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3-27-2023

CITY OF ROSEBURG PLANNING COMMISSION

Monday, April 3, 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. February 21, 2023 Planning Commission Meeting
4. **AUDIENCE PARTICIPATION: See Information on the Reverse**
5. **REVIEW AND DECISION (RECORD CLOSED)**
A. SUB-22-001 & V-23-002 (2240 NW Merle Ave.)
6. **BUSINESS FROM STAFF**
7. **BUSINESS FROM THE COMMISSION**
8. **NEXT MEETING – May 1, 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
February 21, 2023**

CALL TO ORDER

Chair Onchuck called the meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Tuesday, February 21, 2023 in the City Hall Council Chambers.

ROLL CALL

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

Chair Onchuck welcomed Emily Brandt to the commission.

Absent: None

Others present: Community Development Director Stuart Cowie, Associate Planner Mark Moffett, Department Technician Chrissy Matthews and City Attorney Jim Forrester.

APPROVAL OF MINUTES

Commissioner Yraguen moved to approve the November 7, 2022 minutes as submitted. The motion was seconded by Commissioner Blondell and approved with the following vote: Chair Onchuck, Commissioners Blondell, Brady, James, Brandt, Osborn and Yraguen voted yes. No one voted no.

AUDIENCE PARTICIPATION - None.

ADOPTION OF FINDINGS – None.

PUBLIC HEARING

Chair Onchuck read the rules of meeting conduct and procedures for the Quasi-Judicial hearing.

Party status was granted for the following individuals.

Mike Hall, 1752 NW Merle Avenue
Amee Ketchum, 2330 NW Glenmar Drive
Bryan McCurry, 1760 NW Grove Street
Benjamin Jay, 1748 W Grove Street

Chair Onchuck opened the public hearing and asked the Commission to identify any ex parte contact or conflict of interest.

Commissioner Yraguen stated he knows the Geyers through Geneva Academy School and Geyer Construction worked on his shop building; however, he does not have a conflict.

Commissioner James stated she knows the Geyers and lived by NW Merle Avenue; however she does not have a conflict.

Commissioner Brady stated he knows the Geyers. Their kids go to the same school; however, he does not have a conflict.

Chair Onchuck asked for the staff report.

Cowie introduced Associate Planner Mark Moffett. He was recently hired, has years of planning experience and is a great addition to the department.

SUB-22-001 & V-23-002 (2240 NW Merle Avenue)

Moffett provided the staff report and power point presentation. The following was discussed: Three phase - 10 lot subdivision proposal on a 2.54 acre parcel; Concurrent variance to reduce right-of-way width from 60' to 40'; Zoning and Hillside Overlay Zone; Landscape requirements; Roadway design to meet city standards; Photos showing the layout of the parcel; and Approval criteria.

The following is a brief list of concerns: Lot 7 doesn't meet minimum square foot lot size; Lot 2 discrepancy in lot frontage; and the Hillside Overlay zone requirements are not met in the current Geotech Report.

Six letters and one petition were received at the time the staff report was published. The following were concerns expressed:

- Density is too high, inappropriate given surrounding character.
- Emergency access and traffic impact concerns.
- Slope stability, drainage and erosion control impacts upon neighbors.
- Impacts upon neighboring properties below NW Merle, double-frontage.
- Safety and livability concerns, other specific issues in letters.

Staff found the density is consistent with the zoning and comprehensive plan, Fire Dept. has approved access for fire-fighting, trip generation and potential traffic is allowed for local residential streets, Geotechnical requirements must be addressed prior to approval.

The applicable criteria for review was discussed. There were some deficiencies in the application; however, Staff felt the applicant could address those deficiencies as outlined in the staff report.

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

Applicant, Alex Palm, i.e. Engineering, 809 SE Pine Street, Roseburg, discussed the 10 lot subdivision and explained that duplexes are a permitted use in residential zones. Staff recommended three modifications and listed 56 general conditions of approval for this project, which the applicant is prepared to fulfill. The City of Roseburg and the State have a housing shortage crisis, and referenced Roseburg's Housing Needs Analysis; this project will assist in the housing deficiency. The project is market rate. He discussed earth work, erosion control and Hillside Overlay zone requirements, fire-life safety, traffic generation, landscape, storm water and water pressure.

Robert Joseph Geyer Jr., 640 Strickland Canyon Road, Roseburg, applicant and owner of Bobby Geyer Construction. He will be the developer/contractor for the project. He shared the project is not low-income and will be nice, duplex housing for Roseburg.

Parties in favor:

Ben Tatone, 201 Pegasus Lane, Roseburg. Owner of Roseburg Homes Realty and Manager for Tabor Building. He is not part of the development. He supports the development.

Travis Pritchett, 1144 Big Bend Road, Roseburg. Shareholder of a business providing jobs in the community and Plant Manager for Convey Keystone and representative for 7 Robotics. He has no stake in the development. Discussed the housing shortage and the negative impact it has when hiring employees. He supports this development.

Chris Boice, 255 Dawson Road, Roseburg. County Commissioner, business owner and sits on various committees. He discussed the housing shortage and how it effects the community and the difficulty of hiring employees. He supports the development.

Neutral – None.

Parties opposed:

Joy Price, 2330 Lila Court, stated she is fortunate to live in Oregon and this neighborhood and thanked the applicant for not building subsidized housing.

Mike Hall, 1752 NW Grove Street. Concerned with runoff, drainage, soil release, and road development and how it might impact his property line.

John LaMar, 2165 NW Canterbury Drive. Concerned with traffic accidents on the corner at the bottom of the hill. He suggested the portion of NW Hopper be renamed NW Merle.

Bryan McCurry, 1760 NW Grove Street. Concerned with increased traffic and accidents, density and Comp Plan conformity.

Greg Walker, 2235 NW Canterbury Drive. Concerned with the narrow street, double frontage, noise from the lengthy phases of construction, as well as density.

Rebuttal:

Palm addressed the following concerns:

- Development will not take any property from adjacent property owners.
- Retaining wall will be built on the south side of NW Merle Ave.
- Development phasing could take six years which is standard for a subdivision.
- NW Merle Ave. is already a public right-of-way and there are many streets in the Hucrest neighborhood that have double frontage.

Chair Onchuck inquired if there is a plan to install a railing on the north end of NW Merle Ave. and if there is parking on NW Merle Ave.

Palm said he wouldn't be opposed to installing a railing; however, Public Works may not approve a railing in the right of way. Landscape will be installed to stabilize the slope and help buffer from car lights. There is no parking on either side of the street. No parking signs will be installed and the sides will be painted red.

Commissioner Brandt inquired if ADA ramps are proposed at the corner of NW Merle and NW Grove.

Palm said a new sidewalk will require ADA ramps.

Commissioner Brady inquired if the subdivision meets the Comp Plan requirements.

Moffett said the Comp Plan has text from 1984. In 2019, Housing Bill 2001, passed by the Oregon Legislature, changed the statewide law to allow duplexes in residential zones. State law supersedes local laws.

Palm stated they agree with the three modifications proposed by staff and the timeline.

No further testimony. The Public hearing was closed.

Commission Yraguen moved 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).*

A motion was seconded by Commissioner James.

Commissioner Yraguen stated he read the file and letters of concern. He noted that NW Hopper is divided by NW Canterbury and recognized this as a valid concern. Renaming the section of NW Hopper to NW Merle seems reasonable.

Commissioner James expressed appreciation to Palm and Geyer for a well thought-out development to ensure the project is done right.

Chair Onchuck stated he read the file and letters and empathized with the concerns but reminded everyone that the commission is here to make sure the application is in conformance with the code.

The motion was approved with the following vote: Chair Onchuck, Commissioners Blondell, Brady, Brandt, James, Osborn and Yraguen voted yes. No one voted no.

BUSINESS FROM STAFF

Mr. Cowie provided a brief overview of the Department's annual report.

- Biggest issue-staffing levels – three planners left to pursue other career opportunities. The Dept. hired Associate Planners Mark Moffett and Liam Bean, and Nik Ramstad an AmeriCorps Member.
- Approximately 340 site review applications processed; 304 building permits obtained; 185 building permits for commercial; 116 building permit for residential; out of those 116 – 19 permits were for single family dwellings.
- 400 new apartment units under construction with some completed.
- 14 unit townhome subdivision going through final plat review.
- 40 lot townhome subdivision – owner requested an amendment to the subdivision.
- Urban Growth Boundary (UGB) swap moving forward. Project has been in process for 4-5 years, held two open houses, hired a traffic engineering and storm water analysis and recently hired a consultant to complete the application. Another open house will be held and then proceed with the public hearings.

Commissioner Yraguen inquired of the purpose of holding a joint meeting between the City and County Planning Commissions.

Cowie stated a joint hearing between commissions would allow for one hearing but each commission would make their decision and recommendation to their respective governing body.

Cowie explained the UGB swap is a legislative amendment, which the City is the applicant and explained the process.

A discussion ensued regarding infrastructure and fire, life safety services if the UGB were to be approved.

BUSINESS FROM COMMISSION – None.

ADJOURNMENT - The meeting adjourned at 8:40 p.m. The next meeting is scheduled for Monday, April 3, 2022



Chrissy Matthews
Department Technician

**CITY OF ROSEBURG
PLANNING COMMISSION
REVISED STAFF REPORT**



File No. SUB-22-001/V-23-002

Meeting Date: April 3, 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 Subdivision 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 AT FIRST HEARING:

Staff raised the following issues at the first hearing, in response to community concerns and in keeping with unmet standards or approval criteria:

- Lot 7 was shown with only 5,560 square feet, but all lots must be at least 6,375 square feet (*RMC 12.12.010.E.2 and 12.12.010.M were not met*).
- Lot 2 needed at least 35 feet of frontage on a right-of-way, and access and utility easements for lots 2, 7 & 9 need to be expanded to make direct contact with each lot being served (*RMC 12.12.010.E.7, 12.12.010.K and 12.12.010.M were not met*).
- Additional information was needed for the geotechnical report requirements, including a tree inventory, tree 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 in the right-of-way. In addition, a general Erosion Control plan and recommendations was needed, revised retaining walls need consideration, and the locations for the 11 investigation sites needed to be shown on a plan (*RMC 12.04.100.C.2 was not fully met*).

FIRST HEARING ON FEBRUARY 21, 2023:

Planning Commission heard testimony from staff, the applicant and community members at the initial hearing on February 21, 2023. Three citizens spoke in favor of the application, and five people spoke with concerns and/or opposition to the proposal.

Planning Commission closed the hearing by unanimously passing a motion to close the hearing but keep the record open with a timeline as recommended by staff. Specifically, new information was to be submitted by February 28th, rebuttal to new information for all parties would continue through March 7th, and applicant final rebuttal would continue through March 14th, with all comments due by 5:00pm.

NEW INFORMATION PERIOD THROUGH FEBRUARY 28, 2023:

The applicant submitted a revised packet of documents on February 24th, including a detailed 5-page erosion control plan, a preliminary landscape plan, a revised preliminary subdivision plat map, the requested map of geotechnical test pit locations, and a revised geotechnical report. Three additional comment letters with concerns about the project were also received during the new information period. Post-hearing comments are summarized under the “PUBLIC COMMENTS” section of the attached findings.

REBUTTAL (ALL) PERIOD THROUGH MARCH 7, 2023:

Three letters were received by community members during the open rebuttal period. Many asked and re-stated questions that had been raised earlier in the process. Post-hearing comments are summarized under the “PUBLIC COMMENTS” section of the attached findings, and the full list of all letters is included on the exhibit list at the end of the attached findings.

APPLICANT FINAL REBUTTAL:

The applicant submitted a final rebuttal memo on March 14, 2023.

STAFF RESPONSE TO POST-HEARING INFORMATION:

As discussed in detail in the attached findings, the revised preliminary plat addresses the lot size, access, frontage and easement concerns raised by staff in the original staff report. In the same way, the supplemental geotechnical report and landscaping information, erosion control plan, etc. have satisfied the prior staff concerns on geotechnical report sufficiency concerns. A detailed response to public concerns raised in the post-hearing letters is included in the attached findings.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested subdivision and variance application with conditions of approval as noted in the attached findings. A revised plat map and supplemental geotechnical information, as well as the proposed landscape plan, address all prior staff issues. An additional condition of approval has been added since the tentative approval language was published with the first staff report in February, approving the proposed landscape plan but noting that issues raised during construction by geotechnical professionals or city staff, if documented in writing for the record, could reduce or modify the proposed landscaping if safety or suitability concerns arise.

SUGGESTED MOTION:

I MOVE TO CONDITIONALLY APPROVE THE APPLICATION REFERENCED AS FILE NO. SUB-22-001 & V-23-002, WITH APPROVAL LANGUAGE AND CONDITIONS AS NOTED BY STAFF IN THE REVISED FINDINGS OF FACT.

EXHIBITS (not attached unless indicated):

- A – Original Findings of Fact and Staff Report from first hearing, published 2/14/23
- B – OLD/NOT APPROVED Revised Plans, dated 2/6/23 and 2/8/23
- C – OLD/NOT APPROVED Original Plan set, dated 12/7/22
- D – Original Applicant Narrative
- E – Applicant Geotech Report
- F – Neighbor Letters Received at time of staff report publication on 2/14/23
 - 1. Letter from Catherine Kerns, received 2/2/23
 - 2. E-mail from Tim Juett, received 2/8/23
 - 3. Letter from Gregory Walker, received 2/8/23
 - 4. E-mail from Gregory Walker, received 2/8/23
 - 5. E-mail from Richard Kerns, received 2/10/23
 - 6. Letter from Joy Price, received 2/13/23
 - 7. E-mail and attached petition from Kevin Aldrich, received 2/15/23
- G – Public Hearing Notice, including affidavit of mailing and News-Review publication
- H – Staff Powerpoint presentation from 2/21/23 hearing
- I – Six additional neighbor letters received between staff report and hearing on 2/21/23
 - 1. Letter from Doris Newey, received 2/15/23
 - 2. Letter from Mark Stout, received 2/21/23
 - 3. Letter from Cheryl Owen, received 2/21/23
 - 4. Letter from Bradley Pust, received 2/21/23
 - 5. Letter Gerald Rude, received 2/21/23
 - 6. Letter from John and Diana LaMar, received 2/21/23
- J – Application Form
- K – Information received during open record period, 2/21/23 to 2/28/23
 - 1. Applicant submittal – 5-page Erosion and Sediment Control Plan
 - 2. Applicant submittal – Right-of-way Landscape Plan (**ATTACHED**)
 - 3. Applicant submittal – Revised Preliminary Subdivision Layout Plan (**ATTACHED**)
 - 4. Applicant submittal – Geotech Test Pit Locations Map
 - 5. Applicant submittal – Revised Geotechnical Report, dated 2/27/23
 - 6. Letter with concerns from Maureen Haugen, received 2/23/23
 - 7. Letter with concerns from Greg Walker, received 2/23/23
 - 8. E-mail with concerns from Tim Juett, received 2/28/23
- L – Rebuttal letters received during the open record period, 2/28/23 to 3/7/23
 - 1. Letter with concerns from Diana LaMar, received 3/3/23
 - 2. Letter with concerns from Patricia Rude, received 3/7/23
 - 3. Letter with concerns from Gerald Rude, received 3/7/23
- M – Final rebuttal letter from applicant, received 3/14/23
- N – E-mails from staff to parties distributing post-hearing information, sent 2/23/23 to 3/27/23

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

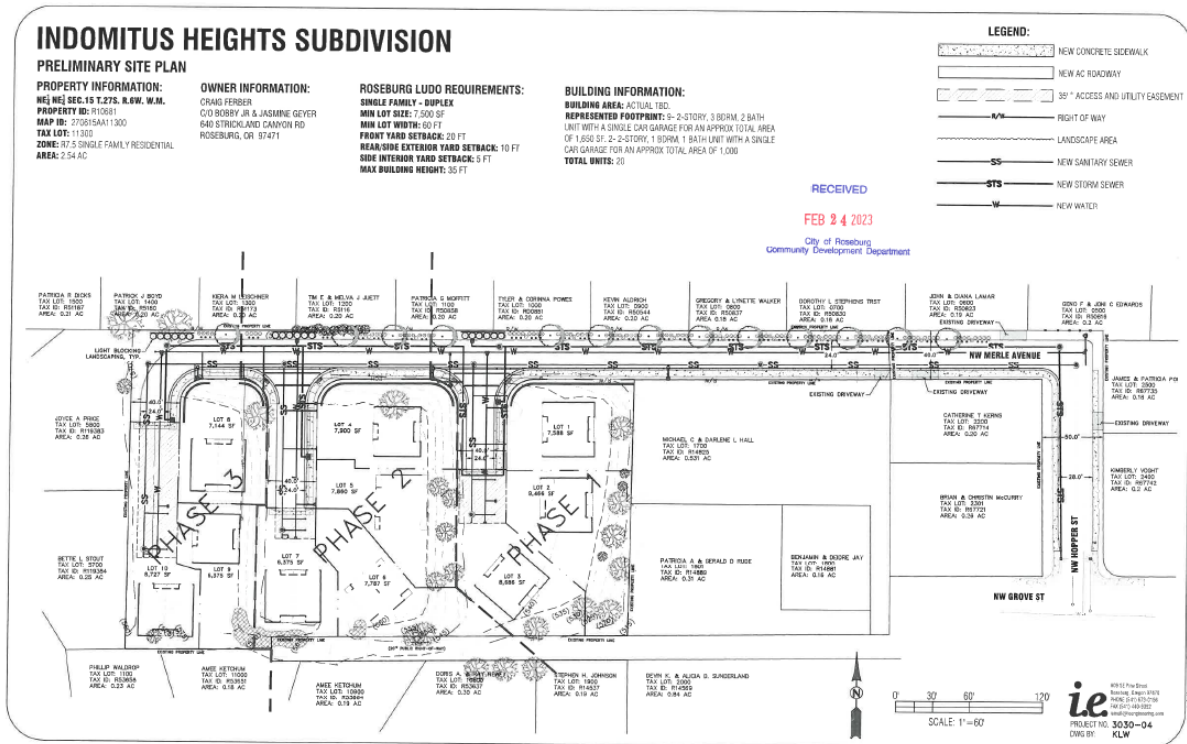
FINDINGS OF FACT

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 on February 24, 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 original staff report and findings of fact were published on February 14th, 2023, and did not recommend approval, suggesting that the record be held open for additional information from the applicant and public comment. At the initial hearing on February 21st, 2023, staff raised concerns with regards to lot size, access and street frontage standards, as well as regarding the completeness of the required geotechnical report.
10. At the initial hearing on February 21st, 2023, Chair Onchuck opened the meeting and read the legal and procedural requirements for the hearing. This was followed by a staff presentation, information from the applicant, and community testimony. Three citizens testified in support of the application, and five people spoke with concerns and/or opposition to the proposal.
11. Planning Commission closed the initial hearing on February 21, 2023 by unanimously passing a motion to close the hearing but keep the record open with a timeline as recommended by staff. Specifically, new information was to be submitted by February 28th, rebuttal to new information for all parties would continue through March 7th, and applicant final rebuttal would go through March 14th, with all comments due by 5:00pm. A revised staff report and findings of fact was published by staff at end of business on March 27th, 2023.
12. 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 Pre-Hearing 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 to Pre-Hearing Comments: 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.

Post-Hearing Comments: In the week following the first hearing where new information was allowed, three new comment letters were received. Issues raised in these three letters echo concerns raised in prior letters, including potential stormwater and drainage impacts, potential landslide impacts, and concerns about the safety and adequacy of a 40' versus 60' wide right-of-way serving the property.

Three additional neighbor letters were received in the open rebuttal period. These letters also generally re-state concerns raised earlier in the record. One of the letters made a formal request to keep the record open beyond the close of the open rebuttal period on March 7th, 2023. Another letter makes a new request for a bond to be posted for potential future repairs to an adjacent property in the event of future damage to their property coming from the subdivision site. Additional questions in these letters related to police coverage, adequacy of sewer lines, adequate water pressure, bollards in the existing right-of-way, proposed speed limits on the new streets, an existing driveway allegedly missing on the tentative plan for a home at 2165 NW Canterbury Drive, and questions about the timing of HB2001 in terms of the Covid-19 event.

Staff Response to Post-Hearing Comments: In response to the new issues raised in post-hearing letters that had not been addressed at the hearing or discussed before in the record, staff offers the following bulleted responses:

- Requiring indefinite bonds be posted to provide for potential future property damage as a result of neighboring private development is beyond the scope of city standards or requirements for land divisions or private development. City standards require geotechnical reports to address landslide and drainage concerns, and that private development must not create drainage or stormwater impacts on abutting property. Generally speaking, property and damage disputes between abutting private property owners are a private civil matter to which the City of Roseburg is not a party;
- Roseburg Police Department provides police services to the property today, and that will continue in the future. There is no police service-related approval criterion or standard in the Roseburg Municipal Code for subdivisions;
- The Roseburg Urban Sanitary Authority has reviewed the application for adequacy of sewer services, including the adequate sizing and placement of new sewer lines, and has recommended approval of the application;
- City of Roseburg Public Works staff has reviewed the application for the availability of water services at the appropriate pressure, and has recommended approval of the application;
- The bollards in the existing right-of-way at the NW Merle & NW Hopper intersection will remain as shown on the tentative plat map, but additional bollards on the edge of the future roadway improvements are not shown on the plan. If safety concerns arise in the future, individual property owners can petition the City of Roseburg for any necessary safety improvements;
- Oregon State Law requires a maximum speed limit of 25 miles per hour on local residential streets such as those being improved, extended and created in this application;
- The tentative subdivision plat does show an existing driveway connection to be maintained on the property at 2165 NW Canterbury Drive, indicating that this existing driveway will be provided access to the new roadway in NW Merle Avenue; and

- House Bill 2001 that required cities throughout Oregon to allow at least a duplex in all single-family zones was passed in 2019, prior to the Covid-19 event.

D. PUBLIC HEARING

A public hearing on the proposed subdivision and variance was held before the Planning Commission on February 21, 2023 at 7:00 PM. As recommended by staff and detailed under Section A above (General Facts), the initial hearing was closed with an open record period for new information and rebuttal. At the end of the hearing Planning Commission passed a motion to follow the staff-recommended timeline for public comment and a revised staff report. A meeting to consider the new information and rebuttal was scheduled for Monday April 3rd, 2023 @ 7:00pm. At the April 3rd meeting, Planning Commission will deliberate on the proposal and all prior public testimony, with a motion and vote to approve, conditionally approve or deny the application.

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.

In the revised preliminary subdivision plan presented by the applicant on February 24, 2023, and in line with concerns and comments identified by staff in the February 14th, 2023 staff report, the proposal meets all lot size specifications from RMC Chapter 12.04. All proposed lots are at least 60 feet wide. All individual lots are at least 7,500 square feet, with the exception of lot 7 (6,375 sq. ft.), lot 8 (7,144 sq. ft.) and lot 9 (6,375 sq. ft.). Having up to 30% of the lots be smaller than 7,500 sq. ft. is allowed, because the average lot size (7,790 sq. ft.) exceeds the standard, and because no lot is less than 85% of the standard in the revised layout (all lots are at least 6,375 sq. ft.). *With regards to the lot width and size requirements, this criterion is met.*

The Hillside Overlay zone (12.04.100) requires a geotechnical report prior to 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.

At the initial hearing, staff raised issues with regards to the adequacy of the geotechnical report and requested supplemental information to meet various requirements of the Hillside Overlay Zone. Staff requested that the applicant add the following additional information:

- 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, especially along the southern edge of the extended NW Merle right-of-way;
- A general Erosion Control plan and recommendations;
- Geotechnical consideration of the revised retaining wall locations on the south versus north side of extended NW Merle; and
- Locations for the 11 geotechnical soil investigation sites should be shown on a plan.

In their revised submittal on February 24th, 2023, the applicant provided all the above missing information (Exhibits K.1 through K.5). A detailed 5-page Erosion Control (1200-C) Plan was provided, along with a revised geotechnical report which included the missing information. Written recommendations and a detailed preliminary landscape plan was provided, showing a near-continuous row of new shrubs and trees along the north edge of extended NW Merle, with existing trees and shrubs to be removed also identified. Consideration was given to the revised retaining wall design and locations, and the missing soil investigation sites were shown on a site plan.

There are no specific requirements in the Roseburg Municipal Code for permanent landscape plantings in the public right-of-way, with the exception of a Prohibited Street Tree List. The area where trees are to be planted is on the sloping north side of the extended NW Merle right-of-way, where the land slopes downhill to the back fence line of properties fronting onto NW Canterbury Drive. In some locations below each of the three new L-shaped street intersections, segments of sight-obscuring fence materials behind a row of new shrub plantings are also shown.

While the plantings as proposed would provide significant screening and buffering of the new roadway to the abutting neighbors, addressing some of the privacy concerns raised in public testimony, there is no RMC standard or approval criterion that would require the plantings. In addition, during construction there may be unanticipated conditions or issues that prevent the planting from being installed. Therefore, in order to provide for the ability to install the plantings while also recognizing it is not required, a condition of approval is necessary as follows: “The preliminary landscape plan from the applicant dated February 24, 2023 is approved and encouraged by staff. Plantings shall be installed and maintained as proposed to the greatest extent possible, unless written documentation is provided for the original subdivision case file showing that plantings cannot be installed as proposed from a registered engineer, architect, or either the Public Works or Community Development Directors”.

Therefore, the supplemental materials submitted by the applicant satisfy the geotechnical-related concerns raised in the original staff report. With a condition of approval as noted above regarding the plantings and their status, the geotechnical-related aspects of this criterion can be 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.*

With the two conditions of approval above regarding the plantings in the Merle right-of-way and referencing the Hillside Overlay Zone, this criterion is met.

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 met with Lot 9. Lots 1, 3 through 8 and 10 have at least 40' of street frontage. Lot 2 has the required 35' of frontage on the existing right-of-way along the south property line, as allowed in the Hillside Overlay Zone. *Because the street access standards are met, this criterion is met.*

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.

Public testimony supporting the renaming of adjacent NW Hopper Street into NW Merle was raised at the initial hearing and in subsequent neighbor letters. Although it may have helped wayfinding for some people seeking the other segment of NW Hopper to the north instead of the one adjacent to this site, the renaming proposal does not meet city standards. Streets in approximately the same north-south alignment are intended to carry the same name, which is the case with NW Hopper. In addition, there is one house already addressed on this segment of Hopper Street, and

a street sign is already in place. Staff does not support the re-naming of the adjacent section of NW Hopper Street into NW Merle Avenue.

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. *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.

In the revised preliminary subdivision plat map submitted by the applicant on February 24, 2023, the private driveway and access easements serving lots 2, 6 & 9 have been modified to extend directly up to the lots being served as required. *Therefore, this easement-related criterion is 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: In the revised preliminary subdivision plan presented by the applicant on February 24, 2023, and in line with concerns and comments identified by staff in the February 14th, 2023 staff report, the proposal meets all lot size specifications. All proposed lots are at least 60 feet wide and 80 feet deep. All individual lots are at least 7,500 square feet, with the exception of lot 7 (6,375 sq. ft.), lot 8 (7,144 sq. ft.) and lot 9 (6,375 sq. ft.). Having up to 30% of the lots be smaller than 7,500 sq. ft. is allowed, because the average lot size (7,790 sq. ft.) exceeds the standard, and because no lot is less than 85% of the standard in the revised layout (all lots are at least 6,375 sq. ft.). *This criterion is met.*

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 Section 12.04.100, 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 in 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

The applicant proposes to develop a new 10-lot subdivision in the R7.5 Zone with a Hillside Overlay Zone. After making modifications to the preliminary layout to meet all required lot size, access and easement standards, and with supplemental geotechnical and planting information as required submitted in the record, the relevant approval criteria and standards for the requested subdivision and variance have been satisfied.

V. ORDER

Based on the Findings of Facts, the City of Roseburg Planning Commission 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 February 24, 2023 (Exhibit K.3).
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. In no case shall the preliminary approval of any phase last longer than ten (10) years beyond the preliminary approval in compliance with Oregon Revised Statutes.
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).
8. The preliminary landscape plan from the applicant dated February 24, 2023 (Exhibit K.2) is approved and encouraged by staff. Plantings shall be installed and maintained as proposed to the greatest extent possible, unless written documentation is provided for the original subdivision case file showing that plantings cannot be installed as proposed from a registered engineer, architect, or either the Public Works or Community Development Directors.

Roseburg Urban Sanitary Authority Conditions:

9. 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.
10. 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.
11. 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:

12. 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.
13. 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:

14. 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, Section 18.5.1.6

15. 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.
16. 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.
17. 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:

18. 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.
19. 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
20. 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
21. 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
22. 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
23. 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.
24. 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.
25. 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:

26. Water Main extensions shall be designed by a licensed engineer in the state of Oregon RMC 5.04.040
27. Maximum design domestic flow velocity is 5 FPS, and 10 FPS for fire flow.

Public Works Conditions - Water System Master Plan:

28. 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.
29. 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

30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.

This preliminary subdivision and variance approval will become final fifteen (15) days from the date of this decision unless an appeal is filed, pursuant to RMC Section 12.10.010.V. Any review on appeal to the City Council will be based on the information already in the record, and subject to the procedural requirements of RMC Section 12.10.010.Y. If you have any questions, or wish to discuss the matter further, please feel free to contact the Community Development Department at (541) 492-6750 during normal business hours.

Daniel Onchuk, Planning Commission Chair

Date

Stuart Cowie, Community Development Director

Date

Planning Commission Member List:

Daniel Onchuk
Shelby Osborn
Andrew Blondell
Emily Brandt
Janelle James
Matthew Brady
Jaime Yraguen

INDOMITUS HEIGHTS SUBDIVISION

PRELIMINARY PUBLIC RIGHT-OF-WAY LANDSCAPE PLAN

LEGEND:








-  LIGHT OBSCURING FENCING WITH DRAUGHT RESISTANT - LOW MAINTENANCE EVERGREEN SHRUBS
-  "MEDIUM" DRAUGHT RESISTANT - LOW MAINTENANCE TREE
-  DRAUGHT RESISTANT - LOW MAINTENANCE SHRUBS
-  EXISTING TREES TO REMAIN
-  TREES TO BE REMOVED
-  SHRUBS TO BE REMOVED
-  SHRUBS TO REMAIN

EXHIBIT # K.2
SUB 22-001 & J-23-002

CITY OF ROSEBURG TREE PROGRAM REQUIREMENTS

	SMALL TREES	MEDIUM TREES	LARGE TREES
TREE SPACING	25'	40'	50'
MINIMUM PLANTING AREA WIDTH	4'	6'	8'
DISTANCE FROM INTERSECTIONS	50'	50'	50'
DISTANCE FROM FIRE HYDRANTS	10'	10'	10'
MINIMUM STREET VERTICAL CLEARANCE	15'	15'	15'
MINIMUM SIDEWALK VERTICAL CLEARANCE	9'	9'	9'

RECEIVED

FEB 24 2023

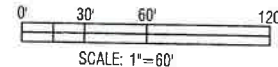
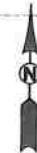
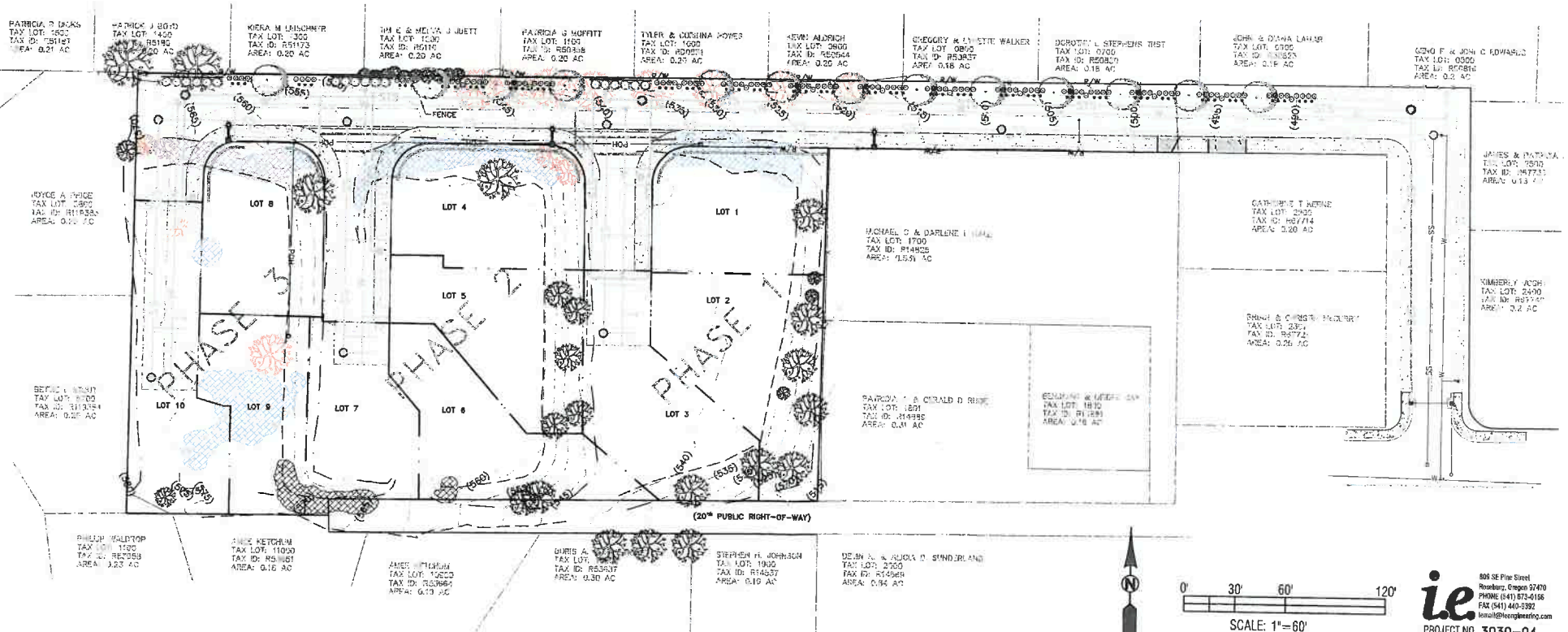
City of Roseburg
Community Development Department

TOTAL MEDIUM TREES PROVIDED: 13

PROHIBITED TREES: SEE ROSEBURG LUDR 12.06.030.T.3.d TABLE 3-8.

SHRUBS: PER LUDR 12.06.030.T.3.d.iv, SHRUBS SHALL NOT BE INSTALLED WITHIN FOUR (4) FEET OF A TREE TRUNK NOR WITHIN THREE (3) FEET OF A FIRE HYDRANT

SCREENING: PER LUDR 12.06.030.T.5, SCREENING SHALL CONSIST OF EITHER ONE (1) ROW OF EVERGREEN SHRUBS AT LEAST SIX (6) FEET IN HEIGHT AT THE TIME OF INSTALLATION. EVERGREEN PLANTINGS SHALL INCLUDE AT LEAST FIVE (5) FIVE-GALLON SHRUBS OR TEN (10) ONE-GALLON SHRUB FOR EACH 100 LF OF REQUIRED SCREENING AREA.



ie
808 SE Pine Street
Roseburg, Oregon 97470
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FAX: (541) 440-3392
www@ieengineering.com

PROJECT NO. 3030-04
DWG BY: KWL

Feb. 24, 2023 Z:\WORK\3030-Bobby Cayer Construction\3030-04 Indomitus Heights\DESIGN\0300-04_LANDSCAPE.dwg KWL

INDOMITUS HEIGHTS SUBDIVISION

PRELIMINARY SITE PLAN

PROPERTY INFORMATION:

NE 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:

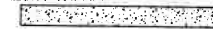

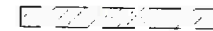
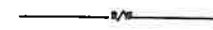
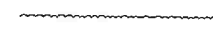
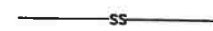
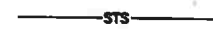
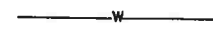
CRAIG FERBER
C/O BOBBY JR & JASMINE GEYER
640 STRICKLAND CANYON RD
ROSEBURG, OR 97471

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:

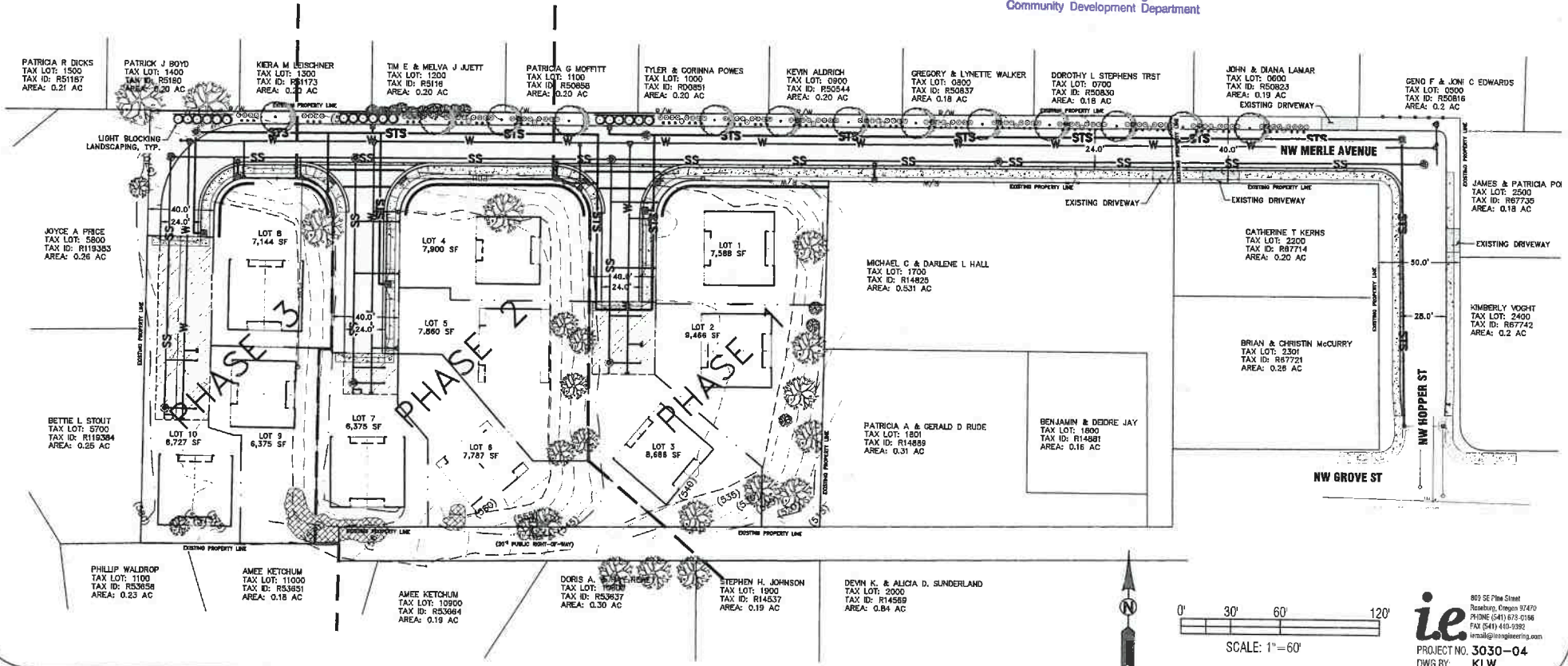
BUILDING AREA: ACTUAL TBD.
REPRESENTED FOOTPRINT: 9- 2-STORY, 3 BDRM, 2 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,650 SF. 2- 2-STORY, 1 BDRM, 1 BATH UNIT WITH A SINGLE CAR GARAGE FOR AN APPROX TOTAL AREA OF 1,000
TOTAL UNITS: 20

-  NEW CONCRETE SIDEWALK
-  NEW AC ROADWAY
-  35° ACCESS AND UTILITY EASEMENT
-  RIGHT OF WAY
-  LANDSCAPE AREA
-  NEW SANITARY SEWER
-  NEW STORM SEWER
-  NEW WATER

RECEIVED

FEB 24 2023

City of Roseburg
Community Development Department



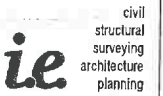
Feb 24, 2023 2:\008\3030-Bobby Geyer-Drawn\sheet\3030-04-Indomitus Heights\AREA\3030-04-DCS01.dwg Kristin W

ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE: (541) 673-0196
FAX: (541) 410-0392
Email: ie@ieengineering.com
PROJECT NO. 3030-04
DWG BY: KLV

INDOMITUS HEIGHTS SUBDIVISION

1200C - EROSION & SEDIMENT CONTROL PLAN

EXHIBIT # K.1
SUB 22-001 & U-23-002



i.e. Engineering, Inc.
809 SE Pine St.
Roseburg, OR
ieengineering.com



EXPIRES: 12.31.2024

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FEB 24 2023

City of Roseburg
Community Development Department



VICINITY MAP
NTS

ATTENTION EXCAVATORS

OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES FROM THE CENTER BY CALLING 503-232-1987. IF YOU HAVE ANY QUESTIONS ABOUT THE RULES, YOU MAY CONTACT THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL 800-332-2344.

RATIONALE STATEMENT

A COMPREHENSIVE LIST OF AVAILABLE BEST MANAGEMENT PRACTICES (BMP) OPTIONS BASED ON DEQ'S GUIDANCE MANUAL HAS BEEN REVIEWED TO COMPLETE THIS EROSION AND SEDIMENT CONTROL PLAN. SOME OF THE ABOVE LISTED BMP'S WERE NOT CHOSEN BECAUSE THEY WERE DETERMINED TO NOT EFFECTIVELY MANAGE EROSION PREVENTION AND SEDIMENT CONTROL FOR THIS PROJECT BASED ON SPECIFIC SITE CONDITIONS, INCLUDING SOIL CONDITIONS TOPOGRAPHIC CONSTRAINTS, ACCESSIBILITY TO THE SITE, AND OTHER RELATED CONDITIONS, AS THE PROJECT PROGRESSES AND THERE IS A NEED TO REVISE THE ESC PLAN, AN ACTION PLAN WILL BE SUBMITTED.

ASBESTOS SPECIAL NOTE

MATERIALS CONTAINING ASBESTOS MAY BE PRESENT IN UNDERGROUND PIPE SYSTEMS. ALL APPROPRIATE FEDERAL, STATE, COUNTY AND MUNICIPAL RULES, REGULATIONS AND GUIDELINES MUST BE FOLLOWED WHEN WORKING WITH ASBESTOS-CONTAINING MATERIAL. NONFRIABLE MATERIAL MUST BE HANDLED, TRANSPORTED AND DISPOSED OF IN A WAY THAT PREVENTS IT FROM BECOMING FRIABLE AND RELEASING ASBESTOS FIBERS. IF AC PIPE IS SHATTERED, DAMAGED OR BADLY WEATHERED, IT IS CONSIDERED TO BE FRIABLE AND WILL LIKELY RELEASE ASBESTOS FIBERS. DEQ LICENSED ASBESTOS ABATEMENT CONTRACTOR USING DEQ CERTIFIED WORKERS MUST REMOVE ALL FRIABLE ASBESTOS MATERIAL. ANY AND ALL PERMITS AND FEES THAT ARE REQUIRED BY THE DEQ, DOUGLAS, COUNTY AND ANY OTHER REGULATORY AGENCY MUST BE OBTAINED BY THE CONTRACTOR PRIOR TO DISPOSING OF THE ASBESTOS CONTAINING MATERIAL. FOR INFORMATION ABOUT ASBESTOS RULES, CONTACT THE DEQ WESTERN REGION OFFICE IN MEDFORD, OREGON.

DISCLAIMER

LOCATIONS FOR THE GAS, POWER, PHONE, AND CABLE TV UTILITIES WERE DESIGNED AND PROVIDED BY OTHERS. I.E. ENGINEERING DID NOT DESIGN OR OBSERVE THE INSTALLATION OF THESE UTILITIES AND DOES NOT WARRANT THE "AS-BUILT" CONDITION, LOCATION, OR MAPPING ACCURACY REGARDING SUCH UTILITIES.

SHEET INDEX

- EC.1 ESCP COVER SHEET
- EC.2 DEMO, CLEARING, GRADING AND LAND DEVELOPMENT PLAN
- EC.3 ROAD, UTILITY AND VERTICAL CONSTRUCTION PLAN
- EC.4 FINAL LANDSCAPING AND SITE STABILIZATION PLAN
- EC.5 STANDARD EROSION CONTROL DETAILS

DEVELOPER

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

ENGINEER

I.E. ENGINEERING
CONTACT: ALEX M PALM, PE
809 SE PINE STREET
ROSEBURG, OR 97470
PHONE: 541-673-0166
FAX: 541-440-9392

PROJECT LOCATION

MERLE AVE
ROSEBURG, OR 97471

PROJECT ZONING

TRACT: T27S R16W SEC15 TL11300
PROPERTY ID.: R106B1
ZONE: R7.5 SINGLE FAMILY RESIDENTIAL

RAIN GAUGE

LOCATION: ROSEBURG REGIONAL AIRPORT - ROSEBURG, OR

RECEIVING WATER BODIES

SOUTH UMPQUA RIVER - LOOKINGGLASS CREEK TO CONFLUENCE WITH UMPQUA RIVER

PERMITEE'S SITE INSPECTOR

Contact: BOBBY GEYER
Phone: 1.541.430.7567
Email: bobbygeyerconstructioncorp@hotmail.com
Certification: 81803
Expires: 08.02.2022

EXISTING SITE CONDITIONS

SITE IS LOCATED ON THE WEST SIDE OF ROSEBURG IN THE HUCCST DISTRICT OFF OF CALKINS ST. THE LOT HAS 3 EXISTING PAD, AN EXISTING ABANDONED STRUCTURE, HEAVY VEGETATION WITH SOME TREES AND A EXISTING GRAVEL ACCESS DRIVE.

DEVELOPED CONDITIONS

THE PROJECT WILL ADD AND ADDITIONAL 8 NEW SINGLE-FAMILY DUPLEX LOTS. NEW CONSTRUCTION WILL INCLUDE, EXCAVATION, UTILITIES, GRADING, AND PAVING.

FINAL STABILIZATION MEASURES/SEEDING NOTES

BLM MIXTURE:
THE BLM MIXTURE IS A COMBINATION OF PERENNIAL RYEGRASSES. THIS IS A GREAT OPTION FOR EROSION CONTROL GRASS. THE ANNUAL RYEGRASS ESTABLISHES QUICKLY, WHILE THE PERENNIAL VARIETY GIVES LONGEVITY.

FORMULATION: 60% PERENNIAL RYEGRASS, 40% ANNUAL RYEGRASS.
SEEDING RATE: 30-40 LBS/ACRE

GENERAL EROSION CONTROL NOTES

1. SEE THE EROSION & SEDIMENT CONTROL PLAN MANUAL FOR:
 - 1.1. INSPECTION FREQUENCY
 - 1.2. OREGON DEQ 1200-C STANDARD NOTES.

LEGEND

(ELEV.) ELEV.	EXISTING ELEV.	EXISTING CURB INLET (CI)
---	NEW ELEV.	NEW CURB INLET (CI)
---	SAW CUT	EXISTING CATCH BASIN (CB)
---	EXISTING CABLE TV	NEW CATCH BASIN (CB)
---	EXISTING EDGE OF AC OR GRAVEL	CLEANOUT
---	EXISTING POWER (OVERHEAD)	GUY WIRE
---	EXISTING POWER (UNDERGROUND)	GAS METER
---	NEW UNDERGROUND (TV, POWER, PHONE)	EXISTING FIRE HYDRANT
---	EXISTING GAS	NEW FIRE HYDRANT
---	EXISTING RIGHT-OF-WAY	LANDSCAPING
---	NEW RIGHT-OF-WAY	EXISTING VALVE
---	EXISTING FENCE	NEW VALVE
---	NEW FENCE	EXISTING MANHOLE (MH)
---	EXISTING WATER	NEW MANHOLE (MH)
---	NEW WATER	POWER POLE
---	EXISTING STORM SEWER (STS)	PHONE PED
---	NEW STORM SEWER (STS)	EXISTING LIGHT POLE
---	EXISTING SANITARY SEWER (SS)	NEW LIGHT POLE
---	NEW SANITARY SEWER (SS)	MAIL BOX
---	EXISTING PRESSURE SEWER (PS)	EXISTING WATER SERVICE
---	NEW PRESSURE SEWER (PS)	NEW WATER SERVICE
---	EXISTING FORCE MAIN (FM)	BLOWOFF
---	NEW FORCE MAIN (FM)	CABLE TV PED (TV)
---	SILT FENCE (S-F)	
---	NEW ELECTRICAL CONDUIT	
---	TOP OF CURB	
---	ASPHALT	
---	BACK OF WALK	
---	FINISH GRADE	
---	FINISH FLOOR	
---	ORIGINAL GROUND	
---	TOP OF WALK	

Rev.	Date	Dwg	Description

INDOMITUS HEIGHTS SUBDIVISION
MERLE AVE
ROSEBURG, OR 97471
ESCP COVER SHEET
SCALE: NONE
FEBRUARY 20, 2023
ISSUE FOR PERMIT
PROJECT NO. 2306-04
DRAW: R/W
CHK: AMP
2:\WORK\2023-Roseby Geyer Construction\1200-C Indomitus Heights\ESCP\1200C-04-1200C.dwg


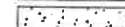

EC.1

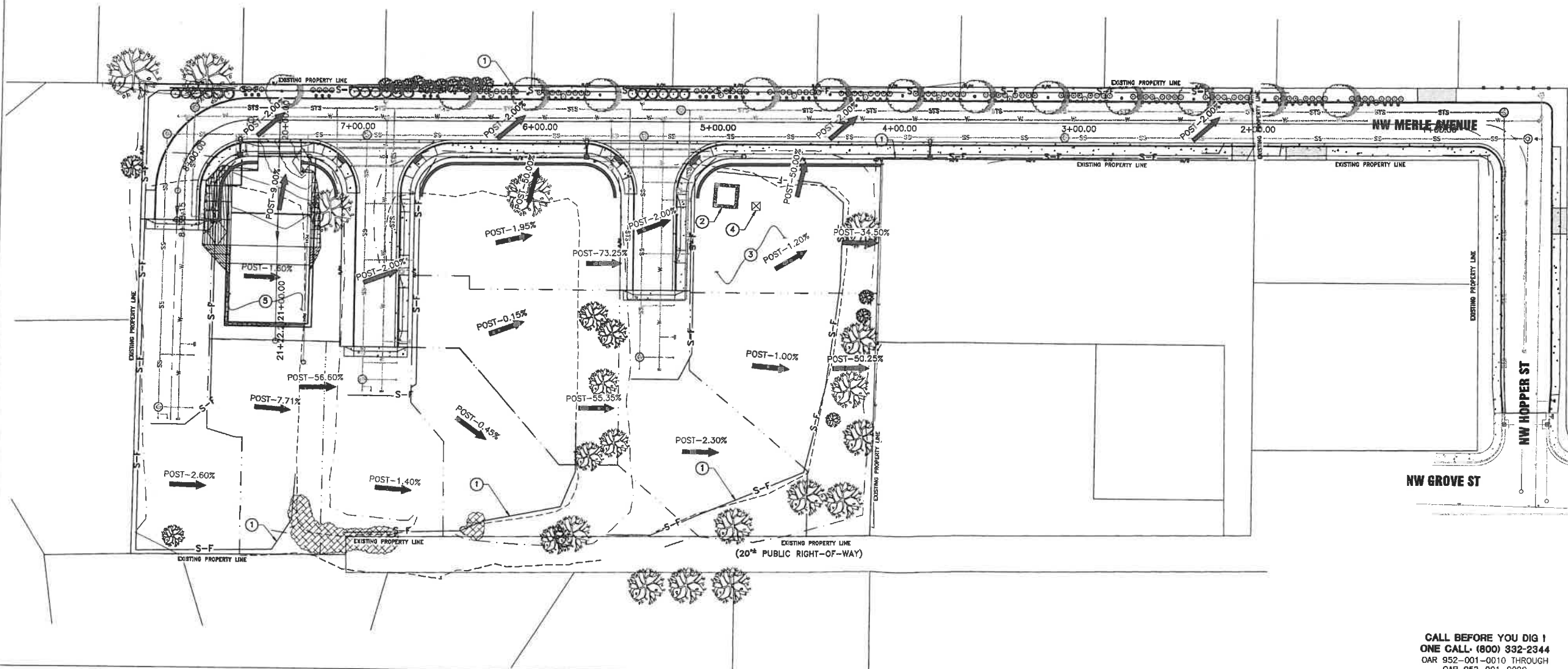
CALL BEFORE YOU DIG 1
ONE CALL (800) 332-2344
OAR 952-001-0010 THROUGH
OAR 952-001-0090

KEYED UTILITY, STREET AND VERTICAL CONSTRUCTION EROSION CONTROL NOTES #

1. REMOVE, INSTALL OR MAINTAIN SILT FENCE AS NEEDED PER DETAIL. (2/EC.3)
2. POLLUTANT GENERATING ACTIVITY: CONCRETE WASTEWATER
 MAINTAIN CONCRETE WASHOUT PER DETAIL (3/EC.3) CONTRACTOR TO DETERMINE LOCATION.
3. POLLUTANT GENERATING ACTIVITY: FUELING & OILING EQUIPMENT.
 CONTRACTOR TO LOCATE FUELING & OILING OPERATIONS AS REQUIRED PER 1200-C PERMIT & SPCC PLAN.
 CONTRACTOR TO HAVE SPILL CONTAINMENT KIT AVAILABLE NEAR OPERATION.
4. MAINTAIN SANITARY FACILITIES. CONTRACTOR TO LOCATE.
5. POLLUTANT GENERATING ACTIVITY:
 PAINTING, SOLVENTS
 CAULKING, SEALING
 STRIPING
 STORE MATERIAL ON DOUBLE CONTAINMENT INSIDE STORAGE CONTAINER OR NEW STRUCTURE, IF STORED ONSITE.
 CONTRACTOR TO SIZE DOUBLE CONTAINMENT PER FEDERAL REQUIREMENTS.
 CONTRACTOR TO DISPOSE OF MATERIAL WASTE & CLEANING WASTE WATER PER D.E.O. & FEDERAL REQUIREMENTS.

LEGEND

-  NEW LIGHT DUTY AC
-  NEW CONCRETE
-  DIRECTION OF RUN-OFF & POST CONSTRUCTION SLOPE



civil
structural
surveying
architecture
planning

Lx. Engineering, Inc.
803 SE Pine St
Roseburg, OR
lexengineering.com

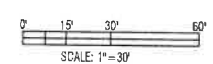


Rev.	Date	Dwg	Description

INDOMITUS HEIGHTS SUBDIVISION
 MERLE AVE
 ROSEBURG, OR 97471
ROAD, UTILITY AND VERTICAL CONSTRUCTION PLAN
 SCALE: AS SHOWN
 FEBRUARY 20, 2023
 ISSUE FOR PERMIT
 PROJECT NO. 3000-04
 DRW: RLW
 CHK: AMP

EC.3

CALL BEFORE YOU DIG!
 ONE CALL (800) 332-2344
 OAR 952-001-0010 THROUGH
 OAR 952-001-0090

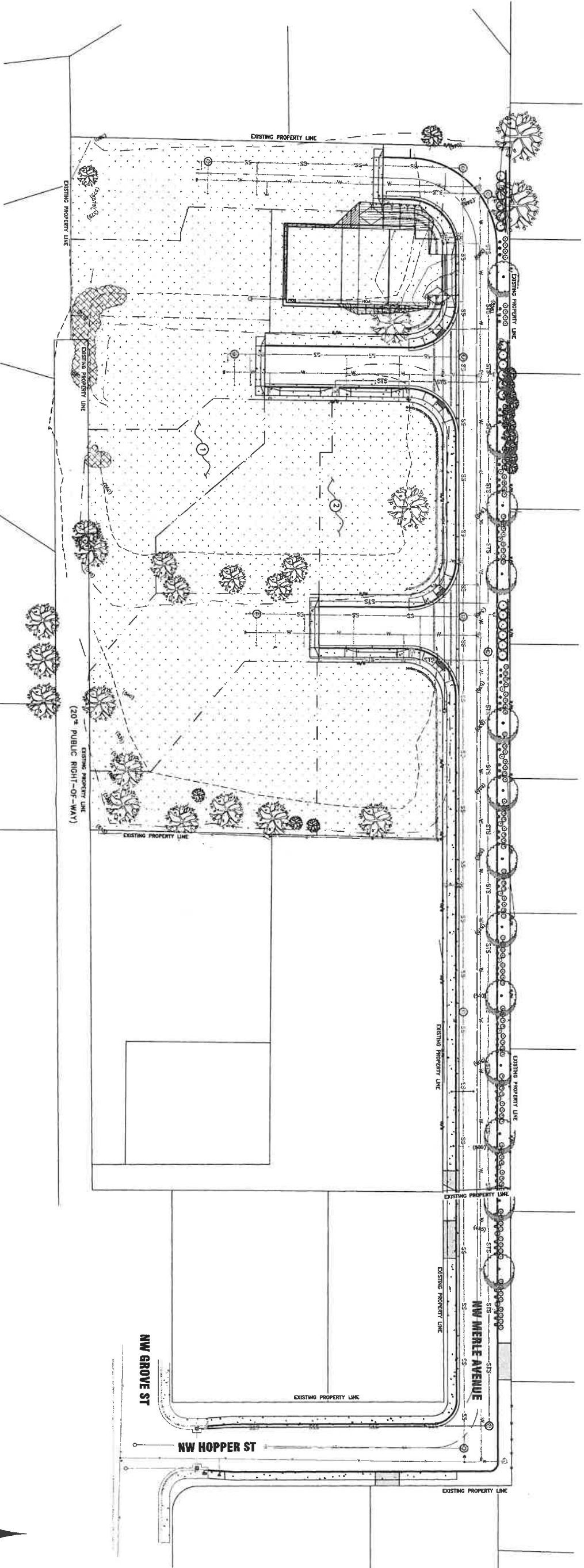


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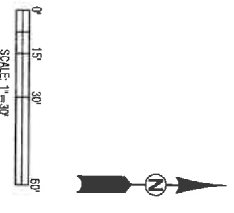
KEYED FINAL LANDSCAPING AND STABILIZATION EROSION CONTROL NOTES

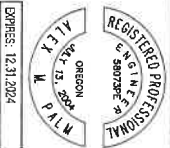
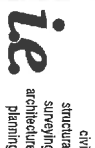
1. INSTALL LANDSCAPE & IRRIGATION PER APPROVED PLANS.
2. ONCE LANDSCAPE IS ESTABLISHED, REMOVE ALL BMP'S.

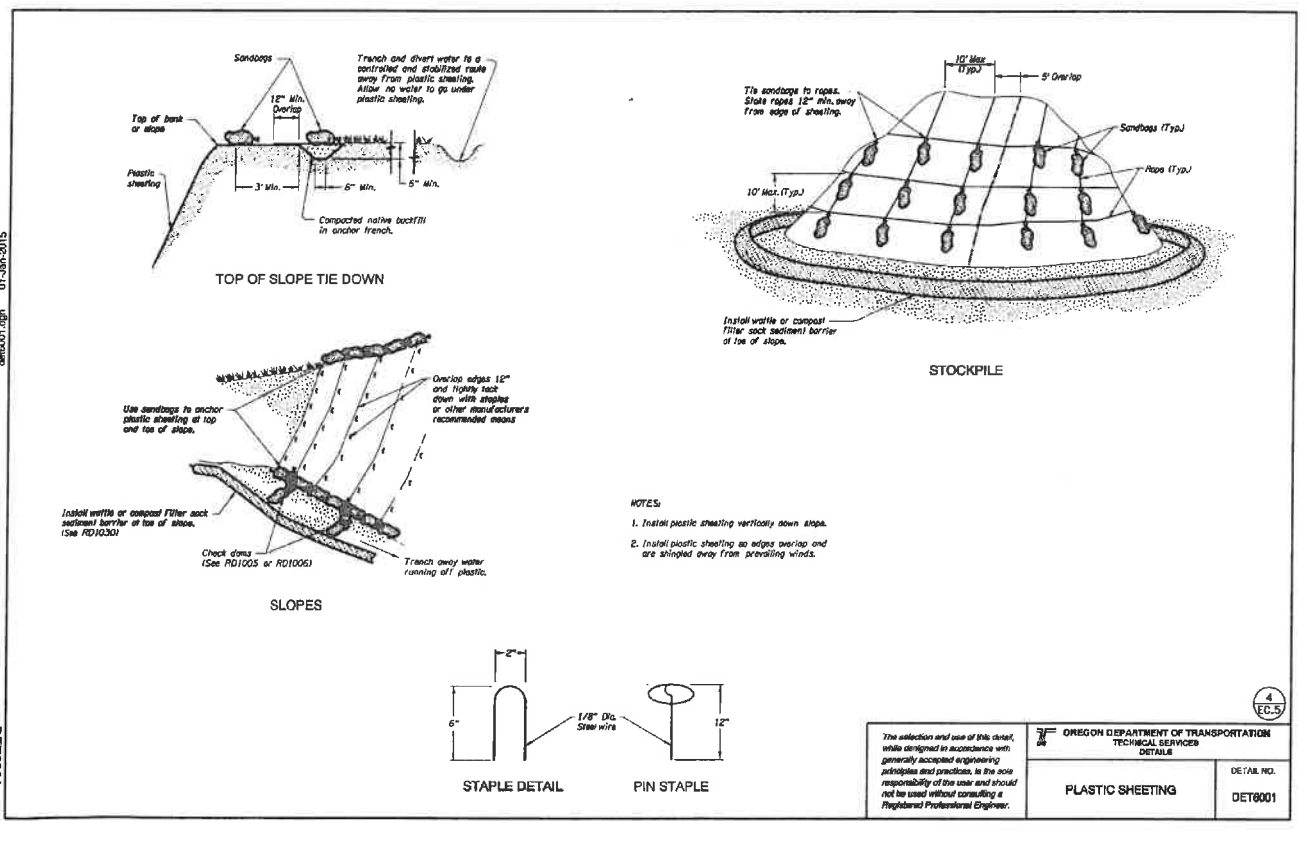
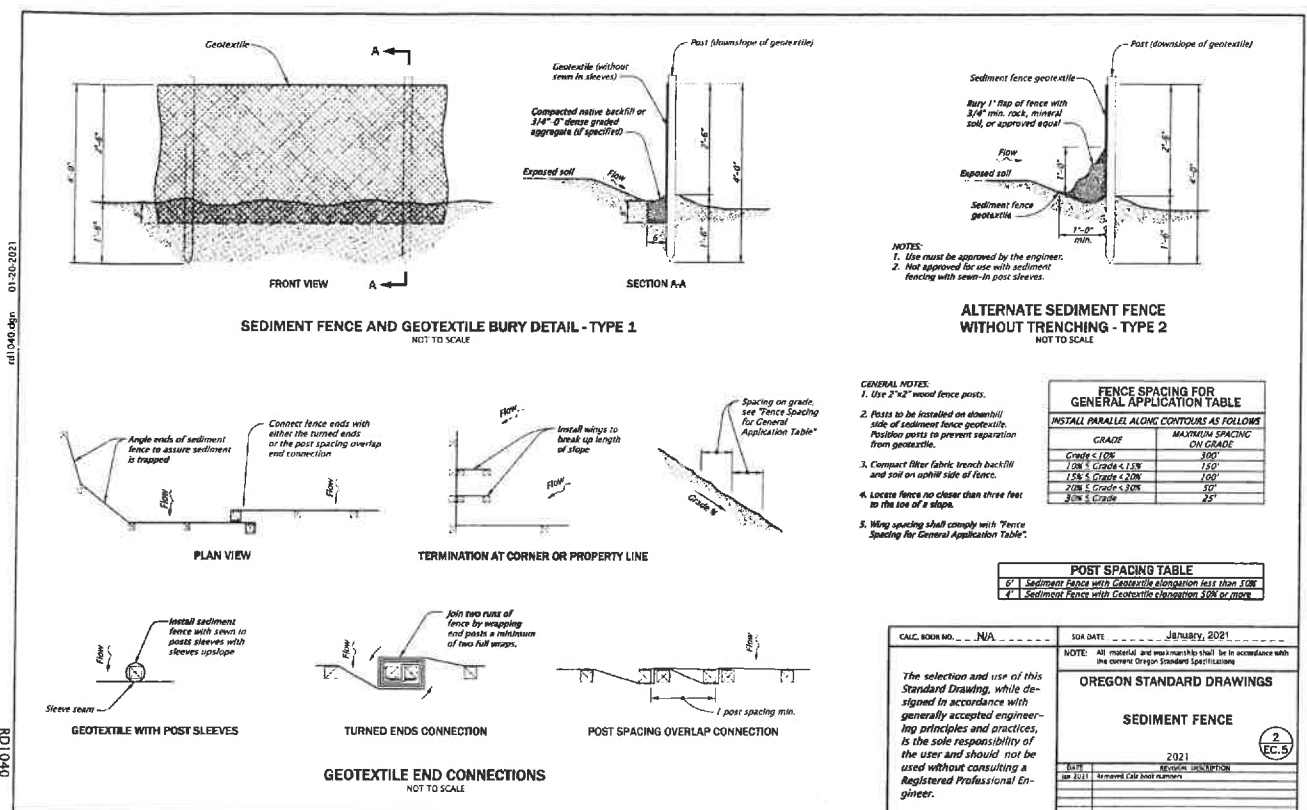
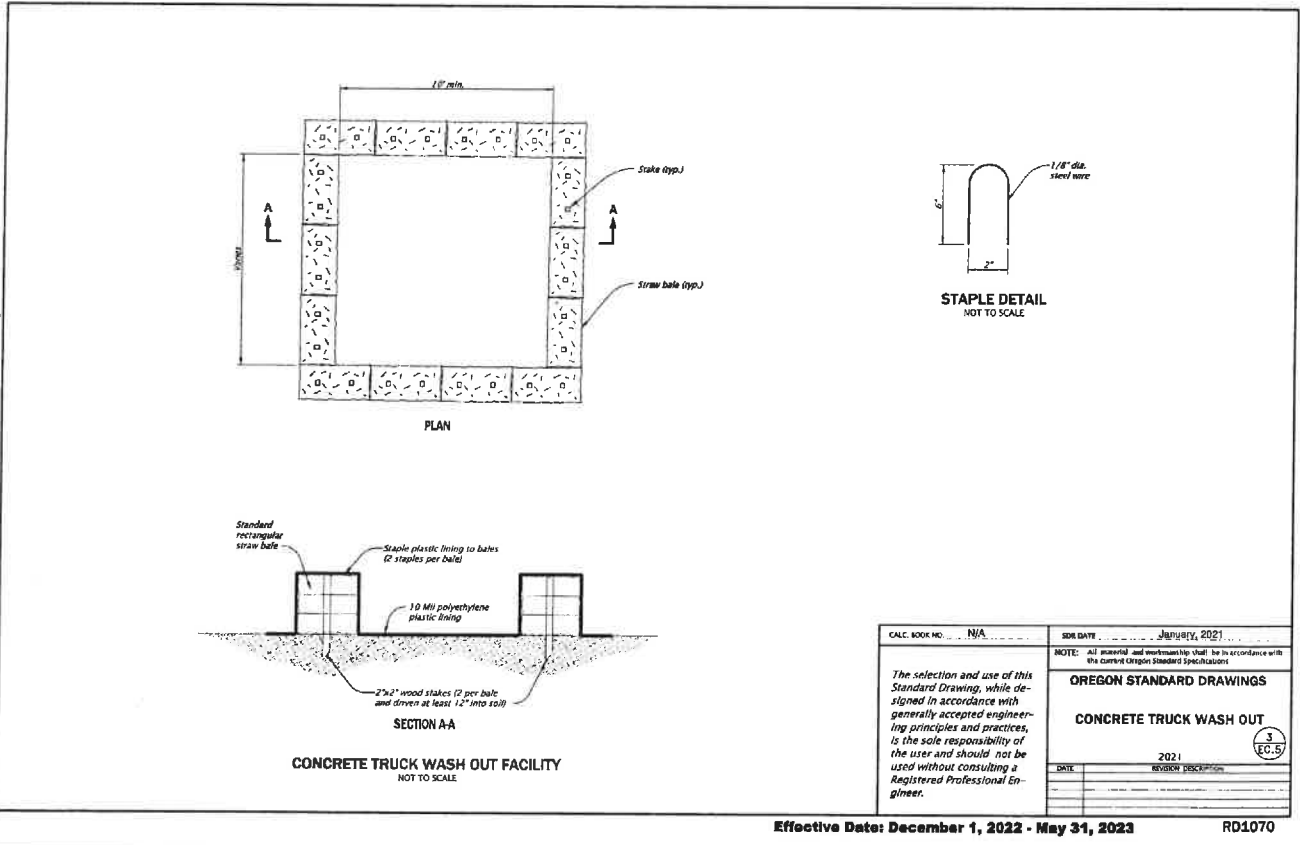
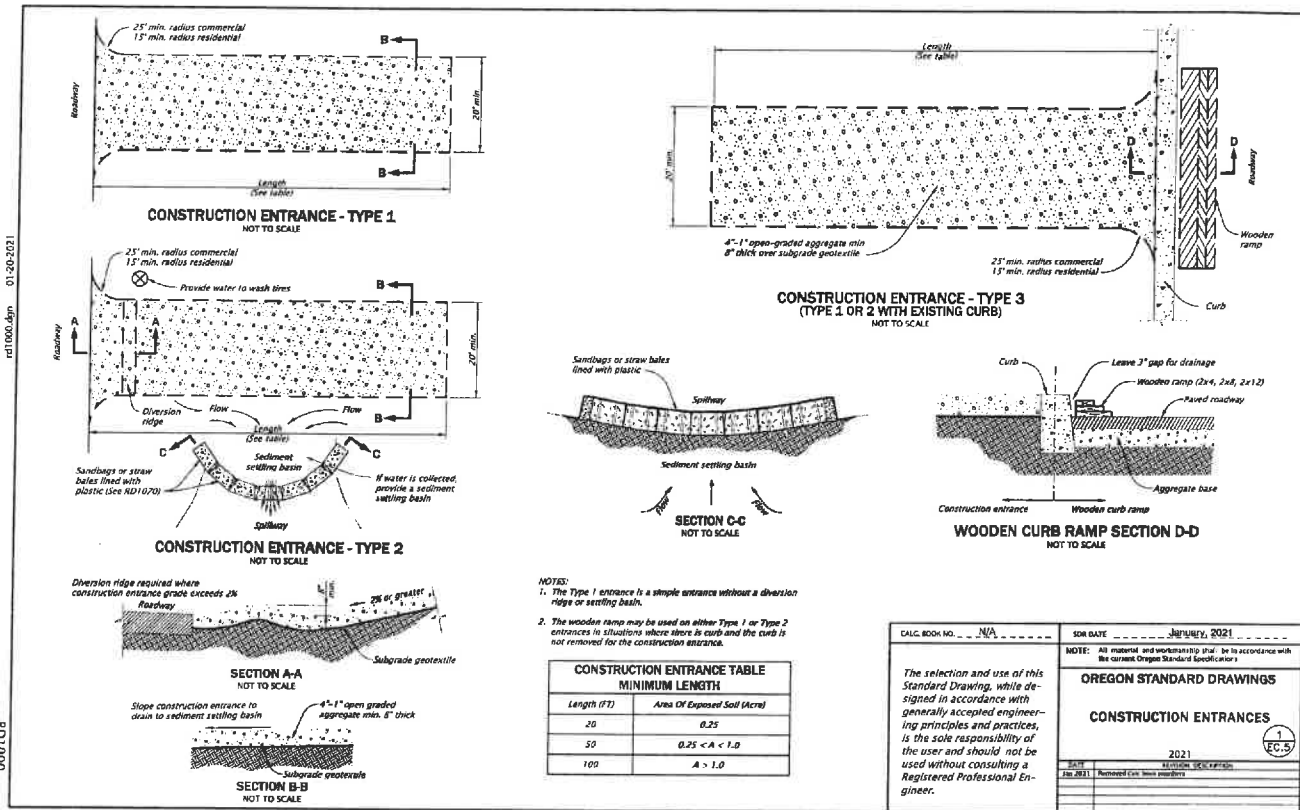
LEGEND
 SEEDED AREAS (1.40E ACRES)



CALL BEFORE YOU DIG!
 ONE CALL (800) 332-2344
 OAR 952-001-0010 THROUGH
 OAR 952-001-0090

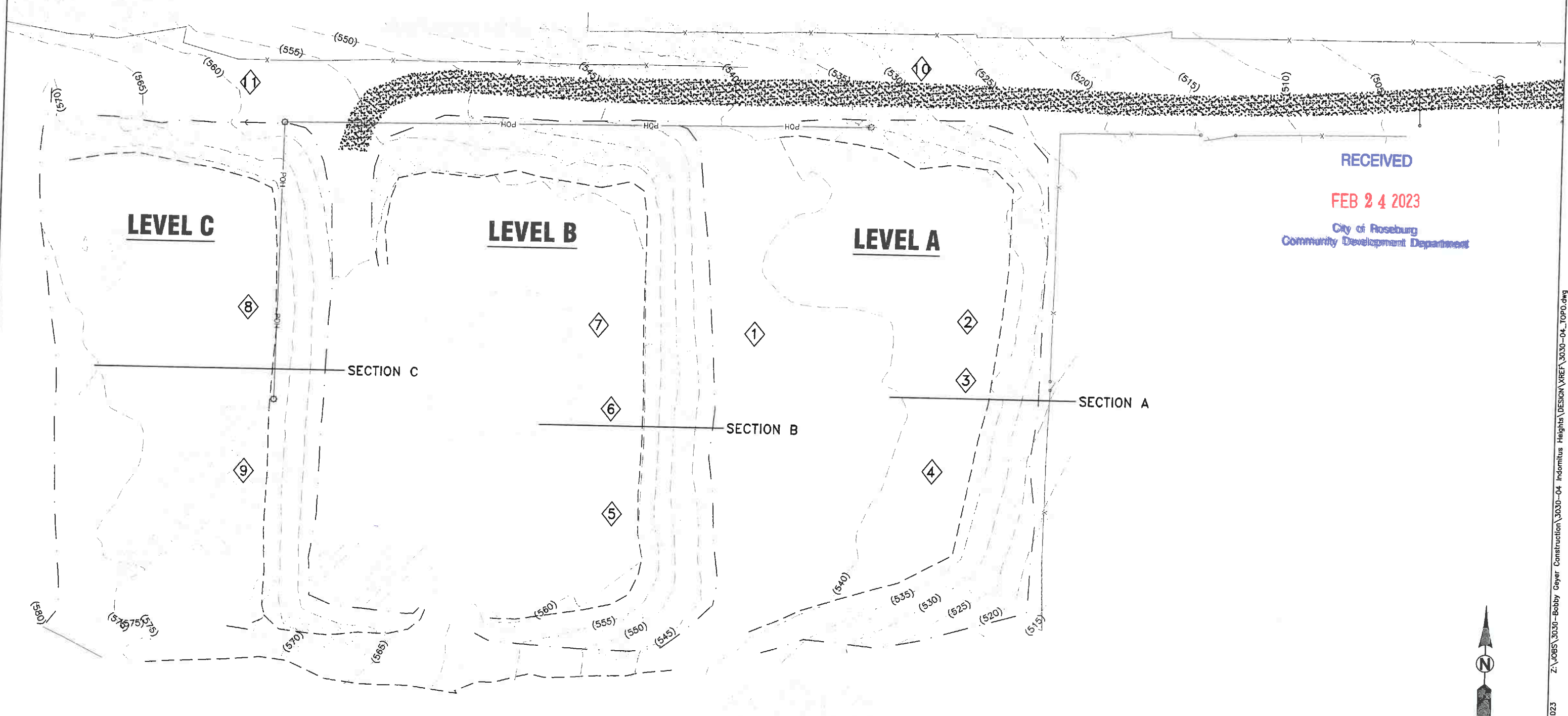


<p>EC.4</p>	<p>INDOMITUS HEIGHTS SUBDIVISION</p> <p>MERLE AVE ROSEBURG, OR 97471</p> <p>FINAL LANDSCAPING AND SITE STABILIZATION PLAN</p> <p>SCALE: AS SHOWN PROJECT NO. 3030-04 FEBRUARY 20, 2023 DRW: K.L.W. ISSUE FOR PERMIT CHK: AMP</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">Rev.</th> <th style="width: 5%;">Date</th> <th style="width: 5%;">Dwg</th> <th style="width: 85%;">Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Rev.	Date	Dwg	Description																		 <p>ie structural surveying architecture planning</p> <p>14 Engineering, Inc. 609 SE 7th St Roseburg, OR info@iepa.com</p>
	Rev.	Date	Dwg	Description																				
2:_088\3030-Bobby Geyer Construction\3030-04 Indomitus Heights\DESIGN\CA00\3030-04 1200C.dwg																								

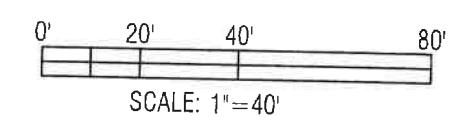


Rev.	Date	Dwg	Description

GEO TECH TEST PIT LOCATIONS



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FEB 24 2023
City of Roseburg
Community Development Department



ie
809 SE Pine Street
Roseburg, Oregon 97470
PHONE (541) 673-0166
FAX (541) 440-9392
email@ieengineering.com
PROJECT NO. 2584-08
DWG BY: KLV

EXHIBIT # K.S

SUB-22-001 & U-23-002

ENGINEERING REPORT

Amended 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: **February 27, 2023**



Exp. 12/2023

AMENDED REPORT

This amended report contains a set of corrections, clarifications and updates to the original geotechnical engineering report: "*Geotechnical Engineering Assessment & Development Recommendations, Merle Ave. Subdivision – Indomitus Heights, Tax Lot 11300, Roseburg, Oregon*", submitted on August 26, 2022. The amendment reflect items presented in the summary notes from a public meeting on February 21, 2023, as well as points made in: "Findings of Fact" by the Roseburg Planning Commission, Exhibit A.

The following, identified items and issues related to the geotechnical and environmental engineering assessment were:

- Revised location of the retaining wall along NW Merle Ave.
- Tree management across the development.
- Erosion and Erosion Control Plan.
- Locations of investigation sites.
- Slope stability, erosion and drainage concerns of people from the neighboring properties.

The above items are incorporated into the following report where appropriate.

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.

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 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 is 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 EVALUATION

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 range between $\frac{1}{4}$ to $\frac{1}{2}$ 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

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 undergo 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.

Slope Stability & Vegetation

An inventory, removal and preservation plan and utilization of trees to aid slope stabilization was also identified as important in the development of the property.

A "Preliminary Public Right-of-Way Landscape Plan" has been prepared by the "i.e. Engineering, Inc." The plan calls for removal of primarily small trees and shrubs to be removed from across the development area, as well as from the Public Easement along the north side of the NW Merle Ave. The plan envisions maintaining most of the shrubs and small trees along the constructed slopes between the building benches.

In the evaluation of the slope stability across the property – see the Geotechnical Engineering Report from August 26, 2022 – the effects of small trees and shrubs on the overall stability was also assessed. The analysis indicated that the small trees and shrubs have insignificant effect on the overall slope stability, primarily because of the incompatibility of the "modulus of elasticity" between the soil/rock and the root system. There is some limited benefit in the control of surface erosion across steeper slopes across the development.

Establishment and maintenance of trees across the development will be difficult, as evidenced by the lack of existing vigorous vegetation across the decades-old, excavated property. The primary reasons are: a) shallow, clayey soil layer, b) southerly oriented, dry slope, c) shallow bedrock, d) lack of water during the dry period of time.

Slope Stability and Drainage Concerns

Public comments from the owners of the neighboring properties related to the proposed Merle Ave. development included concerns about: "Ground movement, slowly moving landslides and underground springs".

The planned development is located in an area of geologically stable morphology, characterized by very shallow clayey soil and no evidence of perennial springs. This morphology is characteristic of the entire Hucrest and adjacent areas. In those areas, the excavated slopes are stable from deep-seated movement, displaying few, if any, perennial springs along the exposed, excavated cut slope faces.

RECOMMENDATIONS FOR DEVELOPMENT

A. Site Grading

Evaluation

In order to accommodate the proposed access traveled way (24 ft) and the sidewalk (5 ft), some widening of the existing road prism will be undertaken. The widening will occur exclusively along the south, cut bank, side of the existing road.

The excavation, slope stabilization and erosion protection will be accomplished according the Oregon Structural Specialty Code (OSSC), Appendix J, Grading, that specifies all engineering aspects of the design and construction in a hillside terrain. The governing building code outlines acceptable practices related to design and construction of cut and fill slopes, setbacks, drainage and erosion.

The Project Planner and Engineer, "i.e. Engineering, Inc.", has identified three specific road segments that require a construction of a retaining wall. This special engineering design is needed approximately between Sta. 4+00 and 5+20, Sta. 5+60 and Sta. 6+60, and Sta. 7+10 and Sta. 7+30, a total of 240 l.f. This walls will be approximately 8 ft high. See "Indomitus Heights Retaining Wall Exhibit", prepared by the "i.e. Engineering, Inc."

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

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%, at 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;

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

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

Haugen
1612 NW Troost Street
Roseburg, OR 97471
541-672-4983
16 February, 2023

cc applicant 2/23

RECEIVED

FEB 22 2023

City of Roseburg
Community Development Department

EXHIBIT # K.6

SUB 22-001 & V-23-002

Roseburg Community Development Department
900 SE Douglas Avenue
Roseburg, OR 97470

Dear Gentlemen/Mesdames:

I am writing in reference to Proposed Subdivision and Variance Hearing, File No. SUB -22-001 and V-23-002, regarding the property at 2240 NE Merle Avenue in Roseburg. The application for variances would allow Mr. Alex Palm of i.e. Engineering, Inc., to construct 10 duplex multifamily dwellings on the property in question. As a resident downhill from this proposed construction, I have some concern.

Storm run-off from a property with ten roofs and 10-20 driveways would pose a problem for those of us downhill. Has the plan for this property addressed storm run-off? We have already struggled with the runoff from the hill overwhelming our current French drain. In addition, the property up hill has a leach field that captures the runoff and sends it down to us.

And what of the potential of land slide from the ground work on the development of that property? I don't envision it reaching my property, but what of those downhill and closer than I?

Merle is too narrow to accommodate fire trucks, as testified by the loss of the home that left the property vacant. The variance application asks for an "overlay" from 60-40 feet for Merle. That means that Merle would continue to have less right-of-way than the standards for this neighborhood. Rumor has it that the prior owner, who lost her home to fire on that property, was denied the right to re-build unless she would have widened Merle, an expense her insurance wouldn't cover. Would it be safer to have a 40 foot rather than 60 foot avenue for the residents of 20 homes to vacate property on fire or to get rather cumbersome fire trucks on Merle in a timely fashion to fight fire? What about when there are vehicles parked everywhere from 20 residences?

I would ask the Community Development Department to consider carefully the variances requested.

Sincerely,



Maureen McCurdy Haugen, EdD
Homowner, 1612 NW Troost Street
Roseburg, OR 97471

Mark Moffett

From: Gregory Walker <lynngreg90@gmail.com>
Sent: Tuesday, February 28, 2023 1:08 PM
To: Mark Moffett
Subject: Merle Subdivision

RECEIVED

FEB 28 2023

City of Roseburg
Community Development Department

cc applicant 2/28

SUB 22-001 & V-23-002

Mark,

After last week's hearing regarding the subdivision and variance application at 2240 NW Merle, it appears the variance will be granted and the work will start on the subdivision. I know there are a number of hoops for the developers to jump through, but it feels like a done deal.

I must admit I'm getting used to the idea, maybe even looking forward to watching the progress. That being said, I'm still concerned about the yellow flags which were raised by the soils test. The amount of fill and the possible presence of an old septic leach field are going to be a challenge. Let's hope all turns out well.

As I mentioned at the hearing, this piece of property deserves a quality and well planned subdivision. With your help I believe that can be accomplished. I look forward to seeing the revised staff report.

Thanks for your help,

Thanks,
Greg Walker
2235 NW Canterbury Drive
Roseburg, Or 97471

rec'd + cc applicant at:

EXHIBIT # K.8

SUB 22-001 & U-23-002

Mark Moffett

RECEIVED

FEB 28 2023

City of Roseburg
Community Development Department

From: Tim Juett <timjuett@hotmail.com>
Sent: Monday, February 27, 2023 4:57 PM
To: Mark Moffett
Subject: Re: 2240 NW Merle Property

Hi Mark. I would like to address a couple of issues regarding the 2240 NW Merle property:

1. I am hoping that all of the trees near the North edge of the the new road adjacent to the NW Canterbury Dr properties will remain, as the residents have a lot of concerns about the stability of their adjacent properties.

2. May I have the name and email address of the city attorney, so that I may find-out what my eminent domain rights are for the 30 years of maintaining the property north of the currently established fence, and if I can request some kind of usual compensation from the new owner for what has been my functional property for 30 years of planting, mowing, weeding, tree-trimming, and enjoyment?

From my years-ago college classes, I am aware of Oregon granting eminent domain rights in these cases, but law may very well have changed since then. Can you help me get connected with the city attorney regarding this issue?

Thank you, Tim Juett
541-680-0630

RECEIVED

MAR 03 2023

Diana Lamar
2165 N.W. Canterbury Dr.
Roseburg, Oregon

EXHIBIT # L (L.1 through L.3)
SUB 22-001 & V-23-002

RE: City of Roseburg Planning Commission meeting on Tuesday February 21, 2023
Public Hearing: SUB-@@-001 V-23-002

L.1

Dear Planning Commission: Daniel Onchuck, Andy Blondell, Matt Brady,
Emily Brandt, Janelle James, Shelby Osborn, Jaime Yraguen.

I am writing to you in rebuttal to the meeting that was held last week on the Merle Street project proposed by Mr. Palm from IE Engineering and Bobby Geyer from Geyer Construction.

I am asking that you please take a more thorough look at what this means to the citizens in this small community at the end of this road. We are a community of six homes. Two on the corner of Hopper and Calkins, two on the 90-degree corner on Merle Street, our home (that has double frontage on Merle St), and the home at the top of the road before it becomes the driveway up to the property purchased by Mr. Geyer.

These are the families that will be directly impacted by the proposed investment project by Mr. Palm and Mr. Geyer.

They have proposed that this road be expanded to 24 feet wide with a 5-foot sidewalk.

I would like to know more about the drainage solutions proposed for this section of the road.

I also have serious concerns about the safety and livability of the homes on this road and particularly the homes on the 90-degree corner once this investment project is allowed to proceed.

There have been cement posts placed to protect the back of the house whose back yard is up against the 90 -degree corner.

There is a home at the 90-degree corner that will be directly exposed to traffic coming down the hill.

What protection will be provided to this home? Will they need to place cement posts in front of their home?

Mr. Palm and MR. Geyer state that they are required to place landscaping on this road to protect the homes from noise and headlights.

There will be noise and headlight disturbance on this road during construction (for possibly six years) and by a variety of vehicles thereafter that needs to be properly addressed by this committee and Mr. Geyer.

Where will the landscaping be placed on this 24-foot road, and will it be adequate to serve its purpose?

I have concerns about the speed of traffic going up this road. Mr. Palm states that there will be a car or truck going up this road every 12 minutes.

Once the vehicles have made their way around the 90-degree corner, what precautions are going to be in place to keep the speed of these cars and trucks in check when going through this small community?

What will the speed limit be on this road?

How will this road and the isolated proposed duplexes at the top of the hill be policed?

Mr. Palm was asked if there is any parking on this road. He stated that there "would be no parking on this road".

The map sent out by Mr. Moffitt does not show the driveway access to my home that I have used every day for 22 years.

I have been a nurse here for 30 years and I am on call for emergencies at the hospital seven or more days a month, this is the way that I come and go to work. I assume that Mr. Moffitt intends to eliminate the access to my home from Merle completely.

Once the road is built and meets the minimum standards to allow Mr. Geyer to make his money and leave, and the road proves to be as hazardous and inadequate as it has the potential to be, it will then be the city's headache to deal with.

Will the city then be taking property from our homes to "improve the road"?

Will there be, or has there been a safety study done by the city for this section of the road?

Has there been an impact study at the four way stop at Calkins and Troost?

This intersection and section of Calkins (which has parking on both sides) is the primary access to Hopper (soon to be Merle St.)

I thank the committee for reading this letter. I understand that MR. Geyer and MR. Palm have made an investment and want to make as much profit as they can by building as many units as possible on this property.

Which I believe is overdevelopment in an urban area.

However, as you can see, this road was never designed to accommodate this much traffic.

If Mr. Geyer is allowed to move forward with this investment Project.

It will be at the expense of the security and livability of this community at the end of this small road.

I believe that I have property rights Tangible and intangible. I should have the right to have quiet enjoyment of my home, be free of noise pollution, and against trespass (real or perceived) and to have access my home the same way that I have had for 22 years.

I have been told more than once this past week that it does not matter what I think or have to say. That it is a waste of my time to write this letter to you.

If so, who does this committee represent? Who are you listening to?

I have enclosed pictures of the places that I have spoken about so that you may better understand what I have questions about.

Thank You

Diana LaMar



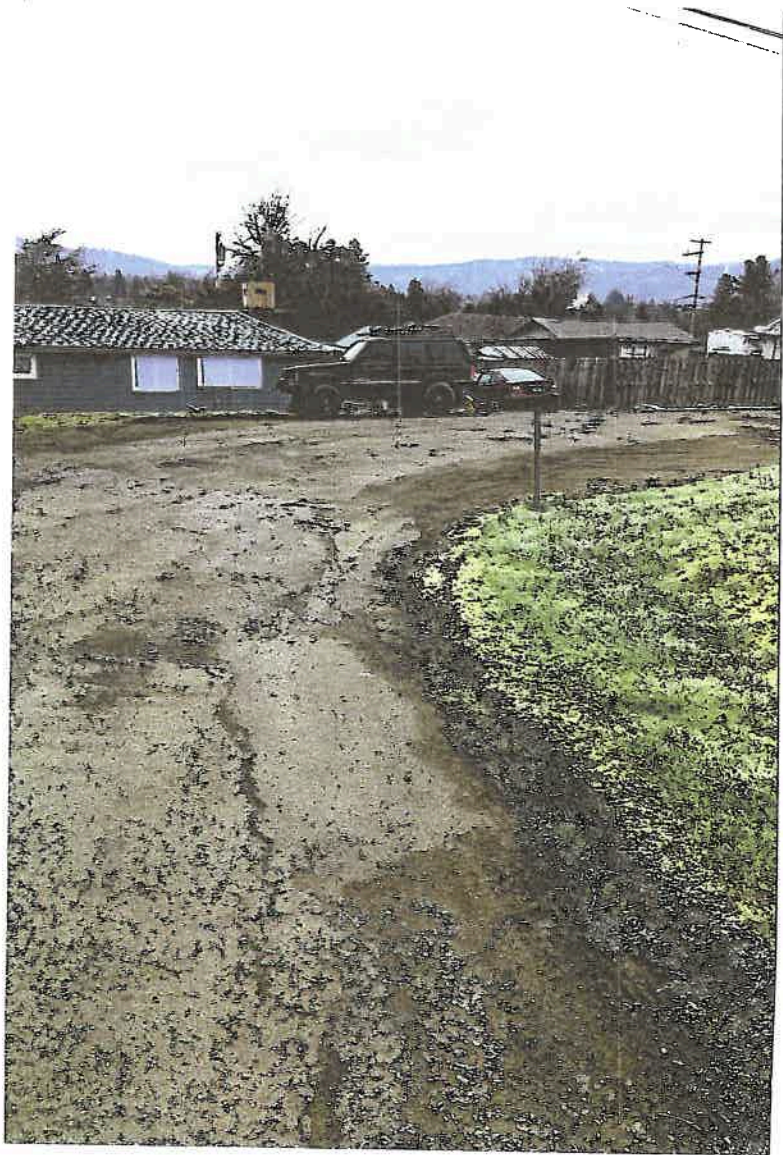
Hopper + Caulkins corner
no more basket ball hoop



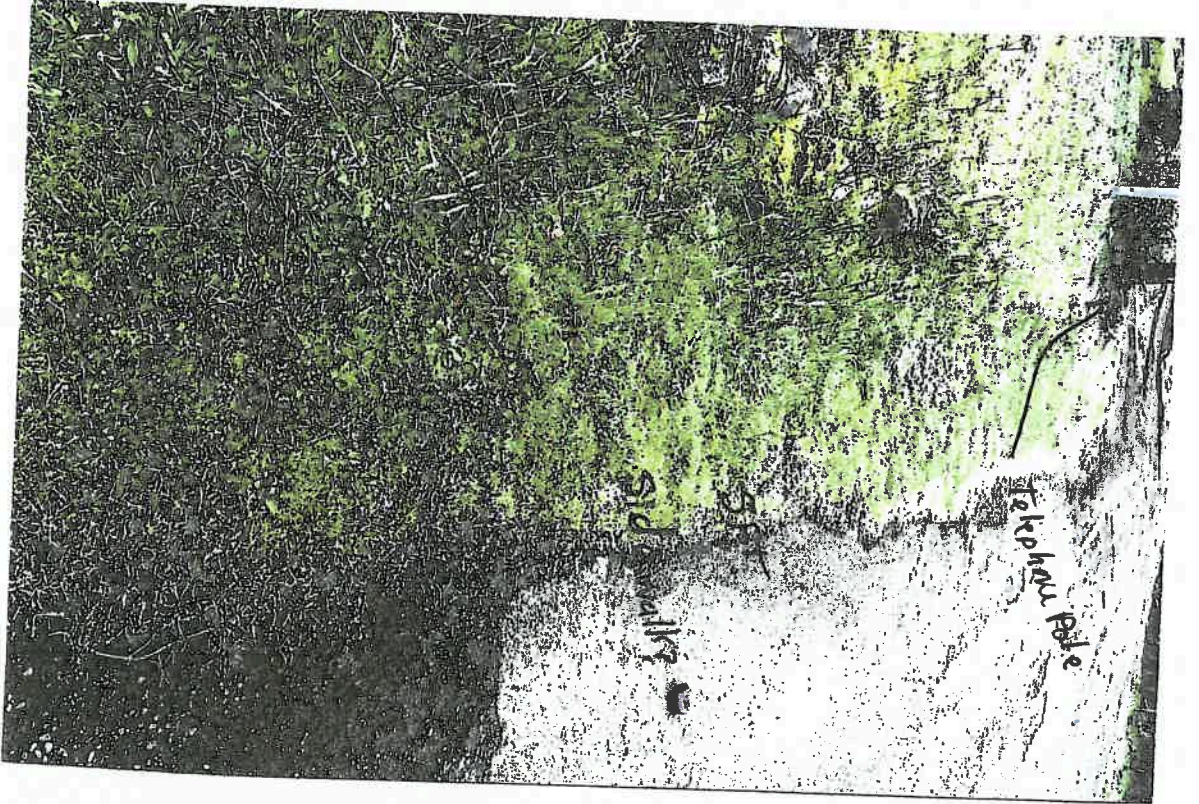


Looking down the road

43



Looking down the road



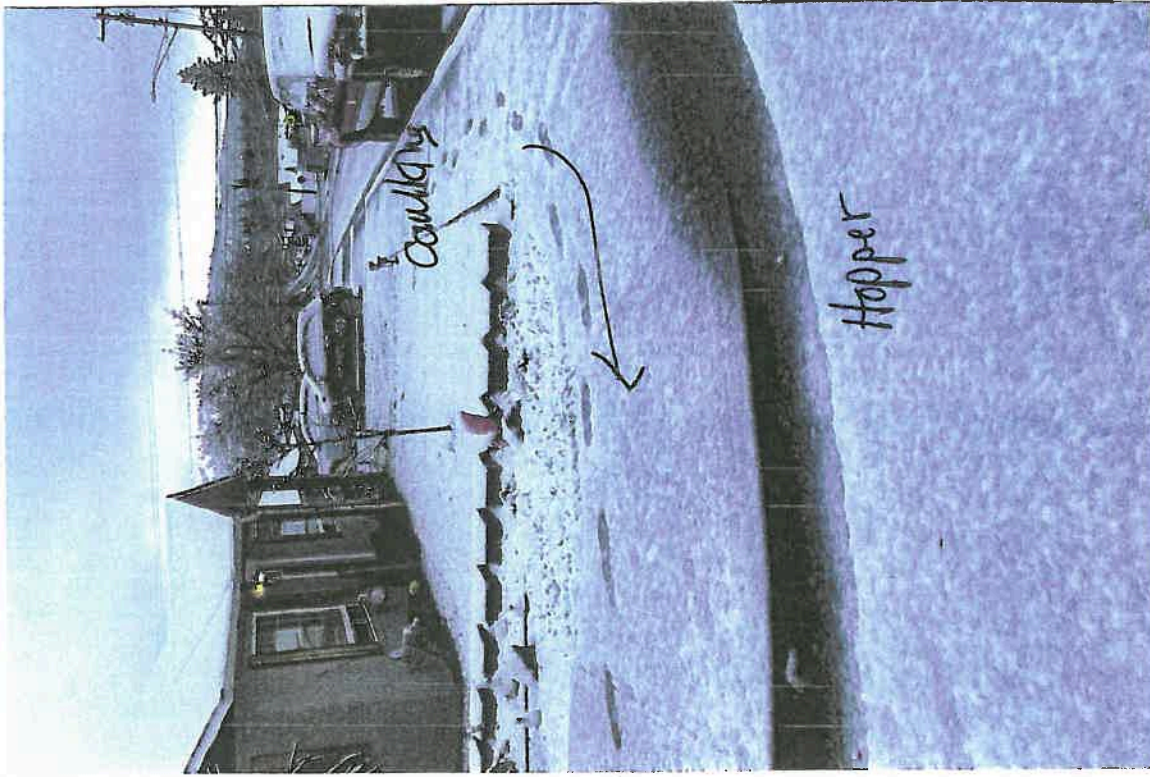
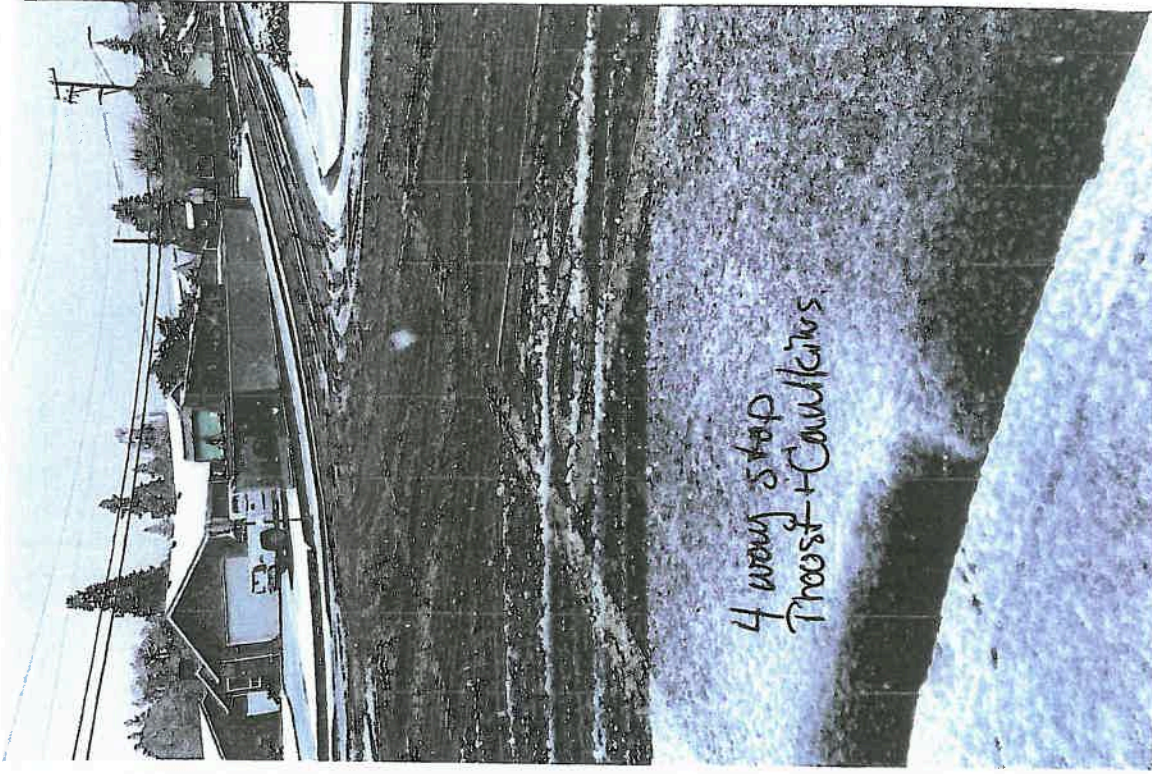


From our driveway



Posts @ 90' corner

#6

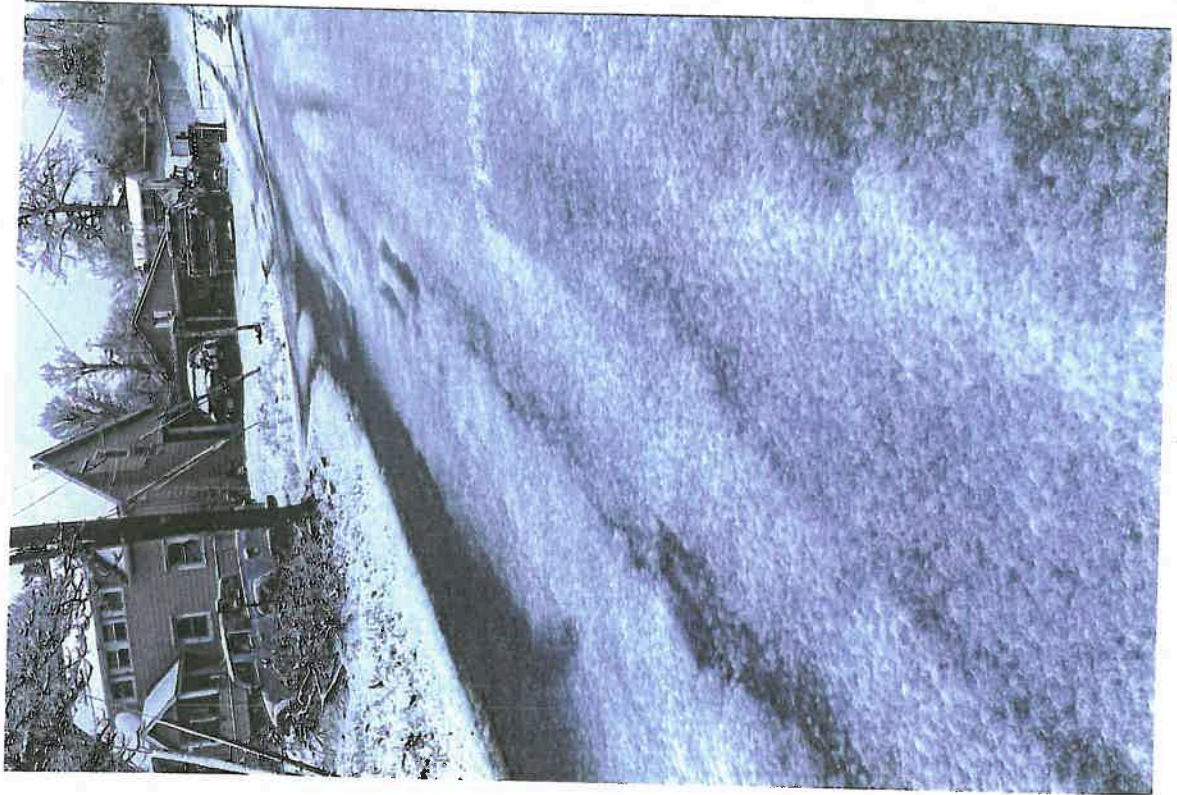


#17



Look up the road
this is where I turn around

our driveway



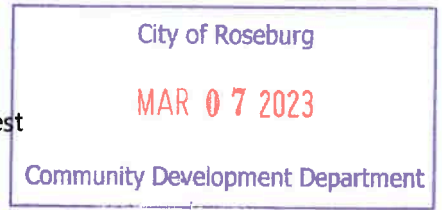
Looking up the road

CC applicant 318

L.2

Mark Moffett

From: Patricia Rude <patriciarude53@gmail.com>
Sent: Tuesday, March 7, 2023 2:14 PM
To: Mark Moffett
Cc: Gerald Rude
Subject: Proposed Duplex Neighborhood/Subdivision in Hucrest



Dear Mr. Moffett,

Per our telephone conversation this morning regarding the 10 duplexes being proposed to be built on property in our Hucrest neighborhood. We were at your last meeting. My husband and I heard what the spokesperson owner/contractor said about a law currently on the books allowing duplexes in residential neighborhoods. Please explain to the spokesperson that this law has indeed not been on the books for eons or even decades, however, if I am correct only since 2021. I need clarification understanding the law. I believe the law is intending a few duplexes here and there on vacant lots within neighborhoods not a duplex village which is exactly what I would call it.

I also believe that "spacious green" areas of 5 feet behind each building which is mostly land fill is ridiculous. I currently have a call a pending from the Governors office so that I may understand the intent of the state law with regard to the said duplex village. I am asking for an extension to our timeline on March 7th until I hear back from the Governor's office. I am sure this information will be received before the end of this week.

Before I hear another accusation of not in my neighborhood I would not oppose houses, but certainly 10 crammed in on that 2+ acre lot is ridiculous and smells of owner/contractor greed. The spokesperson for the property owner/contractor also stated the traffic would be affected by 1 car every 12 minutes. Not having all of the information used in calculations I would suspect this was based on 24 hours a day and doesn't address peak times.

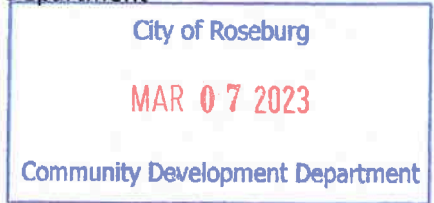
Our neighbors, prior to our move to Hucrest in 2010, protested condominiums being built on this exact acreage and were successful preventing this build. My question is what has changed?

Patricia Rude
1750 NW Grove
Roseburg
541 672-1320

Mark Moffett, Associate Planner, City of Roseburg, Community Development Department

Re: Merle Subdivision

Dear Mr. Moffett,



This letter is a Rebuttal of the new information provided by you in an email dated February 23, 2023

1) Geotechnical Report

The existing fill material directly behind our home is apparently inadequate to support home construction. The plat map shows the Duplex to be built to be within 5 feet of the edge of the drop off, and the fill extends back approximately 15 feet from the edge. This is not acceptable. I would expect pilings need to be driven down into bedrock to prevent the tipping of the foundation into the rear of our property. Even so, I would expect a very large bond be posted by the property developer to provide assurance that repairs to our home could be funded should these foundations fail long after he is gone. A probability of failure of 40 percent when saturated is beyond reason.

The report suggests that small retaining walls be built at the toe of slopes behind our home. Access to this area is very limited and our landscaping and fencing is at risk, again a bond needs to be placed to assure us that repairs can be funded as I doubt any equipment can access this area without damaging our property.

Excerpt from Geotechnical Report:

- 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.
- 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.
- 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.
- The types of foundations, located near the fill edge, to be considered are: stepped and deep footings, piers and daylight basements.
- Design of proper foundation and perimeter drainage is essential for the performance of the foundation system.

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.

Who will ensure that this is properly done? Will this be one of the conditions presented prior to approval to proceed? Would having the geotechnical engineer in question be an independent person from the employed I.E.Engineering firm be more appropriate to address our concerns that these firms might be a little too 'cozy'?

2) Rebuttal to applicant's presentation of February 21, 2023

The condescending and insulting presentation performed by Mr. Palm of I.E.Engineering was quite disturbing. The 'not in my backyard' and 'a duplex is not a four letter word' comments were inappropriate and insulting.

He obviously has never lived next to a duplex for. I, however, lived next to one owned and built by my parents around 1958 for 13 years. I was 8 years old when it was finished and can still recall a very disturbing event that occurred with our first tenant.

They were a nice family, 2 young boys, maybe 5 and 7 years old, and a petite woman and her husband. They had been renting for maybe 1 or 2 months when in the middle of the night we get a pounding on our front door accompanied with crying and wailing. When my father opened the door, the woman renter fell down onto our front room floor with bloody teeth and nose, and a left eye resembling raw hamburger. Her two children were with her and had bruises to match. Imagine how this would impact an 8 year old boy? This was a first indoctrination into living next to a duplex. And it gets better.

The police of course were summoned, and the drunken man was hauled off to jail, and of course the beatings continued until he finally was not allowed back (I was not privy to the details of course) but the woman didn't work, and now had no vehicle so were pretty much destitute. My mother felt sympathy as any Christian would, and volunteered to be their chauffeur for unemployment office, welfare, doctors, etc. and I'm sure we didn't get a lick of rent for months following this incident. I have a whole litany of experiences to share but I think you get the picture. Duplexes are a four letter word. Why they attract the worst in renters I think is due to the lack of solid rules to be followed as with an apartment or a townhouse along with a willingness to approve renters just to keep the income coming in. The exterior of a duplex is rarely maintained as well as a single family home, even if rented. All this, and now you want to concentrate 10 units next to me?

3) Responses to prior concerns are inadequate.

I had written in a response to your request for comments on the initial proposal. I feel that not all of my concerns were adequately addressed in the meeting. Specifically:

- a) Adequacy of existing effluent facilities: I was hoping that RUSA had addressed what effect the additional residents, far above what would have been planned given the prior zoning requirements, by some document that could have been shared. A comment saying that it was 'vetted' is by far insufficient.
- b) The water pressure currently is marginal. I cannot even get my sprinklers to pop up if I try in the mornings. I put a pressure gage on the spigot and read pressures in the teens at between 7 and 8 am in the summer. Saying that there are 'loops and loops' of lines, and there will be a pressure header installed at the new subdivision boundary is not a response to the adequacy of the system in our area. Please address the concern.

4) Futility felt in objecting to this project

My wife and I feel we are being subjected to unfair building practices and regulations. We bought this home assuming the quality of life here would be maintained. Yet city government insists that zoning regulations be changed for the 'greater good'. Who is defining this 'greater good'? A housing study conducted by real estate brokers? By construction firms? Why is life so bad now? It seems that this is a retirement community for the most part, and life has been great up until a village of duplexes is being forced upon us.

It is interesting that the changes to the state and local zoning regulations occurred during the covid restrictions when everyone was concerned about their health rather than zoning.

Gerald D. Rude PE Retired

1750 NW Grove St.

Roseburg, OR 97471

Lotuswins@charter.net



civil
structural
surveying
architecture
planning

RECEIVED

MAR 14 2023

City of Roseburg
Community Development Department

i.e. Engineering, Inc.
809 SE Pine St.
P.O. Box 1271
Roseburg, OR 97470

ieengineering.com
541-673-0166

March 13, 2023

EXHIBIT # M

SUB-22-001 & U-23-002

City of Roseburg Planning Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470.

Indomitus Heights (Merle) Subdivision
SUB-22-001 & V-23-002

In reference to the proposed 10-lot subdivision and variance application for Indomitus Heights that was heard in front of the City of Roseburg Planning Commission on February 21, 2023, we appreciate the opportunity to offer additional testimony and information on our proposed project.

The Planning Commission has provided us with a continuance and we feel we have taken full advantage of this additional time to add more evidence into the record and supplement existing evidence.

At the direction of the Planning Commission, we have endeavored to address the requested areas directly related to the landscape plan, revising and supplementing the Geotechnical Report, and correcting all the lot size and frontage/access issues. We have provided a Landscape Plan to the City of Roseburg as requested. We have submitted an updated Geotechnical Report as requested. We have also updated the Preliminary Site Plan to make the needed changes so the proposed lots comply with the City's Municipal Code. We have made every effort to satisfy these areas of concern and have re-entered these materials into the record.

We have also read the additional emails and submissions from the adjacent landowners that have come in since the Planning Commission Hearing. We feel that none of those emails or comments warrant any additional response as the items and concerns listed in those documents are just echoing the same things that were brought up during the Planning Commission Hearing. These are all items that we have already adequately addressed in our submission materials.

Sincerely,

Alex M. Palm, PE
Project Manager

Mark Moffett

From: Mark Moffett
Sent: Thursday, February 23, 2023 10:36 AM
To: Mark Moffett
Subject: Merle Subdivision Timeline

Good Morning,

You are receiving this blind copy message as someone who has participated in, or commented on, a subdivision and variance application in Hucrest (SUB 22-001 & V-23-002). This is a 10-lot subdivision on the old Mulholland property at 2240 NW Merle, with access via NW Grove and NW Hopper.

As a reminder, and repeating the timeline approved by Planning Commission on Tuesday, here is the schedule going forward:

- 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).

At the end of the first three deadlines above, I will send another message with any new materials received. I'll also send the staff report as soon as it is available.

The final findings and decision from Planning Commission will be sent via snail mail only, as required by the Roseburg Municipal Code. People for whom we have no e-mail will receive the new materials and staff report via snail mail, as well.

Thank you and please let me know if you have any questions.

Mark Moffett, Associate Planner

City of Roseburg, Community Development Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470

541-492-6877

mmoffett@cityofroseburg.org



Mark Moffett

From: Mark Moffett
Sent: Wednesday, March 1, 2023 8:57 AM
To: Mark Moffett
Subject: Merle Subdivision New Information 1/2
Attachments: 1200-C Erosion Control Plan.pdf; ROW Landscape Plan.pdf; 2.24.23 Revised Preliminary Plat.pdf

Good Morning,

Attached is the first batch of "new information" documents submitted with this application (SUB-22-001 & V-23-002). I am breaking it up into two messages because of attachment size.

This message includes the revised plans submitted by the applicant (erosion control plan, right-of-way landscape plan, and revised preliminary plat). The next message will have the revised geotech report and three new letters.

Our timeline marches forth as follows:

- Rebuttal to new information only through Tuesday March 7th @ 5PM;
- Applicant-only final rebuttal through Tuesday March 14th @ 5PM;
- Revised staff report published no later than Monday March 27th @ 5PM; and
- Final Planning Commission deliberations and order (no public testimony) on Monday April 3rd @ 7PM.

Thanks and please let me know if you have questions.

Mark Moffett, Associate Planner
City of Roseburg, Community Development Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470

541-492-6877
mmoffett@cityofroseburg.org



Mark Moffett

From: Mark Moffett
Sent: Wednesday, March 1, 2023 9:01 AM
To: Mark Moffett
Subject: Merle Subdivision New Information 2/2
Attachments: GEO Report - Amended - Merle PUD.pdf; PH Walker 2.28 email.pdf; PH Juett 2.27.23 email .pdf; PH Haugen 2.22.23.pdf

Howdy again,

Attached is the rest of the new information, including a revised geotech report and three new letters.

Thank you!

Mark Moffett, Associate Planner
City of Roseburg, Community Development Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470

541-492-6877
mmoffett@cityofroseburg.org



Mark Moffett

From: Mark Moffett
Sent: Wednesday, March 8, 2023 9:14 AM
To: Mark Moffett
Subject: Merle Subdivision - Rebuttal letters
Attachments: R PRude 3.7.23.pdf; R GRude 3.7.23.pdf; R Lamar 3.3.23.pdf

Good Morning,

We received three additional comment letters during the open rebuttal period that ended at 5pm yesterday. Those letters are attached.

We are currently in the week-long final rebuttal period for the applicant only, which extends through Tuesday March 14th @ 5pm. I will send along any final rebuttal to this distribution list a week from today.

Following that a revised staff report will be published (you'll get a copy), and Planning Commission will gather to deliberate on the matter (public testimony closed) on Monday April 3rd, 2023 @ 7:00 PM (City Hall – Council Chambers).

Thanks and please let me know if you have any questions.

Mark Moffett, Associate Planner
City of Roseburg, Community Development Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470

541-492-6877
mmoffett@cityofroseburg.org



Mark Moffett

From: Mark Moffett
Sent: Wednesday, March 15, 2023 9:36 AM
To: Mark Moffett
Subject: Merle Subdivision - Final Rebuttal
Attachments: Merle final rebut.pdf

Good Morning,

Please find attached the applicant's final rebuttal memo in the Merle Subdivision case (SUB-22-001 & V-23-002).

The next step is the preparation and publication of a revised staff report by staff, which will be published by March 27th at 5pm (e-mail distribution may happen as late as Tuesday morning, March 28th).

Thanks and please let me know if you have questions.

Mark Moffett, Associate Planner
City of Roseburg, Community Development Department
900 SE Douglas Ave., 3rd Floor
Roseburg, OR 97470

541-492-6877
mmoffett@cityofroseburg.org



Mark Moffett

From: Mark Moffett
Sent: Monday, March 27, 2023 2:49 PM
To: Mark Moffett
Subject: Merle Subdivision Revised Staff Report and Findings
Attachments: Merle_StaffReport_forPC4.3.pdf; Merle_Findings_forPC4.3.pdf

Good Afternoon,

Please find attached the revised staff report and draft findings, to be considered and deliberated upon by Planning Commission next Monday night (7:00pm, City Council Chambers, Monday 4/3/23). The record is closed to additional public testimony.

Staff is recommending approval of the revised proposal.

Please let me know if you have questions.

Kind Regards,

Mark Moffett, Associate Planner
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