B. Road Pavement Structure

Evaluation

The preliminary grading plan indicates that the existing access road, Merle Ave., will be reconstructed by widening and road subgrade reconstructed. A retaining structure will be constructed along the northern, fill side of the road prism.

The proposed, typical street section calls for a 12" thick base rock layer and a 3" lift of asphaltic surfacing.

Testing of the existing subgrade along the fill side of the road indicates only marginal densities of the existing subgrade. The strength of the subgrade, as measured by the CBR ("California Bearing Ratio") ranges between CBR of 6% and 12%.

The materials engineering analysis of the subgrade soil and of the pavement structures for the access residential road included:

- Testing and evaluation of the subgrade strength.
- Estimation of the expected traffic.

Standard materials and pavement design engineering methodology (ODOT) was used to determine pavement structure.

The following design criteria, parameters and assumptions were made in the analysis and design of the pavements:

1. Assumed traffic Level 1; EALs less than 10,000, including construction traffic, fire trucks, small delivery trucks, periodic garbage trucks, and passenger vehicles.

2. The natural clayey subgrade CBR = 10%, the compacted structural fill (subbase) CBR = 30% and compacted base rock CBR = 40%, al minimum values.

Recommendations

1. The existing subgrade of the existing road should be reconstructed by graded, filled with rock aggregate, as needed and the subgrade compacted. The minimum strength of the subgrade should be CBR = 12%.

2. A minimum of 12-inch lift of compacted aggregate road base should be placed and compacted.

3. The aggregate base material should consist of durable, crushed aggregate, 1.5" maximum size, and containing less than 20% fines (No. 200 sieve) by weight. The structural fill should be placed in layers not exceeding 9" in loose depth, and compacted to a minimum CBR of 40%.

4. The subgrade and the base strength (CBR) should be verified prior to placement of the asphaltic tarmac, in order to assure satisfactory performance of the pavement structure.

5. The minimum depth of asphalt pavement (AC) should be 3 inches.

6. An alternate pavement design would be 3.5" of AC and 8" of compacted aggregate base.

C. Building Foundations & Substructure Elements

Evaluation

The site plan envisions placement of the residences along the easterly/south-easterly perimeter of the leveled terraces. The concrete footing shall be placed as close as 5 feet to the edge of the fill. In addition, the structures will be placed primarily onto the fill portion of the leveled terraces.

Preliminary testing of the subgrade across the fill areas indicate only marginal to moderate density (compactness) of the underlying fill material. The strength of the subgrade there, as measured by the SPT, ranges between 8 and 14 bpf, indicating loose to medium dense compactness. The strength of the excavated, cut side of the platform is virtual "refusal", i.e., bedrock foundation. This difference in subgrade must be evaluated and designed for, in order to limit the differential settlement of the footings.

The geotechnical engineering analysis for the building foundations includes:

- bearing capacity of the underlying geologic material;
- load intensity (pressure) of the superstructure onto the footings;
- slope proximity effects on bearing capacity;
- total and differential settlement;
- lateral stability of the footings.

Site-specific recommendations for the individual residences are beyond the scope of this evaluation, since the final location, the expected foundation loading and the footing type of superstructure are not known. However, there are general recommendations to be applied during the planning and development of the property.

Recommendations

1. The foundations of the residences will be located mostly on the constructed fill and in proximity of descending slopes, requiring site-specific investigation and evaluation of subgrade strength and settlement, specifically, differential settlement.

2. Preliminary testing of the fill areas across all three terraces indicates only marginal to moderate density (compactness) ranging between 8 and 14 bpf, as measured by the SPT.

3. Any house foundations placed within 15 ft from the edge of the fill break (edge of fill) should, in addition, be investigated for lateral stability.

4. The types of foundations, located near the fill edge, to be considered are: stepped and deep footings, piers and daylight basements.

5. Design of proper foundation and perimeter drainage is essential for the performance of the foundation system.

D. Retaining Structure

Evaluation

Construction of retaining structure is planned along the northern, fill side of the roadway prism in order to keep the road within the property boundary. The wall will be approximately 600 ft long and 8 ft high, on average.

Any retaining structures (retaining walls, buttresses) contemplated in the development of the building substructure system or in retaining the existing fill slopes should be designed based on site-specific conditions and Owner's requirements. Walls higher than 4 feet, or walls with sloping backfill must be designed by a Registered Engineer (P.E.).

The geotechnical engineering analysis for the retaining structures includes:

- bearing capacity of the underlying geologic material;
- internal and external (traffic) loading acting on the wall;
- slope effects on bearing capacity;
- expansive and creep-prone clay soils;
- slope effects on the lateral pressures behind the walls;
- total and differential settlement;
- movement/rotation of wall.

The site-specific recommendations for the retaining structure are beyond the scope of this evaluation. However, there are general recommendations to be applied during the planning of the structure.

Recommendations

1. The Owner, together with the Project Engineer, should evaluate and select the most appropriate wall type for this location.

2. The most appropriate and economical type of retaining structure for this project are gravity walls - riprap buttress and concrete blocks, or reinforced earth structure (e.g., "Hilfiker Wall System").

3. The geotechnical investigation for, and design of, the planned retaining structure will depend on the selected type of the wall.

DESIGN REVIEW & CONSTRUCTION

Evaluation

During the design and construction of a project, some adjustments need to be made in the design, as new questions and facts come to light. For this reason, the owner, design professionals and contractor should communicate in a timely manner, in order to successfully complete this project. Following are recommendations related to the ground works and foundations

Recommendations

In addition to the pertinent design recommendations presented in the report above, the following recommendations should be considered in preparation of design documents (drawings and specifications) and for construction activities:

1. The construction documents (drawings and specifications), as they relate to land development (site grading), road surfacing, foundations and drainage, should be reviewed and approved in writing by a registered Geotechnical Engineer.

2. A meeting should be held between the owner, design engineer and the contractor prior to commencing the construction to discuss the project, special requirements, contingency plans and to ask and answer questions.

3. Excavation and construction of the footings should be planned, preferably, for "dry period" of the year, May through October. Softening of the foundation material, difficult compaction and wet weather excavation and materials handling are the primary reasons for this recommendation.

The End

Limitations in the Use and Interpretation of This Report

Our services were performed in accordance with generally accepted engineering principles and practices. This warranty is in lieu of all other warranties, either expressed or implied.

Please consider the following:

1. The engineering report was prepared for the use of the Owner in the design of the subject facilities and should be made available to the Contractor for information on factual data only. This report should not be used for contractual purposes as a warranty of interpreted subsurface conditions such as those indicated by the interpretative boring and test pit logs, cross sections, or discussions of subsurface conditions contained herein.

2. Sound engineering judgment was exercised in preparing the subsurface information presented hereon. This information was prepared and is intended for Client's design and estimate purposes. Its interpretation on the plans or elsewhere is for the purpose of providing intended users with access to the same information available to the client. This subsurface information interpretation was prepared in good faith and is not intended as a substitute for personal investigation, independent interpretations or judgment of the contractor.

3. The analyses, conclusions and recommendations contained in this report are based on site conditions as they existed at the time of the investigation and assume that the exploratory borings, test pits, and/or probes are representative of the subsurface conditions at the site. If, during construction, subsurface conditions are found to be significantly different from those observed in the exploratory borings, test pits and probes, or assumed to exist in the excavations, we should be advised at once so that we can review these conditions and reconsider our recommendations where necessary. If there is a substantial lapse of time between the submission of this report and the start of work at the site, or if conditions have changed due to natural causes or construction operations at or adjacent to the site, this report should be reviewed to determine the applicability of the conclusions and recommendations considering the changed conditions and time lapse.

4. The boring logs and tests are our opinion of the subsurface conditions revealed by periodic sampling of the ground as the boring progressed. The soil descriptions and interfaces between strata are interpretative and actual changes may be gradual.

5. The ground exploration and related information depicts subsurface conditions only at these specific locations and at the particular time. Soil conditions at other locations may be different from conditions occurring at these test locations. Also, the passage of time may result in a change in the soil conditions at these locations.

6. The observed groundwater levels and/or conditions indicated on the subsurface profiles are as recorded at the time of exploration. These water levels and/or conditions may vary considerably, with time, according to the prevailing climate, rainfall,

or other factors and are otherwise dependent on the timing, duration of and methods used in the exploration program.

7. Unanticipated soil conditions are commonly encountered on construction sites and cannot be fully anticipated by merely taking soil samples, making borings or test pits, also known as "changed site conditions". Such unexpected conditions frequently require that design changes be made to attain a properly constructed and functioning project. It is therefore strongly recommended that the Client consider providing a contingency fund to accommodate potential extra costs resulting from the proposed changes.

8. This firm, GEO Environmental Engineering, cannot be responsible for any deviations from the intent of this report, but not restricted to, any changes to the scheduled time of construction, the nature of the project or the specific construction methods or means indicated in this report; nor can our firm be responsible for any construction activity on sites other than the specific site referred in this report.

Contact Information

For information or inquiries related to the above report please contact:

Karel M. Broda, P.E.

GEO Environmental Engineering

1131 Westview Dr., Roseburg, OR 97470

Phone: **(541) 672-1236** Cell: **(541) 580-1844**

E-mail: **geoengineering.broda@gmail.com**

rec'd + cc applicant 2/2
verbal receipt 2/2

NW Merle & NW Hopper Proposed Street Improvements EXHIBIT # F

SUB-22-001 + V-23-002

1780 NW Merle Ave, Tax Lot 2200

Issues of Concern:

[1] Encroachment at NE corner of the lot. Please provide a detailed construction plan with measurements, showing:

(a) Existing property lines and right-of-way lines,

(b) Proposed right-of-way lines, sidewalk, curb, street and water meter locations

(c) Provision for connecting existing 4" drain line to Hopper Street storm sewer

[2] Please show details of the driveway entry, and details of access during construction

[3] What, if any, landscape treatment will be given to the narrow strip of City land between the sidewalk and lot 2200 property lines

(a) A low retaining wall placed between the sidewalk and the NE corner dirt slope would be helpful

[4] Will VEHICLE PARKING be PROHIBITED on BOTH SIDES of NW Merle and NW Hopper?

[5] Please permanently remove the basketball post and hoop on NW Hopper.

[6] Please send us staff report. Thank you.

Owner Name: Catherine Kerns

File# SUB-22-001 & V-23-002

Mailing address: 1780 NW Merle Ave, Roseburg, OR 97471

Email: cathytkerns@gmail.com

ATTN: Mark Moffett 541-492-6877

mmoffett@cityofroseburg.org

900 SE Douglas Ave, Roseburg, OR 97470

Douglas County GIS

My Douglas County Map

200.0 0 100.01 200.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

1" = 100'

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

N

Exhibits attached to Cathy Kerns e-mail dated 2.1.23, with descriptions as included on attached jpegs – mmoffett 2.9.23

1780 NW Merle property corner stake (1)

1780 NW Merle property corner stake (2)

1780 NW Merle drain pipe 1 (1)

Exhibits attached to Cathy Kerns e-mail dated 2.1.23, with descriptions as included on attached jpegs – mmoffett 2.9.23

1780 NW Merle drain pipe 1 (2)

1780 NW Merle drain pipe 1 (3)

1780 NW Merle water meter (1)

Exhibits attached to Cathy Kerns e-mail dated 2.1.23, with descriptions as included on attached jpegs – mmoffett 2.9.23

1780 NW Merle water meter (2)


1780 NW Merle driveway

Basketball Pole on NW Hopper 1

Exhibits attached to Cathy Kerns e-mail dated 2.1.23, with descriptions as included on attached jpegs – mmoffett 2.9.23

Basketball Pole on NW Hopper 2

Fire hydrant boat & car park on NW Merle (1)

Corner of NW Merle & Hopper

Exhibits attached to Cathy Kerns e-mail dated 2.1.23, with descriptions as included on attached jpegs – mmoffett 2.9.23

Fire hydrant boat & car park on NW Merle (2)

Power pole and neighbors' cars parking on street

rcvd + cc applicant + verified receipt 2/8/23

Mark Moffett

From: Tim Juett <timjuett@hotmail.com>
Sent: Tuesday, February 7, 2023 8:39 PM
To: Mark Moffett
Subject: Testimony re: FILE NO. SUB-22-001 & V-23-002

To: 7 Feb 2023
Mark Moffett, City Planner
Roseburg Community Development Department
900 SE Douglas Avenue
Roseburg, Oregon 97470

Re: FILE NO. 22-001 & V-23-002

I am providing this letter as testimony regarding the above noted file no.
I am Tim Juett, living at 2335 NW Canterbury Drive for the past 30 years.
The following comments are my concerns regarding the subdivision application:

1. Twenty units on 2.54 acres seems rather dense and challenging (especially during emergencies) for safe ingress and egress of service vehicles competing for space with vehicles belonging to the 20 units and their visitors. Service vehicles will, of course, include UPS, mail, other delivery vehicles, utility vehicles, garbage pickup, law enforcement, fire trucks, and others.

2. Building a satisfactory safe road looks challenging for the small acreage. Is it even possible to safely retain a backfill of such a large height discrepancy between the Merle Avenue property and mine and others' properties that are much lower?

3. Will I be reimbursed for landscaping and maintaining the nearly 1000 square feet of property (80 foot-long laurel hedge, pear tree, lawn and other foliage) that is not retained by the Merle Avenue fence, but is not officially my property? Or do I have eminent domain rights for property I have protected and used for 30 years?

4. Over the past 30 years, the west half of my upper back yard has migrated northward, as evidenced by the nearly 10-foot migration of the 7" to 10" diameter posts that compose a terrace barrier. This presents a concern for a potential further collapse of the ground above us where the new Merle Avenue will be constructed, and must bear multi-ton vehicles on the new road above and against my property. At the same time, I have concern about the drop-off from the new road above us and against our property, with potential incident of a vehicle falling into our backyard, whether by road or shoulder collapse or by vehicular accident.

Thank you for your consideration. I am sorry that I am unable to attend the January 24, 2023 public hearing either physically or virtually.

Tim Juett
541-680-0630

REC'D. 2/8/23
CC→ applicant 2/8/23
verbal receipt 2/8/23

GREGORY C. WALKER

2235 NW CANTERBURY DR

ROSEBURG OR. 97471

FILE NO. SUB-22-001

Mark,

I have three major concerns with the request for a variance and the conditions which would result if it is approved. These are the existing conditions that require a need for a variance, the increase in vehicle traffic and resulting parking, and the long term affect on the surrounding neighborhood. Let me briefly comment on each concern.

The property under consideration was originally the location of a single family home and various outbuildings. The access road was and has been about twenty feet wide. Three distinct lots were created by cut and fill techniques. The result was a narrow entry road. It was intended to service one, maybe two or three homes. The need for a variance, lack of an access suitable for ten duplexes, was created by the previous owner. No attempt was made to ensure any other access points, leaving only the single lane. To grant a variance so a forty foot wide city street can be practically run through the back yard of ten single family homes seems reckless.

Imagine the traffic generated by ten duplexes, twenty residential units. That's probably at least twenty individual residents vehicles, friends and family visiting, service vehicles, pedestrians, and bicycles. It would be a constant parade up and down Merle Avenue. It seems that would expose the ten homes on Canterbury Drive to a double frontage situation. I do not look forward to having fully developed city streets running in the front and back of my home. If you haven't walked the property yet, please come take a look. It will be obvious when you see it.

I bought my home on Canterbury Drive in 1991. I've raised my family and prospered in the Hucrest neighborhood. I have chosen to retire here and stay as long as I am able. It would be nice to think that future development would enhance the aesthetics or value of the surrounding neighborhood. I don't believe this subdivision as proposed will do that. I sincerely can't find one redeeming value. This variance should not be granted.

Thank you,

Gregory Walker

Greg Walker 2-8-2023

From: Gregory Walker
To: Mark Moffett
Subject: Variance hearing
Date: Wednesday, February 8, 2023 4:26:35 PM
Attachments: Document copy.docx

Hello Mark,

Thanks for your time earlier this afternoon. After I got home a couple more concerns and questions came to mind.

The variance request is for reducing portions of the public right of way from 60 to 40 feet. The preliminary site plan you gave me today seems to propose a paved street of 24 feet in width. Is this correct?

As regarding increased traffic, I'd like to empathize that my main concern is safety. With ten duplexes, I would expect at least forty to fifty trips up and down Merle Avenue. It's not so much noise and exhaust, but the safety of the people driving, walking, and biking on Merle Avenue that worries me.

I was also wondering why there is no provision for a separate entrance and exit to the proposed subdivision. This concerns me especially with emergency vehicles like fire trucks. Are they and the residents going to be able to get in and safely at the same time? This would be even worse with a 24 foot wide street. Who would be liable if a serious fire situation developed? I would assume the City of Roseburg for granting the variance.

You might have already told me, but has a preliminary soils test been done? If so, who was the soils engineer who performed the test.
I'm also expecting problems with under ground springs beneath the proposed development. There are currently a number of such springs present. One runs under my house and another surfaces in my front yard. I know solutions to such problems are usually left until they are encountered. That worries me.

Thanks ,
Greg

I've attached my original letter of concerns that I gave you today.
SUB-22-017 & V-23-002
Gregory Walker
2235 NW Canterbury Drive
Roseburg, Or. 97471
541-580-5083

Rec'd 2/10/23
cc applicant 2/10/23

The neighborhood on NW Merle, Hopper & Grove: To know the neighborhood might help the plan and construction. Some of them **own guns**. The following problems have already been reported to the police since 2018 (including photos, and videos)

(1) **1641 NW Hopper:** People (Dan and his different girlfriends) who live there are tenants although they told everyone they are the owner. (Owner: James & Patricia Popham, 1871 NW Keasey St). Since 2017, the tenants **park their and friends' cars, junk cars, trailers, jeep, boats, and trucks along NW Hopper (sometimes on both sides of the road).**

They often play loud music, have parties, talked loudly, and smoke marijuana/cigarettes (we could smell it) at late night in summer and autumn. They sometimes **set fire** in their front yard, played **firecrackers, gunshots to the sky, and loud fake sirens** with their friend Glen (1785 NW Grove) at midnight.

Dan and his girlfriend throw **cigarette butts** in my yard **in the summertime**. His girlfriend came into my backyard often before I set **24/7 security camera** (November 2022). He yelled "F" words and showed his middle finger to me whenever I took street parking cars' photos. He and Glen (who live/rent? in 1785 NW Grove) once came to my front door and threaten me about I took photos of their street parking cars. I reported to the police and the police talked to Glen and Dan.

Dan's girlfriend's children **played balls** (using **the discarded basketball pole) on NW Hopper St** in almost every summer until Corvid started.

Dan drove his heavy truck to break my water meter lid, and draining pipe, and **make the side of NW Hopper muddy (in front of my yard)**. Recently, he threaten to make the road muddier. His girlfriend came up to my face and knocked down my camera when I took photos of NW Hopper street (the property boundary stake). I videoed it.

(2) **1785 NW Grove** (Owner: Cheryl): **Glen (owns a riffle)** and his "friends" who live across from his house on Grove) used to **park cars, trailers, and RV along NW Hopper. He had threatened to blow my head off** when I took photos of **his car** that was **blocked in front of the fire hydrant** on NW Hopper. In 2020, His friend yelled at me and showed his middle finger: "You fuck Chinese old woman. Go back to Chin." whenever I went to check my mailbox. I reported to the "neighbor's" company and police office. The police talked to them and stopped the threat.

Friends of Dan and Glen had come to/park on my driveway from time to time. Both in the daytime and late at night. They drove back and street parking in front of Dan's place (1641 NW Hopper) after they left my driveway.

(3) **1760 NW Grove**: **The Basketball Post and Hoop** were discarded by the house owner since 2017 (Bryan & Christine McCurry). They moved the post around whenever the police officer came to talk to them, then they moved it back after the police left. The pole was fallen and blocked NW Hopper St once.

The long-term dog barking and the dog coming to my yard issue had been resolved after I send photos/videos to police and Animal Control.

(4) **2165 NW Canterbury** (Owner: John & Diane Lamar) **have parked their cars, and trucks on NW Merle every day for years**. John **used my driveway** whenever he drove the white truck. On some late nights, he came to my driveway and parked with bright lights and a loud engine. I reported parking issues (with photos) to the police officers for many years. They moved cars out from the Merle for several days, then moved cars back to the street. He used to walk his dog and poop in my front yard until I showed photos and talked to his wife.

rec'd 2/13/23
cc appl. 2/15

February 12, 2023

Roseburg Planning Commission
900 SE Douglas Avenue
Roseburg, Oregon 97470

Attention: Mark Moffett, City Planner

RE: NOTICE OF PROPOSED SUBDIVISION & VARIANCE HEARING
File No. SUB-22-001 & V-23-002

I am the owner of property in Hucrest. This is a quiet middle-class neighborhood where owners know their neighbors and care for their property. The school bus picks up our children and friends walk their dogs. This particular area is valued for its views of Roseburg and the beautiful hills.

My concerns focus on preserving my view and protecting my investment, plus keeping my neighborhood safe. My lot is directly above the subject property adjoining it on the West, thus making me a party to the proposed Subdivision. To have this view compromised is of concern for those of us who will lose value in their homes. However, more than that I have great concern about SAFETY.

How will you protect my property from over excavation, or filling of the site? I am concerned about the developer building up the site in front of me or cutting away the slope below me. What are the protection mechanisms for this problem?

Page 5 of the Geotechnical Engineering Assessment covers Soil. The last part of the last paragraph tells us clayey material has tendency to erode and undergo mass movement (sloughing) across exposed slopes, over time. Retaining walls will not stop this movement. We have already seen this movement in some areas of the subject property. This property is an old quarry site and the dynamite shed can still be seen on the Phase 3 level. Lack of sub-surface drainage equals standing water in level areas as evidenced during our rainy seasons.

At worst, BLASTING activities could be required for this project. It is surprising the City of Roseburg would allow blasting considering the possible/expected claims and litigation that would surely arise from such activity in this densely populated neighborhood.

The map indicates plans for Nine 2-STORY duplex and Two 2-STORY duplex. A duplex is defined as two living units attached. Each unit contains a single car garage. Are we talking 20 automobiles or trucks... or 30 or more... and where would the excess parking be located? Surely there would be additional visitors, service trucks, delivery folks, fix it people, Amazon, etc. And where will they park?

Families on Canterbury would be dealing with additional street traffic out their back door according to the present plan for NW Merle expansion. The safety for families with children comes first to my mind. Play-time becomes going out in the backyard and hearing the sounds of passing vehicles.

As for Fire Protection, we have only to look at the remaining foundation of the Mulholland home to see the importance of planning. I have great concern as to where and how a fire truck could possibly turn around quickly during an emergency.

I respectfully request that you address my issues one by one. I will be present at the meeting on February 21 at 7:00 p.m. and may wish to be heard.

Sincerely,

Joyce Price

Joyce A Price
2330 Lila Court
Roseburg OR 97471
Phone (541) 680- 1234

cc 2pgs. 2/15

From: KEVIN ALDRICH
To: Mark Moffett
Subject: File No. SUB-22-001 & V-23-002
Date: Monday, February 13, 2023 9:43:10 AM

Hello Mark,

I own the property of 2275 NW. Canterbury Dr. Roseburg Or. 97471.

I and along with many of my neighbors will be adversely affected by this attempted development in many ways. The excavation of the 2.5 acres could easily divert underground water flow into the basements of homes downhill from project. This will cause major financial burdens or irreversible damage to surrounding structures.

The high density track-home proposed development is a major concern to many homeowners who border the development and beyond the border. I have personally talked to many homeowners in the surrounding 2.5 acres and the concerns of high traffic that will make double frontage for homes on Canterbury Dr. Many of us will no longer have a private backyard with running vehicle and pedestrians on both sides. Including street lights, service vehicles, emergency vehicles and the like.

The soil test engineer recommends a retaining wall in order to keep new road in place. I have a back patio concrete pad for parking so how will I use the parking space on my property? Safety for all the citizens using their own backyard along Canterbury Dr. is a major concern for them as vehicles could easily roll off and down the retaining wall into our backyards. I and along with my neighbors will always have the possibility of a roll down vehicle into our once private backyard. That is something no one else in this neighborhood will have to be concerned with. Hucrest does need homes but not high density duplexes that will adversely affect so many people.

This is an ambitious and possibly hazardous project for the Hucrest community to endure. I envision many liabilities that could arise from this proposed project. Many of my fellow neighbors agree and have signed my petition to stop the variance

and proposed development, file No. SUB-22-001 & V-23-002.

Kevin Aldrich
2275 NW Canterbury Dr.
Roseburg, Or. 97471

Recd 2/13/23
cc 2nd. 2115 NW Merle Ave.

Petition to Stop Subdivision of 2240 NW Merle Ave.

Petition summary and background	Stop Sub-22-001 U-23-002 by Kevin Aldrich 2275 NW Canterbury Dr.
Action petitioned for	Community of Hucrest

Printed Name	Signature	Address	Comment	Date
Dustin Campbell	Dustin Campbell	2216 Canterbury Dr.		2/10/23
Joni Edwards	Joni Edwards	2115 NW Canterbury DR.		2/10/23
Mark Eyl	M Eyl	2020 NW Canterbury		2/11/23
Stephanie Shipley	S Shipley	2075 NW Canterbury DR		2/10/23
John Schmidt	J.S	Troost St		2/10/23
MARIA Smith	Maria Smith	Calkins 2062		2/10/23
Donna Mitchell	Donna Mitchell	1798 NW Grove		2/10/23
Vickie Schaan	Vickie Schaan	2104 NE Calkins	Please, no apartments	2/10/23
Nichole Schaan	Nichole Schaan	2104 NE. Calkins		2-10-23
Aaron MacArthur	Aaron MacArthur	2104 NE Calkins		
Jennifer Schaan	Jennifer Schaan	2104 NE NE Calkins		
Christi McCurry	Christi McCurry	1760 NW GROVE		2/10/23

marlc
moffit

2240
NW merle

Petition to Stop Proposed Subdivision and Variance.

FILE NO. Sub-22-001 V-23-002

Petition summary and background	
Action petitioned for	

Printed Name	Signature	Address	Comment	Date
Wayne Thomas	Wayne Thomas	2893 NW Canterbury		2/11/23
Elizabeth Thomas	Elizabeth Thomas	2355 NW Lila Ct		2/11/23
Joyce A Price	Joy A Price	2330 NW Lila CT		2/11/23
VILIA BENTLEY	Vilia J Bentley	2365 NW Lila Ct		2/11/23
Stephen Jones	Stephen Jones	2370 Glenmar Dr		2/11/23
Sandra Jones	Sandra Jones	2370 Glenmar Dr		2/11/23
Sara Hotspeck	Sara Hotspeck	2325 Glenmar Dr		2/11/23
AMEE Ketchum	A Ketchum	2330 NW Glenmar Dr		2/11/23
Sandra Rust	S Rust	2310 NW Glenmar Dr		2/11/23
Brad Rust	B Rust	2310 NW Glenmar Dr		2/11/23
Stephen Johnson		1560 NW Grove dr		2/11/23
Bryan McCoy		1760 NW GROVE DR		2/11/23

Stop Sub-22-001 V-23-002

Printed Name	Signature	Address	Comment	Date
Richard Carper	Richard Carper	1760 N.W. Grove	NO	2/10/23
Maddie Taylor	[illegible]	1765 NW Grove	no	2/10/23
Darlene Hall	Darlene Hall	1752 NW Grove	NO	3/10/23
Mike Hall	Mike Hall	1752 NW grove	No	3/10/23
Maureen Hayes	Maureen Hayes	16 NW Trevor		2/10/23
Ben Anderson	[illegible]	1632 NW Troost	No	2/10/23
Steve Looney	Steve L. Looney	2160 N.W. Canterbury	No	2/10/23
Jim DeLap	Jim DeLap	2743 N.W Chambers DR	NO	2/10/23
Crystal Sparks	Crystal Sparks	2235 NW Skyline	No	2/10/23
Marla Windisch	Marla Windisch	1234 Troost St.		2/10/23
Josh Bracken	[illegible]	2320 NW Canterbury	no	2/10/23
Jennifer Bracken	Jennifer Bracken	2320 NW Canterbury	No	2/10/23
Tyler Powers	[illegible]	2315 NW Canterbury	NO	2-10-23
Corinna Powers	Corinna Powers	2315 NW Canterbury	NO	2-10-23
Patti Moffitt	Patricia Moffitt	2325 NW Canterbury	no	2-10-23
Tim Juett	Tim Juett	2335 NW Canterbury Dr.		2-10-23

Petition to Stop Subdivision & Variance of 2240 NW Merle

Petition summary and background	Stop Sub-22-001 U-23-002
Action petitioned for	Community of Hillcrest by Kevin Aldrich

Printed Name	Signature	Address	Comment	Date
YIM Yee Chan	Yim Yee Chan	2350 NW Canterbury		2/10/23
KIT WING Chan	Kit Wing Chan	2350 NW Canterbury		2/10/23
Jennifer Nalley	Jennifer Nalley	2355 NW Canterbury Dr.		2/10/23
Cory Fowler	Cory Fowler	2380 Canterbury		2/11/23
Heather Yunker	Heather Yunker	2375 Canterbury Dr		2/10/23
Barbara Yunker	Barbara Yunker	2375 Canterbury Dr		2/10/23
Bob Miller	Bob Miller	2392 NW Canterbury Dr		2/10/23
GREG WALKER	Greg Walker	2235 NW CANTERBURY DR		2-10-23
Dan Popham	Dan Popham	1641 NW Hopper		2-11-23
Ashley Rutledge	Ashley Rutledge	1641 NW Hopper		2-11-23
Kevin Aldrich	Kevin Aldrich	2275 NW Canterbury Drive	To much density. Safety concerns on road and double frontage	

EXHIBIT # G

SUB-22-001 + V-23-002

NOTICE OF PROPOSED SUBDIVISION & VARIANCE HEARING
FILE NO. SUB-22-001 & V-23-002

Notice Mailing Date: January 24, 2023

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Roseburg Planning Commission on **Tuesday, February 21, 2023 at 7:00 PM** in the Council Chambers at 900 SE Douglas Avenue, Roseburg, Oregon regarding an application by Alex Palm at i.e. Engineering, Inc. for property addressed as 2240 NW Merle Avenue.

The requested application is to subdivide a 2.54+/- acre parcel zoned R7.5 (Low Density Single-Family Residential) and develop a three (3) phase subdivision with a total of 10 duplex lots (Phase 1 – 3 lots/Phase 2 – 4 lots/Phase 3 – 3 lots). A variance to reduce portions of the public right-of-way width outside the Hillside Development overlay from 60 to 40 feet is also requested. The property legal description is Tax Lot 11300, Township 27 South, Range 06 West, Willamette Meridian, Section 15AA, with Tax Account ID # R10681. Preliminary subdivision and variance requests shall meet the applicable standards of the Land Use and Development Regulations (LUDR), Sections **12.04.030** (Residential Districts), **12.10.050** (variances) and Section **12.12.010** (Partitions and Subdivisions) of the Roseburg Municipal Code (RMC). The approval criteria can be found online at: https://library.qcode.us/lib/roseburg_or/pub/municipal_code A staff report to the Planning Commission will be published by 5pm on Tuesday, February 14th, 2023.

Owners of property within 300 feet of the subject properties and any other persons who are specially, personally, adversely, and substantially affected by the proposal may comment on this application, including any person concerned with the correct application of land use laws. Written comments become a part of the official case record. Please include your name, the case file number, and mailing address in written comments. You may also present verbal testimony (typically three minutes long), or bring written comments to the hearing itself. *On the day of the hearing, please provide written testimony by e-mail or in person no later than noon so we can prepare copies for Planning Commission: after noon on the hearing day, please bring written or e-mailed comments to the hearing.*

The failure to raise an issue before or during the public hearing, by person or by letter, precludes appeal based on that issue. A case file is available for review by interested parties at the Roseburg Community Development Department, **900 SE Douglas Avenue, Roseburg, Oregon 97470**, Monday through Friday from 8:00 a.m. to 12:00 p.m. or 1:00 to 5:00 p.m. Please direct all questions and written testimony to Mark Moffett, City Planner, by phone at (541) 492-6877, in writing to the address noted in the preceding sentence, or by e-mail: mmoffett@cityofroseburg.org The public hearing will also provide interested parties an opportunity to testify verbally (typically three minutes long) or in writing.

*****AMERICANS WITH DISABILITIES ACT NOTICE*****

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, OR 97470 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTD users please call Oregon Telecommunications Relay at 1-800-735-2900.

Enclosed:

1. Notice Area Map
2. Preliminary Subdivision Site Plan

Notice of Subdivision with Variance
2240 NW Merle Avenue
SUB-22-001 & V-23-002

T27 R06W S15AA TL11300
Community Development Department | 900 SE Douglas Ave., Roseburg, OR 97470 | (541) 492-6750

Map is for informational purposes only and is not suitable for legal, engineering or surveying purposes. The City of Roseburg is not responsible for map errors, ommissions, misuse, or misinterpretation. Not for determining legal ownership or identification of property boundaries.

MERLE AVE SUBDIVISION

PRELIMINARY SITE PLAN

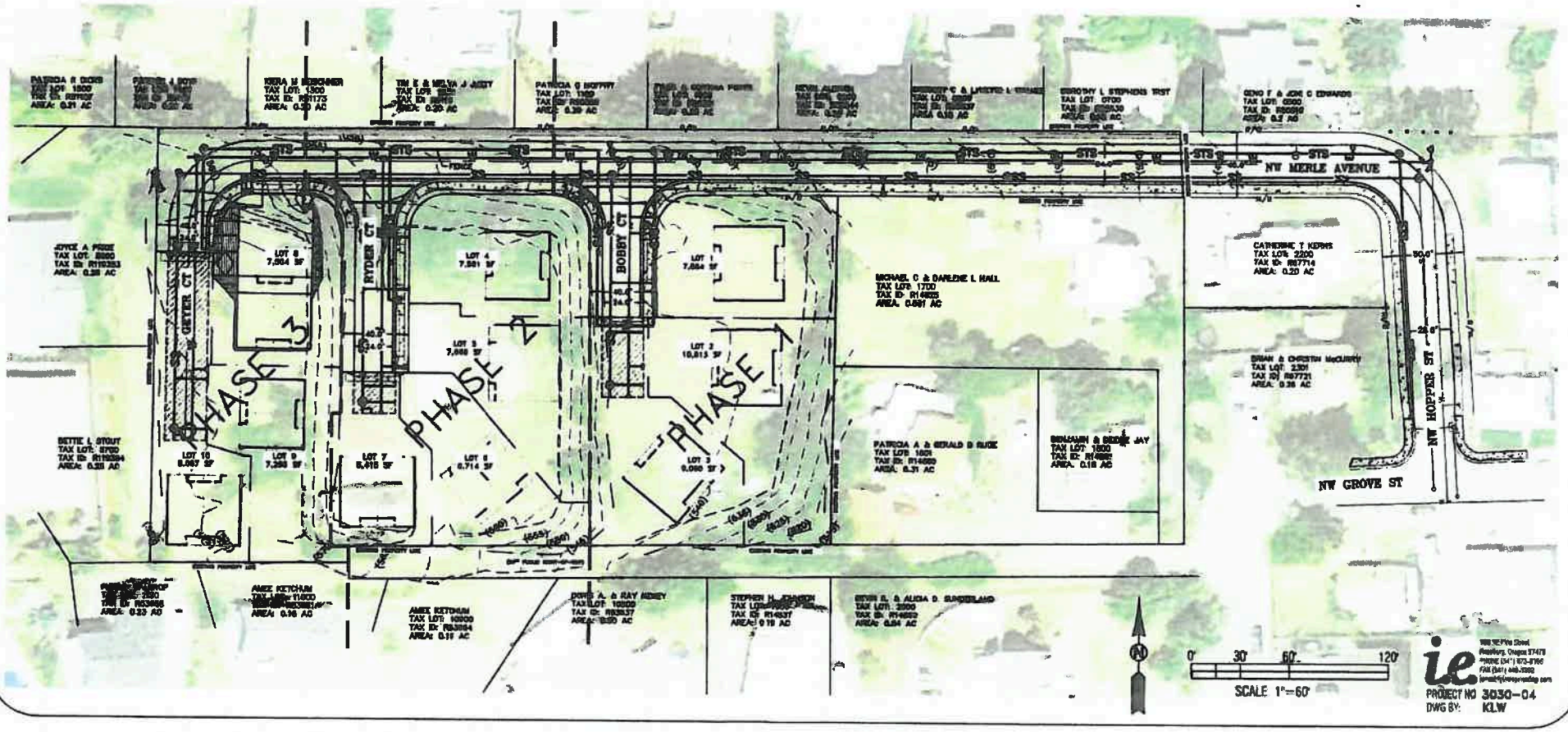
PROPERTY INFORMATION:
NE¼ NE¼ SEC. 18 T.27S. R.6W. W.M.
PROPERTY ID: R10681
MAP ID: 270615AA11300
TAX LOT: 11300
ZONE: R7.5 SINGLE FAMILY RESIDENTIAL
AREA: 2.54 AC

OWNER INFORMATION:
CRAIG FERBER
C/O BOBBY JR & JASMINE GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

ROSEBURG LUDO REQUIREMENTS:
SINGLE FAMILY - DUPLEX
MIN LOT SIZE: 7,500 SF
MIN LOT WIDTH: 60 FT
FRONT YARD SETBACK: 20 FT
REAR/SIDE EXTERIOR YARD SETBACK: 10 FT
SIDE INTERIOR YARD SETBACK: 5 FT
MAX BUILDING HEIGHT: 35 FT

BUILDING INFORMATION:
BUILDING AREA: ACTUAL TBD.
REPRESENTED FOOTPRINT: 9- 2-STORY, 3 BDRM, 2 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,650 SF. 2- 2-STORY, 1 BDRM, 1 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,060
TOTAL UNITS: 20

LEGEND:
- NEW CONCRETE SIDEWALK
- 25' ACCESS AND UTILITY EASEMENT
- R/W — RIGHT OF WAY
- LANDSCAPE AREA
- SS — NEW SANITARY SEWER
- STS — NEW STORM SEWER
- W — NEW WATER



SUB 22-001 + V-23-002