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9-13-2022

**CITY OF ROSEBURG PLANNING COMMISSION**

**Monday, September 19 at 7:00 pm**

**City Hall Council Chambers**

**Public Access: Facebook Live at [www.Facebook.com/CityofRoseburg](http://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                      Shelby Osborn                      Victoria Hawks  
Jaime Yraguen                                  Janelle James                      Andy Blondell  
Matthew Brady
3. **APPROVAL OF MINUTES**  
A. May 2, 2022 Planning Commission Meeting
4. **AUDIENCE PARTICIPATION: See Information on the Reverse**
5. **PUBLIC HEARING**  
A. CUP-22-001 – 2797 NW Aviation Drive – Real Estate Sales Office  
B. AN-22-001& ZC-22.002 – 0 NW Housley Ave – Annexation & Zone Change to R7.5
6. **BUSINESS FROM STAFF**  
A. Director's Report
7. **BUSINESS FROM THE COMMISSION**
8. **NEXT MEETING – October 3, 2022**
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 office of the City Recorder, Roseburg City Hall, 900 SE Douglas Avenue, OR 97470 (Phone 541-492-6700) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

## 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.

**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, please raise your hand and wait to be recognized by the Chair. 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](mailto:cmatthews@cityofroseburg.org).

**CITY OF ROSEBURG  
PLANNING COMMISSION MINUTES  
May 2, 2022**

**CALL TO ORDER**

Chair Onchuck called the meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, May 2, 2022 in the City Hall Council Chambers.

**ROLL CALL**

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

Absent: Commissioner Victoria Hawks

Others present: Community Development Director Stuart Cowie, Department Technician Chrissy Matthews, RARE AmeriCorps Member Kate Bentz and Department of Land Conservation and Development (DLCD) Southern Oregon Regional Representative Josh LeBombard.

**APPROVAL OF MINUTES**

Commissioner Blondell moved to approve the April 4, 2022 minutes as submitted. The motion was seconded by Commissioner Osborn and approved with the following vote: Chair Onchuck, Commissioners Blondell, James, Osborn and Yraguen voted yes. No one voted no.

**AUDIENCE PARTICIPATION**

**PUBLIC HEARING - None**

**BUSINESS FROM STAFF**

**Presentations -**

**Josh Lebombard – Planning Commission Training**

Mr. Cowie introduced Mr. LeBombard, DLCD Southern Oregon Regional Representative. He assists with questions regarding land use actions or procedures and is great to work with.

Mr. LeBombard stated planning commission training typically is provided in person at the Planners Network meeting but was suspended during COVID. A planning commission training may occur at the end of summer in the Roseburg area. The training provides commissioners with the knowledge of procedure and process to be confident in their role as a commissioner.

A Planning Commission Training PowerPoint presentation was provided and the following was discussed.

Oregon Land Use Act of 1973 (SB100) resulted in establishing Land Conservation and Development Commission (LCDC) and Department of Land Conservation and Development (DLCD).

State and Local Responsibilities - Oregon Statewide Planning Program sets land use policy of statewide significance (goals and rules), helps enforce goals, reviews local government plan and zoning amendments, and provides technical assistance.

Cities and Counties - Address local vision and needs, adopt and amend plans and codes in compliance with statewide goals, enforce codes and ordinances, and make land use decisions.

Statewide Planning Goals –

- Process Goals - 1 Citizen Involvement and 2 Land Use Planning.
- Rural Goals – 3 Agriculture Lands and 4 Forest Lands.
- Urban Goals - 14 Urbanization, 10 Housing, 9 Economic Development, 11 Public Facilities, 12 Transportation, and 8 Recreation.
- Constraints Goals - 5 Natural Resources, Scenic and Historic areas, and Open Spaces, and 7 Areas Subject to Natural Hazards.

Planning Commission Responsibilities - Reflect Community Values, Recommend Policies to City Council/County Commission, Visioning and Long-range Planning for the City/County, Educate the Public and Provide a Public Forum, and Make Land Use Decisions.

Discussed the commission’s relationship with elected officials, staff, and the public, as well as how to respond to stressful situations during a meeting.

The Comprehensive Plan is a document that guides land use, infrastructure development, conservation of natural resources, economic development, etc. Discussed zoning and development code, legislative and quasi-judicial land use decisions and hearing procedures, and ministerial action, the 120-day rule, findings, common problems with findings, burden of proof, continuance and keeping the record open, raise it or waive it, impartial tribunal, ex parte contacts and how to handle them, site visits, potential conflict of interest and actual conflict of interest, personal bias and what to do.

Commissioner Yraguen asked if the city and county will have the opportunity to discuss the UGB Swap together during the process. Mr. Cowie explained the Urban Growth Boundary Swap (UGB) will be processed by both the City and the County. The Roseburg Planning Commission will make a recommendation to City Council, and the Douglas County Planning Commission will make a recommendation to the County Board of Commissioners. If City Council adopts an Ordinance and the County Board of Commissioners adopts an Order, the approval goes to DLCD for final adoption. The swap must be approved by City and County in order to be adopted. The City is initiating the swap so we will go first. A Planning Commission work study meeting will be scheduled to discuss the UGB Swap proposal. This is a public meeting; however, no decisions are made during the work study.

Resources:

The Oregon Planning Commissioner Handbook

[https://www.oregon.gov/lcd/Publications/OR\\_Planning\\_Comm\\_Handbook\\_April\\_2015.pdf](https://www.oregon.gov/lcd/Publications/OR_Planning_Comm_Handbook_April_2015.pdf)

Oregon Government Ethics Law – A guide for Public Officials

<https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>

No further questions were received from Commission.

**Kate Bentz - Developable Business Lands Map Presentation**

Mr. Cowie introduced RARE AmeriCorps member Kate Bentz. She has completed two of the three maps she is working on. She will be presenting the Developable Business Lands Map to Council on May 23 and will soon be available for public use.

Ms. Bentz provided a presentation of an online Developable Business Lands Map of commercial/industrial lands inventory of properties within the city limits that she has been working on. The map originated from a 2017 Vacant Commercial & Industrial Lands Inventory

which was updated and converted from a PDF to web map form. The map features vacant land, partially vacant land, unoccupied business sites and non-conforming use, as well as, types of development limitations that may exist like floodplain, wetlands, hillside overlay, lack of water or sewer lines, street infrastructure, parking spaces etc. The map also includes the Diamond Lake Urban Renewal area as well as Roberts Creek Enterprise zone (Roseburg, Winston, Glide, Green and unincorporated Douglas County which is outside city limits but was included to show economic opportunity areas). This online tool can provide assistance for buyers, developers, real estate agencies and others.

The Commission recognized Ms. Bentz for the work she has done to provide an impressive amount of beneficial information on the Developable Business Lands Map.

Ms. Bentz stated she researched and updated the 2017 Industrial Lands Inventory to provide the list of properties on the map.

### **Director's Report**

Mr. Cowie provided a graph showing permit activity from 2006 when there was a decline during the great recession; activity has steadily increased since then even through COVID. The projected number for this year is 420+ which includes site review and land use applications.

The Planning Commission's vacancy position is currently being advertised on the city website until May 13, 2022.

### **BUSINESS FROM COMMISSION**

Commissioner Yraguen stated Ms. Bentz is a valuable asset to the city and encourage staff to budget for a permanent position for her.

**ADJOURNMENT** - The meeting adjourned at 8:57 p.m. The next meeting is scheduled for Monday, June 6, 2022.



Chrissy Matthews  
Department Technician

**CITY OF ROSEBURG  
PLANNING COMMISSION  
STAFF REPORT**



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**File No. CUP-22-001**

**Meeting Date: September 19, 2022**

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**To:** Planning Commission  
**From:** Stuart Cowie, Community Development Director  
**Subject:** Conditional Use Permit No. CUP-22-001

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**PROJECT SUMMARY & PROCEDURES:**

Ben Tatone submitted application for a conditional use permit to allow for a real estate sales office within an existing hangar (Hangar 12) at the Roseburg Airport. The site is a ground lease and owned by the City of Roseburg. The structure/hangar is owned by the applicant. The property is described as Tax Lot 00200, Township 27 South, Range 06 West, Willamette Meridian, Section 12B, R130512.

A conditional use permit approval shall meet the applicable standards of Roseburg Municipal Code (RMC), Sections 12.04.060 (Airport District) and 12.10.080 (Conditional Use Permits).

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

**BACKGROUND:**

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

**APPLICABLE CRITERIA:**

The applicant's request for a conditional use permit application was reviewed by the City based on the applicable criteria as follows from the Roseburg Municipal Code:

- RMC Section 12.04.060 – "Airport District"

- RMC Section 12.10.080(F) – “Conditional Use Permits – Approval Criteria”

a) In addition to the applicable criteria contained within Section 12.10.080(F), the applicant’s request has also been reviewed to determine consistency with the applicable sections of the Airport Master Plan.

**EXISTING CONDITIONS:**

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.
2. Notice of the public hearing was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. The property is described as Tax Lot 00200, Township 27 South, Range 06 West, Willamette Meridian, Section 12B, R130512.
4. The subject property in total is 14.82+/- acres, is designated by the Comprehensive Plan as Public/Semi-public and is zoned AP (Airport District). The proposed Real Estate Office use is located on the second floor of an office space within an existing airplane hangar (Hangar 12).
5. Ben Tatone applied for a conditional use permit to occupy the second floor office to a non-aviation related Real Estate Sales office. The ground floor office is currently unoccupied at this time. The requested Conditional Use Permit is primarily for the second floor only. The applicant is prepared to apply for the necessary land use approval and/or permitting when it is determined what the ground floor office will be used for.

**B. AGENCY COMMENTS**

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

**C. PUBLIC COMMENTS**

The Community Development Department notified all owners of subject properties per ORS 197.610 and RMC 12.10.030. Comments were received by the following:

**Remonstrances:**

1. Bill Woods, 1224 NE Walnut Street, Suite 505, Roseburg, Oregon
2. Dennis Yeo, 1224 NE Walnut Street, Suite 252, Roseburg, Oregon
3. Dan and Rhonda Sprague, 1602 NE Camelot Ct, Roseburg, Oregon
4. Allen Goodwin, 800 Gem Drive, Roseburg, Oregon
5. Rob Levin, 250 Strickland Canyon Rd, Roseburg, Oregon

6. Clint Newell, 735 Cross Creek Drive, Roseburg, Oregon
7. Steve Skenzick, 3062 W Chateau Avenue, Roseburg, Oregon
8. Cameron L. Krauss, General Counsel, Swanson Group, 2825 NW Aviation Drive, Roseburg, Oregon
9. David Morrison, 923 Cleveland Rapids Road, Roseburg, Oregon
10. Lynn Engle, 579 Fisher Road, Roseburg, Oregon
11. Gil Peterson, PO Box 240, Winchester, Oregon
12. Phil Strawn, 1224 NE Walnut, Suite 218, Roseburg, Oregon
13. Frank Inman, 211 Heavens Gate Lane, Roseburg, Oregon

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

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

Concurrences:

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

Mr. Leonard stated that he would be in support of the use so long as security measures were taken to restrict the public from accessing the aviation related portion of the building, the lease rate was adjusted to market rate, and the lease should preclude non-aviation related storage in the hangar portion of the building.

D. CRITERIA:

Section 12.04.060 – The Airport District (AP) zone conditionally permits offices (uses that do not conflict with the Airport Master Plan):

1. The proposed use is located within an existing and unoccupied multi-tenant office complex that shares space within an existing airplane hangar. The applicant is not proposing any construction to the exterior of the office space or adding any square footage to the office space or existing hangar as part of this request.
2. The existing hangar was constructed outside of the Runway Safety Area, Runway Obstacle Free Area, the Obstacle Free zone, and the Airport Impact Overlay. The Airport Master Plan does not identify Hangar 12 or any of the occupying uses as a safety hazard to the existing or future operations of the airport.



3. At the time of the Airport Master Plan update, Hangar 12 (2797 NW Aviation) was identified as a 10,400 square foot hangar constructed after 2006 in the North Apron corporate hangar area. There are no improvements or modifications identified in the plan that affect Hangar 12 or identify existing or potential uses that could be deleterious to the airport within Hangar 12.

Section 12.10.080(F) – “Conditional Use Permits – Approval Criteria” – *“A Conditional Use Permit shall be granted only if the Approving Authority finds that the proposal conforms to all five of the following criteria.”*

1. *“The proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.”*

**Findings:** The applicant states no “development” is required in conjunction with the proposed use, which will be a real estate sales office for Roseburg Homes Realty. No exterior alterations to the building are proposed other than a sign/logo on the front door awning that will change to conform to the new business. The applicant asserts Hangar 12 was constructed to house multiple tenants utilizing office space within the footprint of the existing building. The 80’ x 130’ building has an aircraft hangar for storage of an aircraft with a bi-fold vertical lift door with direct access to the airport taxiway. The applicant has stated that Hangar 12 is built on the north apron of the airport among nine other hangars of similar size and appearance of which four of the eastern-most hangars are similarly built as prefabricated steel structures with office space.

2. *“The development is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood.”*

**Findings:** The applicant states that the area of the airport complex is currently “underutilized” with some of the building pads not yet built-out with structures and with most of the hangars being used for modest (if any) volume of commerce. The proposed use will be similar to that of Cutting Edge Real Estate located in Aviation Suites, the building located furthest south, within the AP zone. Cutting Edge Real Estate has existed within the AP zone since April of 2016 and has helped to demonstrate that a real estate type office is consistent with the AP zoning designation.

The AP zone states that it is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation. Exhibit I of this document includes Exhibit B of the approved Lease Agreement with the Ben and Jody Tatone. Agreement #3 of the document indicates that the owner, sub-tenants and assignees may utilize Hangar 12 for non-aeronautical activities, provided however that if at any time the City reasonably determines that all or a portion of the hangar is necessary to meet airport needs for aeronautical use in the near future the City may provide written notice that the property owner must discontinue non-aeronautical use within at least 6 months of the notice. The purpose for this section of the lease is to acknowledge that the primary use of the hangar is for aeronautical purposes,

but that the hangar may be used for non-aeronautical uses if there is not a current need for aeronautical space.

In addition to the Cutting Edge Real Estate office, the proposed use will also be consistent with that of neighboring office type uses along Aviation Dr. such as Simmons Law practice and Orca Investment Management. Although not located in the AP zone these types of uses are located within the neighborhood and the applicants proposed real estate office in addition to these uses will help to further enhance the characteristics of the neighborhood. The proposed occupant will occupy a tenant space within an existing office building built for office uses built in accordance with the standards of the AP zone. There are no anticipated affects to the exterior of the building, adjacent hangars or airport property.

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

**Findings:** The applicant states that Roseburg Homes Realty (Real Estate Sales office) has a low traffic impact. With the onset of digital signatures for the real estate contracts we rarely have customer/clients visit the office so the traffic is nearly exclusively the workers. This area of the airport is serviced by a fully developed street and the parking lot for this unit is designated and built with much more capacity than this business requires.

There are currently 18 parking spaces directly adjacent to the office portion of the building. There is a paved sidewalk which fronts the western face of the structure which provides an ADA pedestrian sidewalk from the parking area to the pedestrian entrance. The sidewalk also serves an emergency fire exit door on the north face of the building which is west of a security perimeter fence which prohibits pedestrian and vehicles from accessing the taxiway.

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

**Findings:** The applicant states that Hangar 12 and the adjacent hangars accessed at the northern entrance of the airport complex are currently "underutilized" with two of the building pads not yet built-out with structures and with most of the hangars being used for modest (if any) volume of commerce. The applicant has indicated that their use is fully contained within the non-aviation portion of the lease and takes no use of and has no reason for access to the airside of the "airport". The proposal is limited to the occupation of an existing upper floor office space with a multi-tenant office building built for office space uses. A real estate sales office is not anticipated to have any adverse physical effect on the undeveloped building pads or the adjacent hangars. Clientele to the real estate office will not be given access to the airplane storage or adjacent aviation-related portions of the hangar. The applicant intends to take additional safety measures by installing biometric locking door handles to all the doors that access the aviation-related storage area.

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

**Findings:** The applicant states that the use is clearly inside the boundaries of the comprehensive plan as it is a conditionally permitted use of the newly enacted Airport District zoning which allows for offices that “do not conflict with the airport master plan”. The applicant indicates their business will not conflict with the Airport Master Plan or other comprehensive policies of the City. The applicant asserts that the proposed use creates only a modest ripple of activity in the parking area, takes no use of the airside of the “airport” portion of the property, does not handle materials/equipment, and finally, does not pose an undue/unique security risk. A recent periodic (2018) update of the Roseburg Regional Airport Masterplan did not indicate or identify any deleterious impacts to the current or future airport operations related to non-aviation related uses existing on the airport, nor did it identify any prohibited office type uses that could pose a threat to airport operations.

E. STAFF RECOMMENDATION

Staff determines that the Conditional Use Permit request, as submitted by the applicant, satisfies the criteria for approval. Therefore, it is recommended the Planning Commission direct staff to prepare findings of fact approving the Conditional Use Permit as contained within file CUP-22-001 for review and adoption during the October 3, 2022 Planning Commission meeting.

F. OPTIONS

1. Direct staff to prepare findings approving the Conditional Use Permit request.
2. Continue consideration of the request.
3. Direct staff to prepare findings denying the Conditional Use Permit request.

G. SUGGESTED MOTION

I MOVE TO DIRECT STAFF TO PREPARE FINDINGS OF FACT APPROVING THE SITE PLAN REVIEW, AS REQUESTED AND PRESENTED WITHIN FILE CUP-22-001, FOR REVIEW AND ADOPTION DURING THE OCTOBER 3, 2022 PLANNING COMMISSION MEETING.

H. EXHIBITS

- Exhibit A – Conditional Use Permit Application
- Exhibit B – Floor Plan (Hangar Plan)
- Exhibit C – Letters of Remonstrance
- Exhibit D – Applicant’s response to remonstrance’s
- Exhibit E – City Manager response to remonstrators
- Exhibit F – City Council Ground Lease Assignment Request
- Exhibit G – City Council Meeting Minutes – May 9, 2022
- Exhibit H – Lease Agreement
- Exhibit I – Lease Agreement “Exhibit B”
- Exhibit J – FAA Non-Aeronautical Interim Use Approval
- Exhibit K - Airport Commission Meeting Minutes - April 21, 2022

**CITY OF ROSEBURG  
COMMUNITY DEVELOPMENT DEPARTMENT  
LAND USE APPLICATION**

**LAND USE(S) REQUESTED:**  
(Please check all that apply)

- Amendment
- Comprehensive Plan Amendment
- Planned Unit Development
- Variance
- Annexation
- Conditional Use Permit
- Subdivision
- Zone Change
- Boundary Line Adjustment
- Partition
- Vacation

**PROPERTY INFORMATION:** *SEE R162114 2779 NW Aviation Dr. - Occupant*

Property Address/Location: 2797 NW Aviation Rosburg OR 97470

Township 27 Range 06W Section 12 Lot Number 200 Tax Account R130512

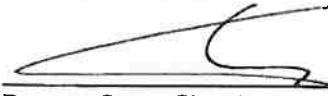
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Lot Number \_\_\_\_\_ Tax Account \_\_\_\_\_

**BRIEFLY DESCRIBE THE PROPOSED LAND USE ACTION AND ANY ADDITIONAL INFORMATION PERTINENT FOR THE REVIEW:**

Relocation of Rosburg Homes Realty to suite #2 (upstairs) at 2797 Aviation drive, Rosburg OR 97470.

<b>APPLICANT/AUTHORIZED AGENT:</b>	<b>PROPERTY OWNER: (if different)</b>	<b>PROPERTY OWNER 2: (for B.L.A.)</b>
Name: <u>Ben Tate</u>	Name: <u>CITY OF ROSEBURG</u>	Name: _____
Mailing Address: <u>543 NE Alameda Rosburg OR 97470</u>	Mailing Address: <u>900 SE DOUGLAS</u>	Mailing Address: _____
Phone Number: <u>541-580-2211</u>	Phone Number: <u>911-492-6750</u>	Phone Number: _____
E-mail: <u>ben@rosburghomes.com</u>	E-mail: _____	E-mail: _____

I hereby certify that the information furnished herein is the data and information required for the project and the facts, statements, and information presented is true and correct to the best of my knowledge. My signature authorizes the listed applicant/agent to act in my behalf relative to the processing of this application.

  
Property Owner Signature

Nicole Terry  
Property Owner Signature

6/30/22  
Date

7/5/2022  
Date

## 2797 Aviation Conditional Use Permit

Applicant request to relocate Roseburg Homes Realty in to the existing building at 2797 Aviation Dr, Roseburg, OR 97470. Roseburg Homes Realty is a business with Three (soon to be Four) Real Estate Agents and no support staff. Roseburg Homes Realty would occupy what we've deemed "suite #2" of the building which is the 2nd floor of the office space at the front of the building.

1 - Proposed development is compatible with the existing or anticipated uses in terms of scale, bulk, coverage, density, architectural, and aesthetic design.

- No "development" is required in conjunction with the proposed use. Roseburg Homes Realty would move in with little, nearly unnoticeable, alteration in the building as the sign/logo on the front door awning will be change to conform to the new business.

2- Development is consistent with the purpose of the base zone and enhances the operation characteristics of the particular neighborhood:

- This area of the airport complex is currently "under utilized" with some of the building pads not yet built-out with structures and with most of the hangars being used for modest (if any) volume of commerce. Albeit modest, perhaps some activity will breathe life into this portion of the airport complex? It certainly could use to be further built-out and maintained in a more professional/aesthetic manner. It's currently barren and looks like a "commercial afterthought". I'm certain it would be in the city's best interest for this area to look like a more desirable place to do business. Perhaps the increased desirability would lead to build-out on the vacant Parcels and a more robust economy of activity in this district.

3 - Site for proposed development is served by streets and highways which are adequate in width, construction, and placement to safely carry the quantity and kind of traffic generated by the proposed use;

- Roseburg Homes Realty has a low traffic impact. With the onset of digital signatures for the real estate contracts we rarely have customer/clients visit the office so the the traffic is nearly exclusively the workers. This area of the airport is serviced by a fully developed street and the parking lot for this unit is is designed and built with MUCH more capacity than this business requires.

4 - Proposed development will not have an adverse physical effect on the development or use of abutting or contiguous property;

- This area of the airport complex is currently "under utilized" with some of the building pads not yet built-out with structures and with most of the hangars being used for modest (if any) volume of commerce. Our use is fully contained within the non-aviation portion the lease and takes not use of and has not reason for access to the "airport". So that having been said, our use will have zero impact on the adjacent users' access and enjoyment of the airport portion of their property, and since we takes such little use of their available parking, we will have no adverse impact on their use of the "business frontage section" of the complex.

5 - Proposed development will conform to the policies of the Comprehensive Plan and adopted plans and policies of the Governing Body.

- This uses clearly inside the boundaries of the comprehensive plan as it is a conditionally permitted use of the newly enacted Airport District zoning which allows for offices that "do not conflict with the airport master plan". Our business is not in conflict because: 1- it creates only a modest ripple of activity in the parking area 2- takes no use of the "airport" portion of the property 3 - does not handle materials/equipment 4- does not pose and undue/unique security risk.

Thank you for your consideration.

Ben Tatone  
Owner/Broker  
Roseburg Homes Realty  
541-580-2211

**Property Details for Property ID: R130512**

**Owner Information :**

Owner Name: CITY OF ROSEBURG &	
Owner Address #1: AEROSTATE LLC >LE	
Owner Address #2: 2797 NW AVIATION DR	
Owner Address # 3:	Alternate Account #:
Owner City/State/Zip: ROSEBURG, OR 97470	Account Status: A

**Property Information :**

Township: 27	Situs Address: 2797 NW AVIATION DR ROSEBURG, OR 97470
Range: 06W	Map ID: 270612B00200
Section: 12	County Property Class: 004
Quarter: B	Legal Acreage: 0.00
Sixteenth:	Code Area: 00401
Maintenance Area: C6	Neighborhood Code: I6
Year Built: 2007	Living Area: 11845
Bedrooms:	Baths:
Exemption Code:	Exemption Desc.:
MFD Home ID:	

**Value Information :** 2021-2022 Certified Values and Tax Information

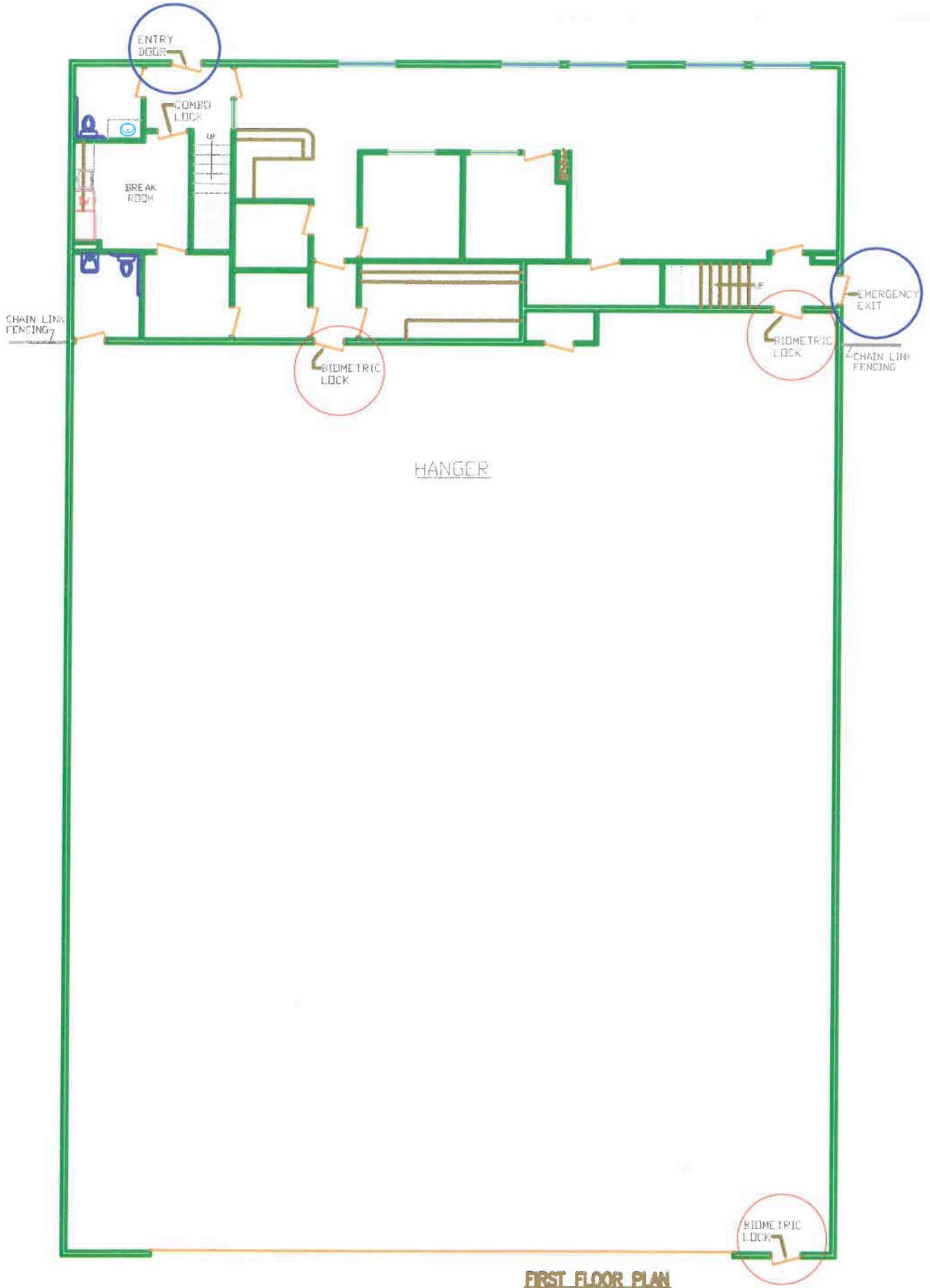
Improvement Appr. Value: \$284,900.00	Total Appr. Value: \$284,900.00
Land Appr. Value: \$0.00	Exemption Value: \$0.00
Land Market Value: \$0.00	Total Assessed Value: \$284,900.00
Total Real Market Value: \$284,900.00	Taxes Imposed: \$4,178.69

**Sales Information :**

Deed No: 2022-9092	
Sale Price: \$388,000.00	Sale Date: 5/20/2022

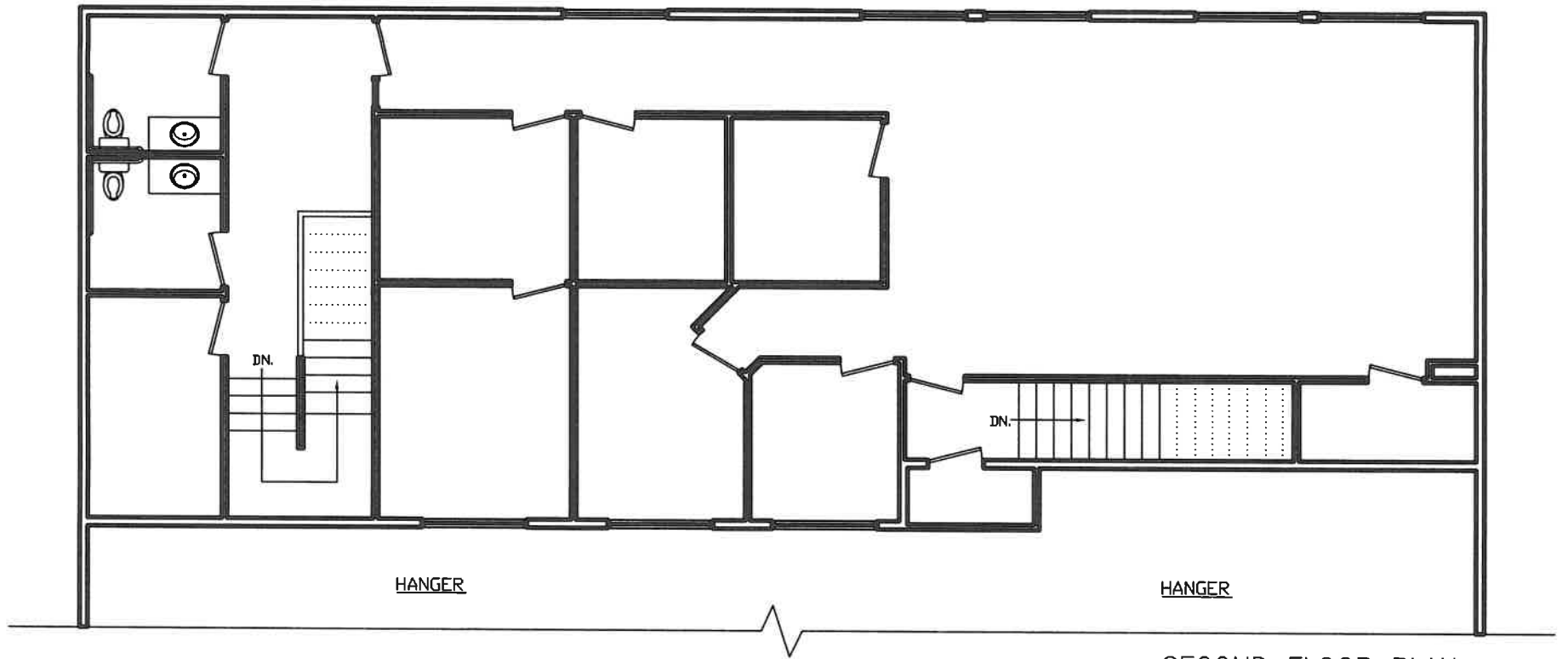
**DISCLAIMER**

The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.



**FIRST FLOOR PLAN**





SECOND FLOOR PLAN

**From:** [Bill Woods](#)  
**To:** [John K. Lazur](#)  
**Subject:** Objection To Ben Tatone's Request For A Conditional Use Permit--FILE NO: CUP-22-001  
**Date:** Monday, July 25, 2022 5:41:11 PM

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**John, please make sure that this objection gets to the Roseburg Community Development Department. And please let me know that this email is acceptable for my objection.**

**To: Roseburg Community Development Department  
File No: CUP-22-001  
Airport Hangar #12, 2797 NW Aviation Drive  
Roseburg, Oregon 97470**

**I am writing to strongly object to approving a Conditional Use Permit for Ben Tatone to operate a non-aviation related business out of Hangar #12 on the North Airport Expansion Area of the Roseburg Airport.**

**We presently own Hangar #15 just north of the hangar in question. And factually, all of the airport should be considered as one single property for public use. It should be considered as one large home where all tenants and users should have the right to object as it's their security at stake should a Conditional Use Permit be approved.**

**Allowing the uses being applied for by Ben Tatone will be terribly dangerous for the security of our airport. Based on my experience, if a construction company and real estate office are allowed to occupy an aircraft hangar, I can see many problems thereafter that the city, the airport, and all tenants will have to face should this be allowed.**

**I am convinced that Homeland Security and the TSA will not agree to such a breach of security at our airport. Based on this, I have our attorneys communicating with the TSA and Homeland Security to get their take on allowing such egregious access.**

**I know that the airport commission and the city are acutely aware of the value of our airport. However, there are those who think that using the front row of hangars on the north-expansion area for just about any purpose is just fine. We don't agree with that. And I believe that an overwhelming majority of airport tenants and Roseburg citizens would agree with my thinking if they were made aware of the potential dangers and consequences.**

**If anyone could benefit by allowing mixed-use of the hangars, it would be us. But we care more for our city and our airport than to ever agree with allowing any non-aviation uses.**

We all know that mixing off-airport uses with our airport is unsafe. It's analogous to someone wanting to rent vacant office spaces within the city hall for private uses. Security would be a disaster.

I would like to provide some bullet points of reasons that **NO USE, OTHER THAN STRICTLY AIRPORT USE, SHOULD EVER BE ALLOWED IN ANY HANGAR AT THE AIRPORT.**

- With any non-aviation tenant in any hangar most likely will not allow us to meet TSA Security Rules and Regulations.
- Nor do I believe that we can we meet the FAA Standards for the grants that we've received.
- While this was allowed in the past, there were constant breaches of security with delivery trucks and other personnel who would go right on through the second gate to enter the hangars from the airport side. At times I observed that they would drop nails, screws and other dangerous FOD on the ramp. And the people would even walk out to the runway to watch airplanes takeoff and land during their visit.
- We've had many breaches of security on the front row of those hangars with the front gate being open during the day and during the work-week..
- It may seem a stretch, but so was 911. Any nefarious, non-aviation person, could literally use one of the hangars to build a very destructive weapon then use an aircraft to depart the airfield unnoticed. All in the privacy of the inside of a large hangar.
- All leases at the airport should operate with the same set of rules and regulations and specific uses. Otherwise it exposes the city to potential and unnecessary lawsuits.

At the end of the day, there are thousands of reasons of why not to allow non-aviation use on our airport. THERE IS NOT ONE REASON WHY IT SHOULD BE ALLOWED. I trust that the city will use very wise decision making to prevent any non-aviation uses on our airport.

**“The Bitter Taste Of A Poorly Maintained Aircraft Lingers Much Longer Than The Sweetness Of The Price”**

*“We've Been Delivering Cherries Since 1969”*

*Bill R. Woods, President*  
Western Wings, Corp  
Suite 505  
1224 NE Walnut Street  
Roseburg, Oregon 97470

Cell: 541-580-8000

Phone: 541-957-2000

Email: [SkyKing@DouglasFast.net](mailto:SkyKing@DouglasFast.net)

**From:** [Bill Woods](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Nicole A. Messenger](#); [Kandi A. Street](#)  
**Subject:** RE: Objection To Ben Tatone's Request For A Conditional Use Permit--FILE NO: CUP-22-001  
**Date:** Thursday, July 28, 2022 12:49:10 PM

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**John, please pass this anonymous legal opinion on to the Planning Commission.**

**We are hoping that the Planning Commission will hold a live meeting as many users want to attend to voice opposition to allowing private businesses to operate from an aircraft hangar at the Roseburg Airport.**

Thanks Bill... We will discuss.

I do want to reiterate my earlier email. If I sign a lease agreement and it states that the sole purpose and use of the leased space is A, B, C and then I go and do X, Y, Z in that leased area, I have violated the terms of my contract and the other party to the contract has rights to demand I either cease doing X, Y, Z or lose my lease.

In this case the airport lease agreements have a very specific purpose. Essentially the permitted use "is building a hangar for the storage of airplanes and other aviation business." If a hangar tenant is violating the permitted use by conducting other business then the city and airport can stop that activity. This has nothing to do with land use or other county/city regulatory use. It's a pure contract issue. Not sure why the city doesn't want to enforce this provision of their lease agreements.

**We have more than one legal opinion on the city allowing Hangar #12, 2797 NW Aviation Drive, to be used for anything other than aviation. There was nearly an identical case such as this at the Eugene Airport a short time back where the FAA came in and demanded that the company move out. And they did.**

**I personally believe that the city is setting themselves up for a class action lawsuit by the users for violating our lease agreements if these people are allowed to operate a business out of that hangar.**

**Jody Tatone called me long before he bought the hangar. I made it clear to him that we would all vehemently oppose such use of that hangar due to the extreme dangers and breaches of security at the airport. Tatone asked me about the value of the hangar. I told him that he should only offer what the hangar was worth without including the 4,000 SF of office space. That's exactly what he did. He paid the fair market value for that hangar for it to be used for aviation uses only. So he should have no complaint about saying that he was under the impression that he could use that hangar to run a business entity from.**

**I am sure that we can find an aviation user who will gladly pay the price that Tatone paid**

who will use that hangar for aviation purposes only.

I have been in aviation for 53 years. During those years I've seen many accidents where untrained people were allowed onto the airport. One was a dog that ran out and tried to grab a moving propeller. Needless to say, the dog was killed.

Another was a young lady in Addison, Texas just a few years back, who walked into a propeller while the engine was running. She lived, but has been in terrible physical condition ever since.

I could name many accidents, incidents, and security situations where untrained people were allowed onto an airport who do not know the danger that they are in or the dangers that they are creating for aviation and airport uses.

With a previous user of that hangar, such as the requested use for Hangar #12 now, we had some of their employees walk right up to our helicopter when we were preparing to start the engine. Others would walk all the way out to the runway to watch airplanes and helicopters land and takeoff.

One should not camp on a railroad track unless they expect serious consequences.

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Email: [SkyKing@DouglasFast.net](mailto:SkyKing@DouglasFast.net)

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**From:** John K. Lazur <JLazur@cityofroseburg.org>  
**Sent:** Tuesday, July 26, 2022 9:39 AM  
**To:** Bill Woods <skyking@douglasfast.net>  
**Subject:** RE: Objection To Ben Tatone's Request For A Conditional Use Permit--FILE NO: CUP-22-001

Thank you, Bill. Your comments will be made part of the record.

**From:** Bill Woods <[skyking@douglasfast.net](mailto:skyking@douglasfast.net)>

**Sent:** Monday, July 25, 2022 5:41 PM

**To:** John K. Lazur <[JLazur@cityofroseburg.org](mailto:JLazur@cityofroseburg.org)>

**Subject:** Objection To Ben Tatone's Request For A Conditional Use Permit--FILE NO: CUP-22-001

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**To: Roseburg Community Development Department  
File No: CUP-22-001  
Airport Hangar #12, 2797 NW Aviation Drive  
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**From:** [Dennis Yeo](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Allen Goodwin](#); [Dan Sprauge](#)  
**Subject:** File No. CUP 22 001 Conditional Use Permit  
**Date:** Monday, August 1, 2022 9:55:59 AM

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Mr. Lazur

I own the corporate hangar at 2775 NW Aviation Dr, Roseburg, Or 97470.

I object to the proposed conditional use permit to allow a real estate sales office on the subject property. By granting non aviation use you will have a large amount of non aviation personnel in very close proximity to the aviation operating area.

In addition the subject property doesn't allow vehicle access to the vast amount of storage area the building contains. In order to access this area, trucks, equipment, etc will be accessing live aircraft operations areas as well as have access to gate codes. This will undoubtedly expose the city to liability that it should not have to risk.

Please consider my concerns as you make your decision,

*Dennis Yeo, Member*  
Douglas County Aviation  
541 915 3703

**From:** [Dan Sprague](#)  
**To:** [John K. Lazur](#)  
**Subject:** CUP-22-001  
**Date:** Monday, August 1, 2022 1:05:50 PM

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John Lazur,  
900 SE Douglas Avenue  
Roseburg, OR 97470

RE: File No. CUP – 22-001

Dear Mr. Lazur:

I, Dan Sprague, am objecting to the conditional use permit requested by Ben Tatone. I own the hangar at 2785 Aviation Drive. My hangar is directly across the taxiway from the Tatone's hangar.

The conditional use permit, allows Mr. Tatone to operate a business that will reduce the security at the Airport. The public access to that hangar would increase. There could be multiple Real Estate Agents and their clients, that all would have access to airport property. Security will be threatened by the increased access and essentially the creation of a new "public area" at the airport. There have been security issues at the airport, that the owners and Airport Commission have been working to resolve. Having a non-aviation business will create more security issues.

I am also a member of the Roseburg Airport Commission and we have worked diligently to keep the Roseburg Airport safe and secure and a benefit to our community. The Non-Aviation use of airport properties can impact any and all grants and funding for the Airport.

If the conditional use permit were to be granted what would stop an auto body shop or an upholstery shop or any other business from opening and using a hangar in the future?

I hope the planning commission will have an open meeting to discuss this "Conditional Use Permit".

Thank you  
Dan Sprague  
1602 NE Camelot Ct  
Roseburg, OR 97470  
541-580-4247



**From:** [Allen Goodwin](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Dennis Yeo](#); [Dan Sprague](#); [Frank Inman](#); [clint.newell@clint](mailto:clint.newell@clint); [Nicole A. Messenger](#); [Bill Woods](#); [Info Shared Mailbox](#); [Airport](#)  
**Subject:** File No. CUP-22-001 Conditional Use Permit, Roseburg Airport  
**Date:** Monday, August 1, 2022 2:35:06 PM

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August 1, 2022

RE: Conditional Use Permit Request File # CUP-22-001

Dear Mr. Lazur,

I own a corporate hangar on the north ramp of the Roseburg Airport at 2777 NW Aviation Drive.

It has been brought to my attention that a letter dated July 22, 2022, was sent to other corporate hangar owners on the north ramp concerning the proposed Conditional Use Permit request listed above. My hangar is in close proximity to the property in the request and I will be directly affected. I did not receive the letter.

In the Conditional Use Permit Ben Tatone has requested he be allowed to use the property for a real estate office. The property concerned is a building housing a large hangar in which the hangar door opens onto a taxiway running between a row of corporate hangars, including mine. This hangar door is within the secondary security fence. The front of the building houses a large office space, the entrance of which opens away from the taxiway, but is still within the outer security fence. To the best of my knowledge there is no vehicle access through the front of the building to the hangar, but the hangar space would be accessible to personnel and potentially clients.

I have several concerns:

1. The use of this building as a real estate office, to the best of my knowledge, has nothing to do with aviation for which I believe Federal funds were used to improve the Roseburg Airport. I would hate to risk future airport funding.
2. Clients/personnel of a real estate company, in general, will have no knowledge of airport operations, including safety protocols and yet they will potentially have access to the airport through the building. This presents a potential hazard and liability to themselves, airport personnel and the safe operation of aircraft using the adjacent taxiway. It is also a serious security risk for the airport in general.

3. If the hangar space will be used to store supplies and equipment, it will need to be accessed through the second set of security gates. Thus, people with no connection to the airport, city, or aviation will have security codes to access the entire airport. Again, this is a serious security and liability risk to personnel and millions of dollars of equipment located on the airport. It will also cause increased congestion in the taxiway used for aircraft operation.

I respectfully oppose the acceptance of Conditional Use Permit File # CUP-22-00.

Thank you for your consideration,

Allen A. Goodwin

President/Member:

Good Winds Aero  
2777 NW Aviation Drive  
Roseburg, Oregon. 97470

541-817-3584

Rhonda Sprague  
1602 NE Camelot Ct  
Roseburg, OR 97470  
541.680.1738

August 1, 2022

Mr. John K Lazur, Associate Planner  
900 SE Douglas  
Roseburg, OR 97470

RE: CUP 22-001

Dear Mr. Lazur:

I am contacting you about the recent Notice of Proposed Conditional Use Permit File No. CUP-22-001. I own property within 100 feet and will be “specially, personally, adversely, and substantially affected by the proposal”.

I have strong objections to the conditional use permit for a non-aviation use at the Roseburg Airport. The building is an “Airport Hangar” and as such its primary purpose is for the storage of aircraft. Mr. Tatone’s request to open a “Real Estate Office” has no relevance to aviation or aircraft storage and should therefore not be approved.

Roseburg Regional Airport has received federal Airport Improvement Program grant money and there must follow the guidelines that require airport hangars to be used for airplane storage. Hangars can also be used for aviation related commerce. Real Estate is not mentioned as a use for a hangar. Use of hangars for non-aviation related purposes may jeopardize the future funding of Roseburg Airport.

It concerns me that a real estate business could have a managing broker, multiple agents, support personnel and other employees. These will all impact the parking outside the hangar. Additionally, agents will be meeting with their clients, or people who “just drop in” to look at homes in the area. This increase of foot traffic across from my hangar, would decrease the security of our hangar and we would need to take measures to mitigate our concerns. It also means that our hangar door must be closed at all times. We cannot leave the door open for circulation, and we can no longer leave the door open when the plane is in use. Instead, the 60’ x 16’ door would need to be raised and lowered each time a plane is moved in or out of the hangar. This additional wear on the door mechanism is considerable and expensive to replace!

According to the Policy on the Non-Aeronautical Use of Airport Hangars (FAA 14 CFR Chapter 1) the summary clarifies that Under Federal law, airport operators that have accepted federal grants....may use airport property only for aviation related purposes unless otherwise approved

by the FAA. Has Mr. Tatone requested approval from the FAA to use the airport property for a non-aviation use? Has the City of Roseburg made such a request? Further in the Background information is states that "Aviation tenants and aircraft owners should not be displaced by non-aviation commercial uses that could be conducted off airport property." This same document addresses changing the Airport's Master Plan to show non-aviation use of property. And further it states that non-aviation activities on an airport be charged a fair market rate, rather than an aeronautical rate. These changes could create extra work for city personnel and airport owners.

I have included page 38910 of the Federal Register/vol 81, No 115/Wednesday, June 15, 2016/Rules and Regulations. It has the Use of Aeronautical Land and Facilities. Part II. Standards of Aeronautical use of Hangars. And Part III. Approval for Non-Aeronautical use of Hangars. Part of this policy concerns a provision for an "interim use of a hangar for non-aeronautical purposes for a period of 3- 5 years." And that there should be an "option to recover the hangar for aeronautical purpose within 30 days." Would Mr. Tatone agree to these stipulations? Will this be the only business granted "non-aviation use" or will other businesses also request this privilege?

I believe that the use of an airport hangar for non-aviation purposes creates a variety of concerns both now and in the future for me as a hangar owner and for the Roseburg Airport in general. I believe that our airport provides an invaluable service to our community and that anything that begins to impede on the airport should not be allowed.

Sincerely,

Rhonda Sprague  
Hangar Owner  
2785 Aviation Drive

Attachments

**38910 Federal Register / Vol. 81, No. 115 / Wednesday, June 15, 2016 / Rules and Regulations**  
**Use of Aeronautical Land and Facilities**

*Applicability*

This policy applies to all aircraft storage areas or facilities on a federally obligated airport unless designated for non-aeronautical use on an approved Airport Layout Plan or otherwise approved for non-aviation use by the FAA. This policy generally refers to the use of hangars since they are the type of aeronautical facility most often involved in issues of non-aviation use, but the policy also applies to other structures on areas of an airport designated for aeronautical use. This policy applies to all users of aircraft hangars, including airport sponsors, municipalities, and other public entities, regardless of whether a user is an owner or lessee of the hangar.

**I. General**

The intent of this policy is to ensure that the federal investment in federally obligated airports is protected by making aeronautical facilities available to aeronautical users, and by ensuring that airport sponsors receive fair market value for use of airport property for nonaeronautical purposes. The policy implements several Grant Assurances, including Grant Assurance 5, Preserving Rights and Powers; Grant Assurance 22, Economic Nondiscrimination; Grant Assurance 24, Fee and Rental Structure; and Grant Assurance 25, Airport Revenues.

**II. Standards for Aeronautical Use of Hangars**

a. Hangars located on airport property must be used for an aeronautical purpose, or be available for use for an aeronautical purpose, unless otherwise approved by the FAA Office of Airports as described in Section III.

b. Aeronautical uses for hangars include:

1. Storage of active aircraft.
2. Final assembly of aircraft under construction.
3. Non-commercial construction of amateur-built or kit-built aircraft.
4. Maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.
5. Storage of aircraft handling equipment, e.g., towbars, glider tow equipment, workbenches, and tools and materials used in the servicing, maintenance, repair or outfitting of aircraft.

c. Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit nonaeronautical items to be stored in hangars provided the items do not interfere with the aeronautical use of the hangar.

d. While sponsors may adopt more restrictive rules for use of hangars, the FAA will generally not consider items to interfere with the aeronautical use of the hangar unless the items:

1. Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents of the hangar.
2. Displace the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
3. Impede access to aircraft or other aeronautical contents of the hangar.
4. Are used for the conduct of a nonaeronautical business or municipal agency function from the hangar (including storage of inventory).
5. Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.

e. Hangars may not be used as a residence, with a limited exception for sponsors providing an on-airport residence for a full-time airport manager, watchman, or airport operations staff for remotely located airports. The FAA differentiates between a typical pilot resting facility or aircrew quarters versus a hangar residence or hangar home. The former are designed to be used for overnight and/or resting



periods for aircrew, and not as a permanent or even temporary residence. See FAA Order 5190.6B paragraph 20.5(b)

f. This policy applies regardless of whether the hangar occupant leases the hangar from the airport sponsor or developer, or the hangar occupant constructed the hangar at the occupant's own expense while holding a ground lease. When land designated for aeronautical use is made available for construction of hangars, the hangars built on the land are subject to the sponsor's obligations to use aeronautical facilities for aeronautical use.

### **III. Approval for Non-Aeronautical Use of Hangars**

A sponsor will be considered to have FAA approval for non-aeronautical use of a hangar in each of the following cases:

a. FAA advance approval of an interim use: Where hangars are unoccupied and there is no current aviation demand for hangar space, the airport sponsor may request that FAA Office of Airports approve an interim use of a hangar for non-aeronautical purposes for a period of 3 to 5 years. The FAA will review the request in accordance with Order 5190.6B paragraph 22.6. Interim leases of unused hangars can generate revenue for the airport and prevent deterioration of facilities. Approved interim or concurrent revenue-production uses must not interfere with safe and efficient airport operations and sponsors should only agree to lease terms that allow the hangars to be recovered on a 30 days' notice for aeronautical purposes. In each of the above cases, the airport sponsor is required to charge non-aeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

b. FAA approval of a month-to-month leasing plan: An airport sponsor may obtain advance written approval month-to-month leasing plan for nonaeronautical use of vacant facilities from the local FAA Office of Airports. When there is no current aviation demand for vacant hangars, the airport sponsor may request FAA approval of a leasing plan for the lease of vacant hangars for nonaeronautical use on a month-to-month basis. The plan must provide for leases that include an enforceable provision that the tenant will vacate the hangar on a 30-day notice. Once the plan is approved, the sponsor may lease vacant hangars on a 30-day notice basis without further FAA approval. If the airport sponsor receives a request for aeronautical use of the hangar and no other suitable hangar space is available, the sponsor will notify the month-to-month tenant that it must vacate.

A sponsor's request for approval of an interim use or a month-to-month leasing plan should include or provide for (1) an inventory of aeronautical and nonaeronautical land/uses, (2) information on vacancy rates; (3) the sponsor's procedures for accepting new requests for aeronautical use; and (4) assurance that facilities can be returned to aeronautical use when there is renewed aeronautical demand for hangar space. In each of the above cases, the airport sponsor is required to charge nonaeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

c. Other cases: Advance written release by the FAA for all other nonaeronautical uses of designated aeronautical facilities. Any other nonaeronautical use of a designated aeronautical facility or parcel of airport land requires advance written approval from the FAA Office of Airports in accordance with Order 5190.6B chapter 22. VerDate Sep2014 14:36 Jun 14, 2016 Jkt 238001 PO 00000 Frm 00030 Fmt 4700 Sfmt 4700 E:\FR\FM\15JNR1.SGM 15JNR1 ehiers on DSK5VPTVN1PROD with RULES Federal Register / Vol. 81, No. 115 / Wednesday, June 15, 2016 / Rules and Regulations 38911

### **IV. Use of Hangars for Construction of an Aircraft**

Non-commercial construction of amateur-built or kit-built aircraft is considered an aeronautical activity. As with any aeronautical activity, an airport sponsor may lease or approve the lease of hangar space for this activity without FAA approval. Airport sponsors are not required to construct special facilities or upgrade existing facilities for construction activities. Airport sponsors are urged to consider the appropriate safety measures to accommodate these users. Airport sponsors also should consider

incorporating construction progress targets in the lease to ensure that the hangar will be used for final assembly and storage of an operational aircraft within a reasonable term after project start.

#### **V. No Right to Non-Aeronautical Use**

In the context of enforcement of the Grant Assurances, this policy allows some incidental storage of nonaeronautical items in hangars that do not interfere with aeronautical use. However, the policy neither creates nor constitutes a right to store nonaeronautical items in hangars. Airport sponsors may restrict or prohibit storage of non-aeronautical items. Sponsors should consider factors such as emergency access, fire codes, security, insurance, and the impact of vehicular traffic on their surface areas when enacting rules regarding hangar storage. In some cases, permitting certain incidental non-aeronautical items in hangars could inhibit the sponsor's ability to meet obligations associated with Grant Assurance 19, Operations and Maintenance. To avoid claims of discrimination, sponsors should impose consistent rules for incidental storage in all similar facilities at the airport. Sponsors should ensure that taxiways and runways are not used for the vehicular transport of such items to or from the hangars.

#### **VI. Sponsor Compliance Actions**

a. It is expected that aeronautical facilities on an airport will be available and used for aeronautical purposes in the normal course of airport business, and that non-aeronautical uses will be the exception.

b. Sponsors should have a program to routinely monitor use of hangars and take measures to eliminate and prevent unapproved non-aeronautical use of hangars.

c. Sponsors should ensure that length of time on a waiting list of those in need of a hangar for aircraft storage is minimized.

d. Sponsors should also consider including a provision in airport leases, including aeronautical leases, to adjust rental rates to FMV for any nonincidental non-aeronautical use of the leased facilities. In other words, if a tenant uses a hangar for a nonaeronautical purpose in violation of this policy, the rental payments due to the sponsor would automatically increase to a FMV level.

e. FAA personnel conducting a land use or compliance inspection of an airport may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aeronautical use.

The FAA may disapprove an AIP grant for hangar construction if there are existing hangars at the airport being used for non-aeronautical purposes.

Issued in Washington, DC, on the 9th of June 2016.

Robin K. Hunt, *Acting Director, Office of Airport Compliance and Management Analysis.*

[FR Doc. 2016-14133 Filed 6-14-16; 8:45 am]

BILLING CODE 4910-13-P

Copied from the following web address:

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**From:** [Rob Levin](#)  
**To:** [John K. Lazur](#)  
**Subject:** Security  
**Date:** Monday, August 1, 2022 3:11:22 PM

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John,  
I would like to formally object to any potential mixed use leases at the Roseburg Airport

As you know we have been having ongoing security issues at the airport.

Saturday morning at 0337 AM a unauthorized Individual gained access to the secured side of the airport and stole a rental car.

This is only one of many incidents at KRBG.

- All gate access points should be closed at all times to help prevent this.

I know that the aircraft community will continue to watch and report if any suspicious behavior is witnessed as it is our "TSA duty" but we should be doing everything we can to prevent these trespassing incidents before someone gets hurt or killed.

The airport is for Aviation and should not be mixed.  
I feel it's irresponsible and dangerous.

Thank you,  
Rob Levin

Western Oregon Flying Services LLC  
Western Oregon School of Aviation LLC  
2251 Aviation DR  
Roseburg OR  
97470

**From:** [Clint Newell](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Dennis Yeo](#); [Dan Sprague](#); [Frank Inman](#); [Nicole A. Messenger](#); [Bill Woods](#); [Airport](#); ["allengoodwin13@hotmail.com"](#); [David Morrison](#); [Robb Paul](#); [westernoregonaviation@yahoo.com](#); [Steve Skenzick](#); [Patrice L. Sipos](#)  
**Subject:** RE: File No. CUP-22-001 Conditional Use Permit, Roseburg Airport  
**Date:** Monday, August 1, 2022 4:39:50 PM  
**Attachments:** [CNAG-Image\\_c4242b75-529a-4c08-b22b-21aa481ec3c6.png](#)

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Dear Mr. Lazur,

I own a corporate hangar at 2795 NW Aviation Drive at the Roseburg Regional Airport, which is directly across and within 100 feet of the subject property of the CUP application. I am also a member of the Roseburg Airport Commission.

I have reviewed the CUP application and I oppose the proposed use. I would not be comfortable having a real estate sales office in that area. The group of adjacent aircraft hangars simply are not compatible with a real estate sales operation. The airport is zoned for the purpose of the airport, and a non-aviation retail sales brokerage is an incompatible use. It's imperative that we uphold, build, and improve the integrity of the Roseburg Regional Airport, and the current zoning is designed for that mission. Fragmenting a retail sales operation into the mix of a group of hangars is damaging to the image, operation, and security of the airport. There are far better locations for real estate sales offices in Roseburg.

Bringing the general public into the north hangar complex introduces a number of issues. Safety, security, and privacy are always of highest priority in aviation, and airport management and operators are dealing with enough of these issues already. There have been a number of security breaches recently involving attempted break-ins, automobile thefts, and aircraft operations. Nobody in the north hangar complex wants to become a target for an illicit act and adding a real estate sales business to the site will only increase the likelihood of such. Therefore, I recommend declining the subject Conditional Use Permit and encourage the applicant to locate their real estate sales business elsewhere.

Sincerely,  
Clint Newell  
735 Cross Creek Drive  
Roseburg, OR 97471  
541-673-7000



## Clint Newell

President

Phone. 541-673-7000 • Fax. 541-537-4839

Email. [clint.newell@clintnewell.com](mailto:clint.newell@clintnewell.com)

1481 NE Stephens St.

Roseburg, OR 97470

[www.clintnewell.com](http://www.clintnewell.com)

**From:** [steve@hpselectric.com](mailto:steve@hpselectric.com)  
**To:** [John K. Lazur](#); [Nicole A. Messenger](#)  
**Cc:** [Kandi A. Street](#)  
**Subject:** RE: File No. CUP-22-001  
**Date:** Tuesday, August 2, 2022 10:04:22 AM  
**Attachments:** [image001.png](#)

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Good morning, Mr. Lazur

I may be a new name to you but I have been involved with the Roseburg Regional Airport since 1986 thru the City of Roseburg. I started flying my own airplane in 1981 and about 1984 was able to park in a hanger with another plane. Later I got my own hanger which I still have, #5.

My involvement with the City started with a position on the Economical Development Commission and soon after was asked to move to the Airport Commission, it was being reorganized. I was on the Airport Comm to the end of 1989 when I was asked to put my name in for a city Council member to fill a position which I did and received that appointment and was formerly voted in for 4 more years in 1992 thru 1996, assigned to chair the Airport Comm. After that I went back onto the Airport Comm for about 6 years as a member, off for a few and now back on the commission again.

Having been involved over the years one of the BIG issues has been is it a "little something" effect that is just a little something, or is it part of the "Whole Airport". The FAA, where we get most of our dollars see us as "one" airport that goes from Stewart Parkway on the south, north to Edenbower, railroad tracks on the east side to Aviation Drive on the west.

The hanger in question, #15, is not being used for what it is, an airplane hanger. That one hanger has an effect on the complete 200 acres that is Roseburg Regional Airport. We are going to have outside people wondering around the building in question with no knowledge what so ever on what is going on around them, planes coming and going to other hangers. It is not an office complex.

When the Airport Commission voted on this issue, I guess I would have to say I was not listening very close to the total issue because I thought that the Tatone's have or were going to have a plane. Even then there are restrictions about useage.

This is NOT the place for what is wanted to be used for.

**Steve Skenzick**  
**Gen Mgr, GPPA**  
[www.hpselectric.com](http://www.hpselectric.com)



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**SALES**



**From:** [Cameron Krauss](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Steve Swanson](#); [Chris Swanson](#)  
**Subject:** Objection to use proposed by CUP-22-001  
**Date:** Tuesday, August 2, 2022 11:07:42 AM

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John Lazur,  
900 SE Douglas Avenue  
Roseburg, OR 97470

RE: File No. CUP – 22-001

Dear Mr. Lazur:

My name is Cameron Krauss and I serve as the General Counsel for Swanson Group, Inc.. Swanson Group owns Roseburg Airport hangar number 15, located at 2825 NW Aviation Dr. I am writing today to formally object to the use proposed in the Conditional Use Permit Application number 22-001.

Our hangar is located at the north end of the parking lot that is accessed off of Aviation Drive, through the electric security access gate. The applicants hangar is located in the same parking area. The applicant's proposed use for the hangar is retail in nature, meaning that the security access gate is left open during large portions of the day. This fact alone should signal that the proposed use is incompatible with the airport. Airport security is of critical importance and like all other private hangars on the airport Swanson expects to have the protection of installed electrical security gates during all portions of the day.

The Roseburg airport is a valuable asset to the people of Roseburg. The city's land use code defines the purpose of the Airport district as follows: "The Airport District classification is intended to protect airport facilities and operations from incompatible uses; to provide for future airport expansion; and to preserve airport lands for future commercial and industrial uses, which will be directly dependent on air transportation." Allowing the uses proposed by this Conditional Use Permit application is completely inconsistent with this stated purpose.

Sincerely,

Cameron L. Krauss  
General Counsel  
Swanson Group, Inc.

**From:** [David Morrison](#)  
**To:** [John K. Lazur](#)  
**Cc:** [harvestpride2@gmail.com](#); [danwsprague@gmail.com](#); [fi@douglasfast.net](#); [Nicole A. Messenger](#); [Bill Woods](#); [PWD Shared Mailbox](#); [allengoodwin13@hotmail.com](#); [robblinda911@charter.net](#); [Rob Levin](#); [skenzick@rosenet.net](#); [Patrice L. Sipos](#)  
**Subject:** File No. CUP-22-001 Conditional Use Permit, Roseburg Airport  
**Date:** Tuesday, August 2, 2022 2:10:19 PM

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Dear Mr. Lazur,

I've served on the Airport Commission for a number of years. I've hangared my plane at the Roseburg Airport since 2001. The proposed non-aviation use of a city owned hangar as a real estate office raises the specter of critical security and safety issues which are incompatible with airport operations. This use of an aircraft hangar for a non aviation related business should not be permitted within a purposely restricted airport area.

Sincerely,  
David Morrison  
923 Cleveland Rapids Rd  
Roseburg OR 97471  
541-643-6128

**From:** [Dave Leonard](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Bill Woods \(skyking@douglasfast.net\)](mailto:skyking@douglasfast.net)  
**Subject:** Proposed Conditional Use Permit 22-001 Roseburg Airport  
**Date:** Tuesday, August 2, 2022 4:29:27 PM

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Greetings – Please note my opposition to the Conditional Use Permit referenced above. It is simply a poor idea, a poor location and not justifiable as an aviation use.

I currently rent corporate hangar J-1 within the north hangar area of Roseburg Regional Airport, which is within 500 feet of the subject property of the CUP application. I owned a commercial hangar in the south hangar complex for 25 years. I am also a founding member of the Roseburg Airport Commission and was an active member for over twenty years. I am a flight instructor, commercial pilot, aerobatic pilot and have been design engineer for many airport hangar, runway and taxiway projects in Colorado, Oregon and Arizona at both military and civil airports. ALL of these projects carefully considered airport security. I believe that I have a deep, well-rounded understanding of airport operations and the fragility of safety in that environment.

I have reviewed the CUP application and I oppose the proposed use. I do not consider it sound planning to locate a real estate sales office in an airport use area. The group of adjacent aircraft hangars simply are not compatible with a real estate sales operation or the unsupervised general public visitors that would be so associated. The airport is zoned for aviation use and airport needs, and a non-aviation retail sales brokerage is an incompatible use. It's imperative that we uphold, build, and improve the integrity of the Roseburg Regional Airport. The current zoning is designed for that mission and is compatible with FAA funding principles. Fragmenting a retail sales operation into the mix of a group of hangars is damaging to the image, operation, and security of the airport. It is also the first step on a slippery slope of adding more non-aviation uses. There are far better locations for real estate sales offices in Roseburg and a glut of attractive locations are available.

Bringing the general public into the north hangar complex as proposed introduces a number of risks. Safety, security, and privacy are always of highest priority in aviation, and airport management and operators are dealing with enough of these issues already. There have been several security breaches recently involving attempted break-ins, automobile thefts, and aircraft operations. Nobody in the north hangar complex wants to become a target for an illicit act and adding a real estate sales business and probable unsupervised general public to the site will only increase the likelihood of such.

You and city staff may be unaware of the unusual gate configuration to the north hangar complex. It provides street side and air side access to several hangars, one of which would be the subject CUP occupancy. The dual air and street access is not problematic, as long as access is being controlled by knowledgeable tenants. I do not believe that a real estate sales office qualifies as a knowledgeable tenant.

I recommend that the subject Conditional Use Permit application be rejected and the applicant encouraged to locate their real estate sales office in an area of compatible use.



*Semper Fi!*

Dave Leonard, PE, SE  
Registered Geotechnical Engineer

**From:** [Lynn Engle](#)  
**To:** [John K. Lazur](#)  
**Subject:** Airport  
**Date:** Wednesday, August 3, 2022 7:12:19 AM

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Please file my objection to the project in a hangar at the airport. It doesn't seem appropriate to have a construction company and a real estate office at that location.

Lynn Engle

**From:** [Gil Peterson](#)  
**To:** [John K. Lazur](#)  
**Subject:** rbg airport  
**Date:** Wednesday, August 3, 2022 9:52:40 AM

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Dear Mr. Lazur,

I have been involved in various aviation capacities since 1965. I was a commercial pilot and certified flight instructor for fifty years. I was a partner in a Fixed Base Operation in California for a number of years. When I moved to Oregon, I purchased Felt Field Airport here in Douglas County. I owned that property for over thirty years. Safety and security were always the highest priorities for both operations. At Felt Field, as an example, I hired a fulltime airport manager who lived on site seven days a week. We had a locked gate as well as several security surveillance cameras located in various locations on the property. In my opinion, with all the potential hazards on and about airports, it is extremely important to maintain strict and stringent safety and security measures at all times. Therefore, airports should be strictly limited only to aviation related activities in order to prevent potential problems both known and unknown.

Therefore, I strongly oppose any activities on or about the airport that are not aviation oriented. Any activities allowed that are not aviation related, opens the door for numerous potential safety and security problems.

Thank you for your consideration of my opposition

Sincerely,

Gil Peterson

P. O. Box 240

Winchester, Or. 07495

**From:** [Phil Strawn](#)  
**To:** [John K. Lazur](#)  
**Subject:** File #CPU-22-001 conditional use permit, Roseburg Airport  
**Date:** Wednesday, August 3, 2022 12:43:53 PM

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I object to any hanger being used for the operation of a retail business instead of aviation use.  
That is not compatible use and should not occur at our airport.

Thank you  
Phil Strawn  
1224 NE Walnut st. Suite 218  
Roseburg OR

Sent from my iPhone

**From:** [fi@douglasfast.net](mailto:fi@douglasfast.net)  
**To:** [John K. Lazur](mailto:John.K.Lazur)  
**Cc:** [fi@douglasfast.net](mailto:fi@douglasfast.net); [Dan Sprague](#); [steve@hpselectric.com](mailto:steve@hpselectric.com); "David Morrison"; "Rob Levin"; "Robb Paul"; "Bill Woods"  
**Subject:** CUP-22-001 Conditional Use Permit, Roseburg Airport/Hangar 12  
**Date:** Tuesday, August 2, 2022 5:12:43 PM

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Ref: CUP-22-001 Conditional Use Permit (#12)

Mr. Lazur, City of Roseburg

I have been an owner and operator of numerous airplanes that I have hangered at the Roseburg Municipal Airport over the past 20 years and am very familiar with the security challenges faced by our airport.

I do believe it is a mistake to mix airport operations with such operations as a real estate sales enterprise. As it stands, to enter the airport premises, you must be authorized by the city of Roseburg (lease and accompanied gate code). With unauthorized people, namely the general public, having potential access to the airport premises would present a cavalcade of security challenges ranging from vandalism, sabotage, damage to aircraft and harm to body and limb. For these reasons It is my position that the reference CUP should not be permitted as it violates the intent of the purposely restricted airport area.

As a side note I am a Roseburg City Airport Commissioner and have been for approximately 15 years. Recall, at our last Roseburg Airport Commission meeting, I voted no on carrying this CUP forth to the City Council.

Frank Inman  
211 Heavens Gate Lane  
Roseburg 97471  
(541)817-6397  
Hangar J-2

**From:** [Dave Leonard](#)  
**To:** [John K. Lazur](#)  
**Cc:** [Nicole A. Messenger](#); [Stuart I. Cowie](#)  
**Subject:** Hangar K-12 Proposed CUP  
**Date:** Tuesday, August 16, 2022 11:13:26 AM

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John – I realize that the comment period for the CUP has expired, so this cannot be a comment of record. I request you consider it as a retraction of my remonstrance.

After I sent my original email objecting to the proposed CUP for the old DCIPA hangar and office, I was reminded of the circumstances in 2011(?) when this commercial use of dedicated aviation assets first was proposed.

As you conduct your due diligence for the proposed CUP, you will see that, as an Airport Commissioner, I voted to deny and may have made the motion to deny the first DCIPA lease, then at a subsequent meeting agreed to approve it as modified. There is no inconsistency in my motions; I voted to approve the lease as modified after litigation addressed my initial concerns.

In about 2011, when the DCIPA commercial occupancy was first proposed, I and the rest of the Airport Commission were opposed. Our prime concerns were;

1. **Security for Airside** - Ease of access to the airside by the general public visitors of DCIPA by passing through the hangar via unsecured doors or gates.
2. **Financial** - And the fact that, at the time, commercial rental rates were much higher than the airport lease rate. The Commission saw no reason to subsidize a business at airport expense by accepting less than market rates. We did not consider it an appropriate use of public money to compete with the private sector.

If the City retains the tapes of those old meetings, it may be instructive to review them.

As a result of the Airport Commission's original recommendation of disapproval, litigation, or at least intense negotiation between City and DCIPA ensued, which resulted in an amended lease, agreed by DCIPA and City, which set a non-aviation commercial lease rate for the office portion and which specified security methods required as a condition of the lease to block public access to the air side.

Having now researched the background for what was the DCIPA hangar/office as well as having toured the hangar/office, I have concluded that this CUP should be issued, as long as;

**1. Steps are taken to render access to the airside from the offices impossible, except for authorized personnel. I noted that the passage doors may be blocked open and potentially forgotten. I do not believe this satisfactory security and suggest that an alarm be required on each door that would sound continuously after the doors are held open for more than two minutes. and**

**2. The lease rate updated to be sure that we are at market rates. The current rate of 73 cents per square foot per year for the footprint (half of the commercial area) seems very light.**

I have been told that the Lessee's intend to store construction materials and construction equipment in the hangar. **The lease should specifically preclude storage in-hangar of anything not aviation related, including non-aviation equipment or construction equipment. There are enough active eyes in the north hangar complex that I am comfortable someone will contact the city if this occurs in the future.**

I trust that this memo clarifies any perceived inconsistency between my actions as an Airport Commissioner in case the topic is brought up.

**On balance, I see little difference between this commercial use as conditioned (and modified) above and the use of airport property by the Edenbower storage facility, as long as the conditions suggested herein are accomplished.** From a financial standpoint, the airport fund can certainly use the income and there is not a long line of tenants (none) waiting for hangar properties. If the list ever expands and there are aviation related tenants committed to lease office space, the lease should be reevaluated.

Feel free to contact me if you have questions.

--

*Semper Fi!*

*Dave Leonard*

Dave Leonard, PE SE

Registered Geotechnical Engineer

**From:** [Bill Woods](#)  
**To:** [Nicole A. Messenger](#); [Kandi A. Street](#)  
**Cc:** [Amy L. Sowa](#); ["James Forrester"](#); [John K. Lazur](#)  
**Subject:** RE: Hangar #12---2797 NW Aviation Drive & Inconsistent & Erroneous Airport Management  
**Date:** Sunday, August 7, 2022 12:53:28 PM

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Nikki, I realize that you were not the city manager when most of these events happened. I'm sorry to bring any angst into your life, but we will appreciate your help as we are going to need more information and documentation in regard to Hangar #12 than we first thought. Please consider this letter as our formal request for same.

If I understand it correctly, I should not have to pay for documentation that may be needed for my participation in what I believe to be in the public's best interest. Please clarify this for me. Regardless of the answer, or my obligation, we will still need all of the information requested as follows.

Nikki, please take no personal offense, but our concerns are that previous City Management and/or Department Heads, negotiated deals behind closed doors without giving any notice whatsoever to the FBO, the Users, the Renters, the Hangar Owners, nor any other entities. **It's entirely possible that not even the City Council was ever informed of these deals before they happened.** I know of no one who was ever given any notice of what was happening of allowing non-aviation, non-airport-compatible uses for Hangar #12 before it had already happened.

If you read between the lines, in my requests below, and the time-lines, you will see serious inconsistencies with how Hangar #14 South End Corporate Row, and Hangar #12 on the North Expansion area were treated just a very few short years apart.

I trust that you can appreciate that all we are trying to do is to protect and preserve our airport as a major asset for the City of Roseburg. The camel's nose is now under the tent. If allowed to continue on this path of destruction we will all regret it. Waiting until the dam breaks will be way too late.

For Ben & Jody Tatone to attempt to locate a real estate sales firm and a construction company in an aircraft hangar on the Roseburg Airport is in by no stretch of the imagination Airport Compatible or Aviation related.

Too my knowledge, every Airport Commission Member, except maybe for one who may not even know of the present actions that we are taking, has already filed objections with the Planning Department of allowing a Conditional Use Permit for the Tatone requested purposes. Along with dozens of other remonstrators.

We have no issues whatsoever with Hangar #12 if Ben & Jody Tatone uses it for its intended



purpose of aircraft storage and aviation related businesses. I shared this same thought with Jody Tatone long before they bought hangar #12. And I told Jody Tatone that he should only pay a fair market price for the hangar for it to be used for aviation purposes only. And that is the price that they paid. Nothing more! Nothing less!

Please assist us with obtaining as chronological and as correct documents, reports, memos, and other information that the city may have in regard to Hangar #12. These should include everything since discussions first began with Ron Preston and the DECIPIA group, and all other persons since then. It might be wise if we could just peruse all files personally relating to Hangar #12 to save time and copying. Under the city's supervision of course.

1. Statement: Perry Murray/Murray Electric owned a Cessna Turbo-210 and a Cessna Twin-Engine 421 that he stored in his Hangar #14, South Side, Corporate Row. This was in the 2000—2004 timeline. Mr. Murray also stored some of his electrical supplies in his hangar. When the City learned of this, the City gave Mr. Murray a "Cease and Desist Order" to remove all non-aviation supplies from that hangar or be in breach of his airport-land-lease. Mr. Murray elected to remove all of his electrical supplies and sell his hangar to Jim Stapleton, The Randall/Pacific Group II, of Sky Taxi in order to comply with the city's demands that he stop using his corporate aircraft hangar for non-airport-compatible and non-aviation uses.
2. Please provide copies of all records that the City Council, City Manager, Airport Commission, and Public Works may have in regard to demanding that Perry Murray/Murray Electric cease and desist from using his corporate Hangar #14 on the South End Corporate Row for his electrical company's supply storage. Also needed is the documentation of the lease assignments when Perry Murray sold his hangar to Jim Stapleton/Randall Group II. The time period would be around 2000 to 2004.
3. Please provide all notices that the City may have given, if any, to the entities listed below informing them that the City intended to allow non-aviation-compatible and non-aviation uses for Hangar #12. The records requested time period is from 2005 through 2007. If no notices were given then please so-state.

**FAA, Homeland Security, TSA, the Roseburg Airport Commission, Oregon Department of Aviation, the City Council, the local FBO, all Airport Users, all Airport Hangar owners, and all airport Hangar Renters.**

4. Please provide all notices that may have been given by the City, if any, to the entities listed below informing them that the City was negotiating litigation with the Land Lessor/Owners of Hangar #12 where the owners were demanding that the city continue

to allow a lease assignment with continued non-aviation, non-airport-compatible uses by others should a sale of their hangar occur. The records requested time period is from 2010 through 2012. If no notices were given then please so-state.

**FAA, Homeland Security, TSA, the Roseburg Airport Commission, Oregon Department of Aviation, the City Council, the local FBO, all Airport Users, all Airport Hangar owners, and all airport Hangar Renters.**

5. Please provide any and all records and negotiations or discussions that were conducted from 2005 through 2007 with Ron Preston and/or the DECIPIA group from when the original lease and original non-aviation/non-airport-compatible uses were allowed for Hangar #12. These should include all discussions and correspondence between Eric Swanson, and the Public Works Director at the time (unknown), and the City Engineer at the time, Chris Bergquist.
6. Please provide the records of any Zoning Changes and any Conditional Use Permits that may have been issued to Ron Preston, the DECIPIA group, or any other persons who may have obtained any Zoning Changes or Conditional Use Permits for Hangar #12 since its inception until now.
7. Please provide all records, discussions and legal documents that the city may have in regard to any litigation, or any possible litigation, with the owners of Hangar #12, or any other persons, since the original leases were verbally agreed to or signed by the City for Hangar #12.
8. Please provide all records, discussions and negotiations with Ben and Jody Tatone in regard to their purchase of Hangar #12. This should include any and all discussions between the City of Roseburg and both of the Tatone's, before, during, and after their purchase of Hangar #12. And all lease assignments or agreements for any non-conforming uses of Hangar #12 with the Tatone's.
9. Please let us know who approved of allowing the North-Expansion Area Outer-Gate to remain open after the Airport Commission voted unanimously and recommended twice that the gate should remain closed at all times for the security of the airport? And as you personally stated to the Airport Commission, and Ben Tatone, on 4-21-2022 that the gate was going to remain closed at all times? Yet is not being closed.
10. The layout of the North Expansion Area went through a number of eleventh hour, odd,

changes in the 2005/2006/2007 timeline by City Engineer Chris Bergquist. After learning of what happened with Hangar #12, I became convinced that these changes were most likely to accommodate what I believe to be a "Behind Closed Door Deal" with Ron Preston's group. Could the City records shed any light on this subject? Once and for all I think it's time for complete candor with the issues surrounding Hangar #12.

Should you need any clarification for any of these requests please let me know. Thank you in advance for your help.

**"The Bitter Taste Of A Poorly Maintained Aircraft Lingers Much Longer Than The Sweetness Of The Price"**

*"We've Been Delivering Cherries Since 1969"*

*Bill R. Woods, President*  
**Western Wings, Corp**  
**Suite 505**  
**1224 NE Walnut Street**  
**Roseburg, Oregon 97470**

**Cell: 541-580-8000**

**Phone: 541-957-2000**

**Email: [SkyKing@DouglasFast.net](mailto:SkyKing@DouglasFast.net)**

## Remonstrance Letters

Letter to all Remonstrators & City Staff (all sent BCC so as not to create a "conversation forum"). FYI - The entire content of this memo is attached in PDF format incase of any "formatting" issues.

Hello, I am reaching out to each of you individually who have submitted a remonstrance for my hangar 12 CUP. I would appreciate it very much if you would take a few moments to review the contents of this email.

For my dad and I, the building is essentially two different buildings/spaces... An office to service our real estate brokerage needs and hanger to service our forthcoming plane storage needs. The hanger itself has nothing to do with, and serves no purpose for, the non-aviation real estate brokerage. Stated differently, the aviation portion of the building will be used exclusively for aviation purposes

My dad has owned planes all his life and as a rodeo cowboy in the mid 70s through the mid 80s he logged more hours in a Cessna 210 than most non-commercial pilots will fly in a lifetime. Since that time he has owned a plane for most of his life and housed it in a leased hangar space at the Roseburg airport.

We have two associates, one who just completed his pilot licensed training, and another who is well along in the process. Our intention is to form a four-person cooperative ownership in a plane in the near future and store it in our hanger. The purchase of the hanger was a "rent or own" decision, not dissimilar from that of owning versus renting your home.

Much of the content of the remonstrances are built on a foundation of falsehoods, untruths, misunderstandings, or miscommunications. The entire body of remonstrance content can essentially be boiled down into one of the following four concerns:

One - "Office" uses shouldn't be allowed

Two - Safety and security risks

Three - Adverse to FAA and may impact/impair current or future funding opportunities

Four - Storage of building supplies and/or materials would be hazardous and access to the taxiway

I will address each of those herein:

- 1 - **"Office" uses shouldn't be allowed**
  - This is an issue that has already been addressed and adjudicated. The building was designed, permitted, and built with the currently existing office space
  - The lease agreement for the building coming together with the settlement agreement which is now a part of the lease, specifically address and permit the non-aeronautical/office use. Even going so far as to have an increased lease rate per square foot for the non-aeronautical space
  - The newly adopted airport Zoning allows for office use
  - "Retail" language occurs in many of the remonstrance documents. There are no retail activities proposed at the site so there will not be the kind of foot traffic a person would assume to be associated with a retail use. Matter of fact, the impact of technology on the Real Estate brokerage business means that we rarely have clients visit us at the office. Most documents are signed digitally via Doc-U-Sign or other similar digital signature platforms. To this point, it has been months since I have even been visited at my office by a client. So needless to say of the office uses permitted within the airport zone, our proposed use is at the extremely low end of traffic within that subset of approvable uses.
  - From Nicky Messenger, City Manager for City of Roseburg in a Tuesday, August 2, 2022 Email to Bill Woods:
    - "The hangar in question previously had a non-aviation use in a portion of the hangar. The non-aeronautical use has been captured in a lease amendment/settlement agreement that was executed in February 2011. The amendment allows non-aeronautical use in 4,894 square feet of the hangar (this includes both stories on the non-aeronautical use). The lease including amendments was assignable and that assignment was approved by the City Council.**
    - "The non-aeronautical lease space is charged at a higher rate than the aviation space in the lease. They also pay to rent additional parking spaces if needed."**
    - "The use is office space, not retail, and is allowed in a portion of the hangar under their lease agreement. In other words, the email sent out stating they are in violation of their lease**

agreement is not factually correct."

Copy of zoning sheet

TABLE 2-11: AP—ALLOWED USES

[EXPAND](#)

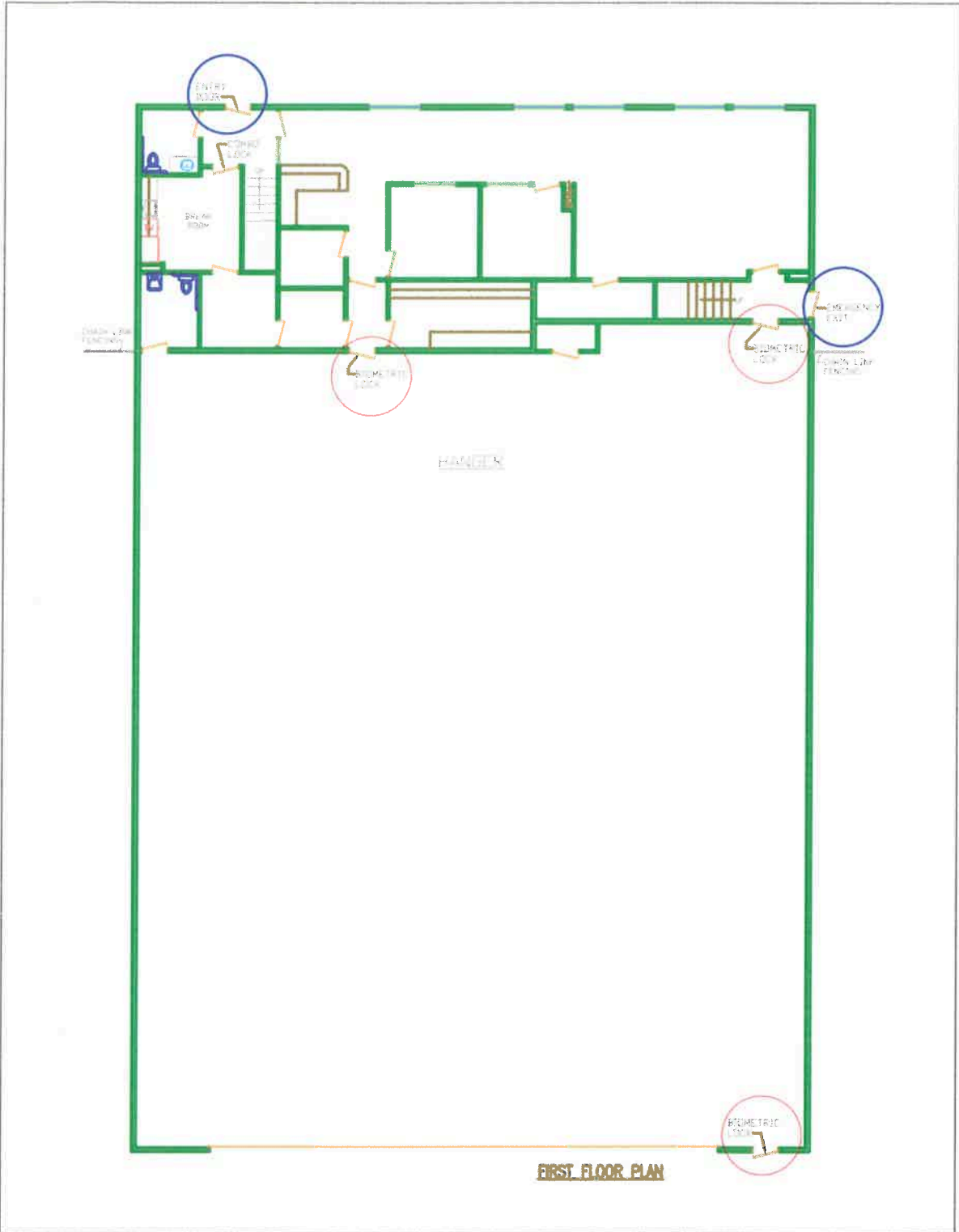
USE CATEGORY	AP	STANDARDS
Specific Use		
<b>COMMERCIAL</b>		
1) Aircraft sales, rental, repair, service, storage and schools relating to aircraft operations and facilities essential for the operation of the airport, such as fuel storage, hangar use and air and ground traffic control facilities	P	-
2) Air cargo terminals	P	-
3) Air passenger terminals	P	-
4) Offices (uses that do not conflict with the Airport Master Plan)	C	-
5) Restaurants and taverns, but without drive-thru facilities	P	-
6) Telecommunication Facilities	C	12.08.03D
<b>PUBLIC/CIVIC</b>		
7) Public and semi-public buildings and uses essential for the operation of the airport	P	-

**2 - Safety and Security Risk (clients/customers onto taxiway)**

It will be essentially impossible for an unauthorized person to access the aeronautical space in this building from the non-aeronautical space. The two access points between the non-aeronautical and aeronautical space will be fitted with biometric lock systems that we have ordered, so it will take the fingerprint of an authorized person to access the aeronautical space.

As you can see from the attached diagram, the entry door and even the fire escape access the building west of the internal security fence. This gives non-aeronautical authorized people zero opportunity to end up on the taxiway through our hanger, either by accident or by malicious intent.

Diagram of hanger



○ Lock Picture



- 3 - Adverse to FAA and may impact/impair current or future funding opportunities
  - Review an approval of the lease and the office use has already been approved by the FAA.
  - There are provisos at the renewal intervals
  - From Nicky Messenger, City Manager for City of Roseburg in a Tuesday, August 2, 2022 Email to Bill Woods:
    - "The FAA has approved the non-aeronautical use of the 4,894 square feet of this hangar. The last approval was in 2021 and is valid for five years as long as there is not an aviation demand for the space, which there is not currently. There is no threat that the FAA is going to step in and take action against the airport due to this use"**
- 4 - Storage of building supplies and/or materials would be hazardous and access the taxiway
  - There is no storage currently or intended of anything non-aeronautical in the aeronautical space (see current 8/27/2022 photo below). Therefore, there will not be trips by material suppliers or any



other delivery vendor using the taxiway to deliver materials, goods, or supplies to this facility.

- There is a small amount of storage area in the space delineated as non-aeronautical, and it serves primarily for storage of files and signage.



Thank you for the time considering this information. I welcome any/all of you, together or separately, to visit the office and hanger spaces to ascertain for yourself the veracity of my statements. IF you feel like the content I have provided placates the concerns voiced in your remonstrance, it would be appreciated if you would please communicate as such to the City Of Roseburg in writing (email to Stewart Cowie [scowie@cityofroseburg.org](mailto:scowie@cityofroseburg.org) or John Lazur [JLazur@cityofroseburg.org](mailto:JLazur@cityofroseburg.org))... As has been done already by a previous remonstrator Dave Leonard, who withdrew his remonstrance after review of these facts and a site visit.

With good regards,

Ben and Jody Tatone

**From:** [Nicole A. Messenger](#)  
**To:** [Bill Woods](#); [John K. Lazur](#)  
**Subject:** RE: File No. CUP-22-001 Conditional Use Permit, Roseburg Airport  
**Date:** Tuesday, August 2, 2022 4:47:28 PM

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Hi Bill –

You have sent a number of emails, all of which appear to have blind CC's, so I have no idea how many people this 'reply all' will go out to. I want to clarify a few things.

1. The hangar in question previously had a non-aviation use in a portion of the hangar. The non-aeronautical use has been captured in a lease amendment/settlement agreement that was executed in February 2011. The amendment allows non-aeronautical use in 4,894 square feet of the hangar (this includes both stories on the non-aeronautical use). The lease including amendments was assignable and that assignment was approved by the City Council.
2. The FAA has approved the non-aeronautical use of the 4,894 square feet of this hangar. The last approval was in 2021 and is valid for five years as long as there is not an aviation demand for the space, which there is not currently. There is no threat that the FAA is going to step in and take action against the airport due to this use as has been speculated in previous emails.
3. The non-aeronautical lease space is charged at a higher rate than the aviation space in the lease. They also pay to rent additional parking spaces if needed. The new owner is planning on utilizing a total of seven parking spaces, which is fewer than the previous owner who utilized 14.
4. The use is office space, not retail, and is allowed in a portion of the hangar under their lease agreement. In other words, the email sent out stating they are in violation of their lease agreement is not factually correct. As with all of the hangars, there are things that are not supposed to be stored in the hangar space, which self-answers your marijuana question. Beyond that, the City has very specific code and zoning language regarding where marijuana uses can and cannot go.
5. The Conditional Use Permit is a land use decision based on the land use code. As you are well aware, there have been other real estate business(es) operating on airport property within this same zone for decades with direct access to a busier portion of the airport without issue.

I understand that you have concerns about safety and security. We are working on that, but we need everyone to be working with facts, not speculation that the City is doing something wrong or violating some FAA rules and putting the airport at risk.

Respectfully,

*Nikki Messenger, P.E.*

**City Manager  
City of Roseburg**

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### GROUND LEASE ASSIGNMENT REQUEST – CORPORATE HANGAR 12

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**Meeting Date:** May 9, 2022  
**Department:** Administration  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section:** Department Items  
**Staff Contact:** Nikki Messenger  
**Contact Telephone Number:** 541-492-6866

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#### ISSUE STATEMENT AND SUMMARY

The current owner of Corporate Hangar 12 has requested a ground lease assignment. The issue for the Council is whether to approve the assignment.

#### BACKGROUND

##### **A. Council Action History.**

On January 24, 2011, Council authorized execution of the first amendment to ground lease and settlement agreement on Corporate Hangar 12 at the Airport.

##### **B. Analysis.**

On March 17, 2022, staff received the attached written request from Derek Simmons on behalf of REIS, LLC to transfer its interest in the ground lease for Corporate Hangar Space 12 to Aerostate, LLC, owned by Jody Tatone and Ben Tatone.

The ground lease for Hangar 12 has an effective date of December 1, 2006. The initial term ends June 20, 2027. Since there is more than five years remaining on the lease, the Roseburg Municipal Code requires City Council approval of the assignment after recommendation from the Airport Commission. According to the lease language, the City has sixty (60) days to act on the assignment request. If the City does not act in that time, "then the request shall be deemed granted."

Hangar 12 currently has a combination of aviation and non-aviation uses allowed under the "First Amendment to Ground Lease and Settlement Agreement" dated February 2011. The portion of Hangar 12 used for non-aeronautical purposes totals 4,894 square feet and is charged at a higher lease rate than the remaining 7,218 square feet. The non-aeronautical use is considered "interim" by the FAA and requires the City to submit a written request for extension of the interim non-aeronautical use every five years. The FAA's last approval for the non-aeronautical use was issued via email on April 16, 2021.

The use of a portion of the hangar for non-aeronautical uses is not popular with adjacent corporate hangar owners. One issue that has come up is security. The north apron has two gates. One gate provides access to the parking area and west side (street side) of

the west corporate hangar row. The second gate provides access to the airside of those hangars and the north apron area. The west gate has historically remained open during “business hours” so that employees working in Hangar 12 could have access during the workday. The second gate remains closed 24/7 and requires a code for airport users to open the gate. There was extensive conversation among the Airport Commissioners regarding the security issues related to the two-gate situation. Staff has been looking at solutions that would allow both gates to be closed full time and operated by a card lock or other similar system that could provide better security than the current system. The FY 2022-23 Airport Fund budget request includes funding for security upgrades.

The other item that has changed since the execution of the original lease and settlement agreement is the zoning code. At the time of the original lease, the area was zoned M-2 Medium Commercial. It has since been rezoned to Airport District. In the Airport District, offices are allowed conditionally, and require a Conditional Use Permit (CUP).

The Airport Commission discussed this lease assignment at length at their April 21 meeting. Ultimately, the Commission voted 3-2 to forward the lease assignment request to the Council without a recommendation.

**C. Financial/Resource Considerations.**

The current lease rate for the non-aviation portion of the hangar is \$0.73/SF and totals \$3,572.62 annually. The aviation lease rate is \$0.3115/SF and totals \$2,248.56. Previously, the hangar owner had also rented additional parking spaces at \$24/month per space.

**D. Timing Considerations.**

Section 20 of the lease agreement gives the City 60 days from receiving the written request for assignment to consent or object to the assignment (which shall not be unreasonably withheld). The written request was received on March 17, which gives the City until May 16.

**COUNCIL OPTIONS**

The Council has the following options:

1. Approve the lease assignment from REIS, LLC to Aerostate, LLC with conditions;  
or
2. Approve the lease assignment from REIS, LLC to Aerostate, LLC without conditions; or
3. Request additional information, which may require a special meeting prior to May 16.

**STAFF RECOMMENDATION**

Staff recommends the Council approve the lease assignment from REIS, LLC to Aerostate, LLC with the following conditions.

1. The new lessee acknowledges and agrees to any future security upgrades the City/Airport may consider, including the west gate remaining closed during

- business hours and requiring an access code or other mechanism (key card) for access. Lessee shall be responsible for maintaining privacy of any access codes.
2. Lessee and/or any tenants shall obtain any required land use action including a conditional use permit if required.
  3. Lessee and/or any tenants shall agree to rent the number of parking spaces required for the non-aeronautical use beyond two spaces.

**SUGGESTED MOTION**

***I move to approve the ground lease assignment for Corporate Hangar Space 12 from REIS, LLC to Aerostate, LLC with the following conditions:***

1. ***The new lessee acknowledges and agrees to any future security upgrades the City/Airport may consider, including the west gate remaining closed during business hours and requiring an access code or other mechanism (key card) for access. Lessee shall be responsible for maintaining privacy of any access codes.***
2. ***Lessee and/or any tenants shall obtain any required land use action approvals including a conditional use permit if required.***
3. ***Lessee and/or any tenants shall agree to rent the number of parking spaces required for the non-aeronautical use beyond two spaces.***

**ATTACHMENTS:**

Attachment #1 – Request for Consent to Assignment of Ground Lease for Corporate Hangar Space No. 12

**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL MEETING  
May 9, 2022**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on May 9, 2022 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Briggs Loosley led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilors Shelley Briggs Loosley, Beverly Cole, Sheri Moothart, Brian Prawitz, Patrice Sipos and Andrea Zielinski.

**Absent:** Councilor Bob Cotterell

**Others Present:** City Manager Nikki Messenger, Assistant City Manager/ Recorder Amy Sowa, City Attorney Jim Forrester, Community Development Director Stuart Cowie, Finance Director Ron Harker, Fire Chief Monte Bryan, Library Director Kris Wiley, Police Chief Gary Klopfenstein, Public Works Director Brice Perkins, Communications Specialist Suzanne Hurt, Management Assistant Koree Tate and Kyle Bailey of KQEN.

**EMERGENCY MEDICAL SERVICES WEEK PROCLAMATION**

Mayor Rich proclaimed the week of May 15-21, 2022 as Emergency Medical Services Week with the theme, "Rising to the Challenge," and encouraged citizens to observe the week with appropriate programs ceremonies and activities. Umpqua Valley Ambulance's Carlee Haymes, Public Relations, and Tom Krokoski, Operations Manager, accepted the proclamation and thanked the Mayor and Council. Mr. Krokoski said it had been a pleasure serving Roseburg since 2016. He appreciated Council presence on the MedCom Board and working with the City Fire Department, proving they were all committed to continuous quality customer service.

**NATIONAL PUBLIC WORKS WEEK PROCLAMATION**

Mayor Rich proclaimed the week of May 15-21, 2022 as National Public Works Week and urged citizens to join in activities, events and ceremonies designed to pay tribute to public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protect national health, safety and quality of life. Brice Perkins, City Public Works Director, thanked the Mayor and Council and said on behalf of all public works professionals, they did not get to tell their story often or be recognized because they were typically away from the limelight. To imagine a world without public works, one would need to note there would be no road, bridges, clean water to drink, sewage treatment, electricity, flood control and more. Roseburg was a great place to live. He quoted City Street Superintendent, Jim Johnson, "It's not just a job, it's an honor to serve here."

**WARD ONE CITY COUNCILOR INTERVIEW/APPOINTMENT**

Roseburg Municipal Code Chapter 2.10 required the City Council to interview a City Council candidate at a public meeting. To the extent possible, the Council was to act to fill the vacancy at the same meeting in which the candidate was interviewed. Following the interview, the Council may make the appointment or solicit additional candidates for consideration at a later meeting before making an appointment. Council interviewed Kylee Rummel during a special

meeting. Councilor Zielinski said she was impressed with her answers to their questions and seemed to have a good understanding of a councilor's role. Councilors Briggs Loosley and Prawitz noted her experience in the profit sector was impressive and her work with UCAN provided her with a good insight to the reality of situations Council handles.

Councilor Prawitz moved to appoint Kylee Rummel to fill the Ward I, Position I vacancy, through December 31, 2022. The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Cole, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no. Mayor Rich congratulated Ms. Rummel as the new City Councilor for Ward I, Position I.

Ms. Sowa provided the oath of office for Ms. Rummel who then took her seat with Council. The Mayor said she could participate in discussions but would not vote due to the immediate appointment.

#### ROSEBURG CITY CHARTER REVIEW COMMITTEE APPOINTMENTS

Ms. Sowa reported that on February 14, 2022, Council directed staff to form a City Charter Committee made up of herself, the City Attorney, Councilors and city residents. Councilors Sheri Moothart, Andrea Zielinski and Bob Cotterell were approved by the Mayor to serve on the committee. Recruitment for three citizen positions was posted on the City's website, social media and sent to the local news media starting April 12, 2022. Two applications were received by the deadline of 5:00 p.m. April 29, 2022, and are attached to this memo. A third application was received shortly after the deadline. This committee would meet monthly for a period of approximately six months. The Roseburg City Charter Review Committee would work with staff and the City Attorney to review the current Charter for sections and/or language that may be outdated, and propose amendments for an updated Charter to the Council. This committee would report to the Roseburg City Council. Any amendments to the Charter required a vote of the people. Staff estimated review of the Charter by the committee and review of proposed amendments by the Council would take approximately seven months to complete. To meet the March 16, 2023 deadline to submit a measure for the May 16, 2023 election, Council would need to take action to place a measure on the ballot during a regular Council meeting no later than February 20, 2023.

Councilor Zielinski explained she, Councilors Cotterell, and Moothart discussed the options on how to proceed. She stressed the importance to have people in the community involved and how the Charter was not about recreating laws, but was an oversight of the city as a whole. After consulting with Councilors Cotterell and Moothart, they chose to extend the recruitment to solicit more applications. Councilor Moothart suggested working with the high school seniors who were interested in government or present to their class to suggest interest. Councilor Zielinski moved to direct staff to solicit applications for the Roseburg City Charter Review Committee to add to those already submitted, and bring all of them back for consideration at a future meeting. The motion was seconded by Councilor Moothart and approved with the following vote: Councilors Briggs Loosley, Cole, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.



### COMMISSION REPORTS

Councilor Prawitz chaired an Economic Development Commission Meeting on April 12, 2022 where they received a presentation regarding a Community Development Block Grant, received a Partnership and Experience Roseburg report, and were opening the tourism grant application process.

Councilor Moothart chaired a Historic Resource Review Commission meeting on April 20, 2022 where they reviewed a home undergoing remodeling to add a detached dwelling, and discussed a tour for the next meeting at the renovated Rast House on Stephens Street. This was her first meeting as Chair and enjoyed the historical component of the meeting.

### AUDIENCE PARTICIPATION

No one asked to participate.

### CONSENT AGENDA

Councilor Prawitz moved to approve the following Consent Agenda items:

- A. Meeting Minutes of April 25, 2022
- B. Oregon Department of Aviation Pavement Management Program Agreement Authorization

The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Cole, Moothart, Prawitz, Sipos and Zielinski voted yes. No one voted no.

### ANNUAL FEE ADJUSTMENT DISCUSSION

Ms. Sowa reported the City normally adjusted service fees annually based on either the CPI-U West index (currently 4.5%) or the March Construction Cost Index (CCI) (currently 8.87%, but capped at 5% for city fee adjustments). In 2020, fees were not increased during the pandemic. In 2021, fees were increased for the majority of the items except water and storm. Those adjustments ensure the City was able to continue to provide needed services to citizens, and maintain, repair and construct important infrastructure throughout the City, while remaining financially stable. Following was information on some of the fees for Council to consider adjusting.

1. Airport Facilities: Annual adjustments to certain airport fees were tied to the CPI-U West index and rounded to the nearest dollar, with a maximum increase of 3%. The CPI-U West increase was 4.5%; therefore, the proposed increase would be 3%. The airport was operated as an enterprise fund, and it was important that it continued to generate the necessary revenue to cover expenses and future grant matches in the absence of the urban renewal funding that was previously available for grant match.
2. Business Permits-Licenses – Telecommunications Providers: Annual adjustments to the non-carrier w/facilities in right-of-way but not City customers fees were tied to the CPI-U West index and charged at a per linear foot rate.
3. Community Development - Planning: Annual adjustments to the planning fees were tied to the CPI-U West index. An increase of 4.5% this year would continue to keep fees considerably lower than fees for comparable services charged by the County. Over the

past year, building in the community had remained strong and had not been adversely affected by the pandemic.

4. Fire: Annual adjustments to fees in the Fire Department were tied to the CPI-U West index. These fees include False Alarm Response Fee, False Alarm Appeal Fee, Inspections, Permits, Plan Review, and Hazardous Materials Response.

The Fire Department responded to numerous false alarms during the year, taking personnel out of service to investigate the calls. Charging fees for false alarms also served as an incentive for business owners to maintain their systems in working order and reduce the number of false alarms. The Fire Marshal reviewed plans for new construction projects in the City and conducted inspections of those projects to ensure safety standards were met. Nominal fees were charged to developers for those services. The Fire Marshal also conducted inspections of mobile food vendors, fireworks sales outlets, and backyard burning locations, charging a fee for the issuance of permits for those activities.

The Roseburg Fire Department housed one of thirteen regional Hazardous Materials Teams, in conjunction with the Oregon State Fire Marshal's Office. In the event of a hazardous materials incident, the team would mobilize and take steps to mitigate the impact of the incident on the citizens and environment. In the event of a non-state team response, fees were sometimes assessed against the party or parties responsible for the incident.

5. System Development Charges (SDCs) for Parks, Transportation, Storm Drainage and Water: Annual adjustments to SDCs were tied to the March Construction Cost Index (CCI) up to a maximum of 5% (current rate 8.87%). Capped at 5%.

The City of Roseburg, like all cities, was largely built by developers. As the City continues to grow, there was an increasing demand on City infrastructure such as the street system, the water system, the storm drainage system, etc. SDCs were fees that were assessed when a property was developed. Funds collected could only be used as outlined in the adopted SDC methodology for each charge. SDCs in the City of Roseburg were typically adjusted annually. This indexing of SDCs ensured that the charges assessed kept up with changes in the cost of construction of new infrastructure. Roseburg continued to see significant growth, and it was appropriate to adjust SDCs at this time.

6. Storm Drainage Service Fees: Beginning July 1, 2019, annual adjustments to monthly storm drainage service fees were to be tied to the CPI-U West index. Those fees had not been increased for the past two years and was asking to consider getting those back on track.
7. Water Fees: Monthly water service rates were formerly increased based on a schedule set by Resolution No. 2015-16. The rates expired December 31, 2020, and were not increased in 2021. Moving forward, it would be appropriate to tie annual water fee

adjustments to the CPI-U West index effective July 1 each year to match other similar fees.

Other proposed amendments to the fee schedule not tied to specific indexes included the following:

1. Public Information Requests – Police/Court Records: Increase the fee for “Partial blur” of video camera footage to better reflect staff costs. That fee had not been increased for a number of years. Increase to 12 a minute from 8.50
2. Administration: Change the exemption for the right-of-way permit fee from the Downtown Roseburg Association to sponsored by the city or a city-funded downtown association.
3. Business Permits-Licenses – Taxicab: Propose adding “Limousine,” charging the same fee as Taxis. We recently received a request from a limousine company and realized we had not specified limousines on our application forms, although they were listed under the Vehicle for Hire ordinance. In researching other cities, it is common to charge the same for Taxis and Limousines.
4. Finance: Propose the following changes:
  - Adding a “Credit Card Processing Fee” for payments over \$1,000 made using a credit card. The City was charged a fee from the credit card companies when processing payments by credit card. This fee would pass those costs on to the customer. This fee would not apply to utility payments.
  - Removing “Free Parking Zone Reporting Requirement Penalty” as this was removed when changes were made to the code regarding parking.
  - Removing “Unlawful Parking in a Space Reserved for Disabled Persons Penalty” as this was set in the Judge’s Order setting all traffic fines.
  - Removing the \$25.00 deposit that had been in place when parking hoods were issued to recoup the cost of the hood if lost. A permit was now issued in place of a hood so no deposit is required.
  - Move Service and Delivery Permits from the Police section to Finance as these fit with the other parking service fees.
5. Library: Add “12” x 12” scrapbook paper” under the Maker Space Materials.
6. Parks: Add language stating that recognized veteran organizations shall be exempt from paying park usage fees under certain circumstances, which is our current practice. This language was to be added to the fee schedule pursuant to Resolution No. 2015-11.
7. Police: Add language under Firearms Discharge Permit that military and funerals are exempt from the fee.

Water: Increase the after-hours call out fee from \$40 to \$100 to better reflect actual costs. In the near future, due to legislative changes, staff will be looking at alternative ways to handle the Central Dispensing Station water sales.

In response to Mayor Rich, Ms. Sowa confirmed not all fees were tied to a certain index increase, some were task related or by resolution. Mayor Rich noted the importance of making sure the increase was needed and not having the City get behind and then having to catch up later. Ms. Messenger added that did happen in the past with the water fund and they then had to increase charges 5% a year for five years to catch up. The City was not getting behind again in charges. During COVID-19, Council chose to waive fee adjustments, and now that things were moving back towards normal, costs were rising. Both the storm and water funds were in good shape financially, but wanted to be careful as they proceeded to the future. Most of the services were through the General Fund and were funded by property taxes. The water and storm funds had to stand on their own. Each department looks at their fees to best determine anticipated changes.

Council agreed to direct Staff to bring back resolutions with fee adjustments as outlined.

#### PROVIDING INTERIM CASH FLOW FINANCING FOR OFF STREET PARKING FUND

Mr. Harker stated the City entered into a contract for downtown parking enforcement services. The parking enforcement program had been ramping up since January 2022 with full enforcement implemented in April. Due to the implementation phase of the program, the City had not experienced a month of full revenue generation and had to use reserves in the Off Street Parking Fund to cover the costs of the enforcement program. It was projected that existing reserves would be insufficient to cover costs until full revenue generation was established thereby requiring a revenue source to provide the needed cash flow to cover expenses of the program. It was too soon to see revenue from parking citations, but funds were received from permits and meters.

Mr. Harker continued that two funding options had been identified that could provide the funds to meet the cash flow needs of the Off Street Parking Fund. The first was an interfund loan from the ARPA Fund, and the second was a direct expenditure of ARPA funds to cover cash flow needs. The City's current cash balance in the Off-Street Parking Fund was \$11,552.83. The net change in fund balance for April was \$-12,352.99. May would be the first time that the City would receive revenues for citations that were issued in April. What was still unknown was what monthly revenues would be from permits, citations, and meters. Consequently, the City should be able to cover the contract cost this month, but it would be very tight. Staff currently had no basis to estimate citation revenue and no basis to know what the collection and aging rate might be on those accounts. Additionally, staff was not sure how many permits were been issued for multiple months which would present monthly fluctuations in revenue collections from parking permits. The City would likely not be able to meet current contract requirements for some months to come until the program was fully established.

The pros/cons of the two identified options were presented:

- An Interfund Loan from the ARPA Fund
  - Pros:
    - Funds could be transferred from the ARPA Fund to the Off Street Parking Fund to cover the cash flow requirements until the parking enforcement contract was fully implemented and established.

- Cons:
  - It would take Council Action to set up the interfund loan and would need to be established no later than June 13, 2022.
  - As the interfund loan would be an operational loan it would need to be paid back in the current fiscal year (which staff did not foresee being possible) or it must be budgeted for repayment in the next fiscal year. Given the timing of the budget hearings and the end of the current fiscal year, additional Council action on June 13, 2022 would be required to adjust the approved budget prior to its adoption to budget for the loan repayment in next year's budget.
  - The Off Street Parking fund would be required to repay the loan by June 30, 2023. Not knowing how much would be required until the program begins turning a profit and not knowing how much a profit could be generated during the FY 22-23, there was a risk that any profit earned next year would not be sufficient to repay the debt in the fiscal year as required.
- Use of ARPA funds:
  - Pros:
    - Use of ARPA funds in providing the needed cash flow to support the Off Street Parking Fund could be used with no enhanced reporting requirements.
    - ARPA funds did not need to be repaid and so the fiscal stability of the Off Street Parking Fund was certain. There would not be that risk.
    - Staff would only need Council consensus to utilize ARPA funds for the Off Street Parking Fund; no other Council action would be required as there was ample appropriation authority established for both this year and next.
  - Cons:
    - Would result in a reduction of ARPA funds that could be used for other high priority items that the council might want to address.

Mr. Harker explained that regardless of which solution was ultimately chosen to address the cash flow needs of the Off Street Parking Fund, staff recommended that the interim financing act as a line-of-credit up to \$50,000. The Funds would be drawn only as needed to ensure that the Off Street Parking Fund remained in a positive cash balance position. In response to Mayor Rich, Mr. Harker explained the \$50,000 could hold them for approximately three months. Councilor Prawitz noted it felt like a surprise and wondered if this was something Ace Parking could have projected. Ms. Messenger reported that this situation had been presented to Council previously since working towards contracting with a new company. Part of their issue was a supply and demand issue of not receiving their tickets until late in April, which meant they lost a month of ticket revenue in the beginning. Ms. Messenger noted the City recently signed an agreement with U-Haul for a month-to-month rental of the Stephens Street parking lot that will help with parking funds.

In response to Councilor Prawitz, Mr. Harker explained one option was a loan and the other was not. ARPA funds did not require a repayment. A loan from a different fund would not help obtain funds any quicker. Councilor Prawitz understood the situation, but was hesitant to

prolong the program if it was not going to work. It was important for the process to work and did not want a continual situation of providing extra funds to keep them working. In response to Councilor Cole, Mr. Harker said the City had a contract with Ace Parking. There was an incentive for them to do well because they would receive a percentage of the profits. They were still in the phase of implementing their program and knew it would take a little time to see revenues exceeding expenditures. The City could terminate the contract with them if needed, and would take a look in the new few months to better determine how the program worked and if modifications to service levels were needed. Councilor Rummel questioned where the money came from for the loan. Mr. Harker said the off street parking funds and Ace Parking wanted to bring in more revenue. Mayor Rich suggested the use of ARPA funds and hoped Ace Parking could do their job and create revenue. Mr. Harker added Ace Parking wanted to do a good job and to have an ongoing business established. Ms. Messenger shared that they had been able to repair almost all of the parking meters, which she thought was impossible due to obsolete part availability.

Councilor Cole questioned regardless of the fund choice, if the amount was open ended. Mr. Harker explained \$50,000 was the top amount at this time. In response to Councilor Sipos, Mr. Harker said based on the last month, he did not have a good estimate for the future costs as they were trying to get the program established. In response to Mayor Rich, Mr. Harker confirmed the City would receive \$5.2 million over two years for ARPA funding. The money needed to be fully committed by 2024 and expended by the end of 2026. In his opinion, it was a small percentage for this request and would benefit to get them established at a lower risk. Ms. Messenger noted \$50,000 was a conservative number and staff would have a different conversation with Council if that number were met. She was happy to bring back information on a more regular basis regarding the parking program. Councilor Rummel questioned how the funds would be expended and where it came from. Mr. Harker explained the City had used some of the ARPA funds for COVID-19 related expenditures and most recently a robot for the Police Department. Council would have more opportunity to make final decisions for ARPA fund expenditures.

Councilor Sipos agreed ARPA funds should be used and it was not enough time to see how the program would proceed in the future. Ms. Messenger added that the full \$50,000 would not be transferred and only use up to that amount as needed. Councilor Zielinski agreed ARPA funds was the appropriate use, wanted periodic updates on the parking program and shared a positive comment from a business that appreciated the presence of Ace Parking and how the program was working well.

Council directed Staff to utilize ARPA funds directly to cover the cash flow needs of the Off Street Parking Fund up to \$50,000.

#### GROUND LEASE ASSIGNMENT REQUEST – CORPORATE HANGAR 12

Ms. Messenger discussed that on March 17, 2022, staff received a written request from Derek Simmons on behalf of REIS, LLC to transfer its interest in the ground lease for Corporate Hangar Space 12 to Aerostate, LLC, owned by Jody Tatone and Ben Tatone. The ground lease for Hangar 12 had an effective date of December 1, 2006. The initial term would end June 20, 2027. Since there was more than five years remaining on the lease, the Roseburg Municipal Code required City Council approval of the assignment after recommendation from

the Airport Commission. According to the lease language, the City had sixty (60) days to act on the assignment request. If the City did not act in that time, "then the request shall be deemed granted."

Hangar 12 currently had a combination of aviation and non-aviation uses allowed under the "First Amendment to Ground Lease and Settlement Agreement" dated February 2011. The portion of Hangar 12 used for non-aeronautical purposes totaled 4,894 square feet (office space in the front) and was charged at a higher lease rate than the remaining 7,218 square feet. The non-aeronautical use was considered "interim" by the FAA and required the City to submit a written request for extension of the interim non-aeronautical use every five years. The FAA's last approval for the non-aeronautical use was issued via email on April 16, 2021. The use of a portion of the hangar for non-aeronautical uses was not popular with adjacent corporate hangar owners. One issue that came up was security. The north apron had two gates. One gate provided access to the parking area and west side (street side) of the west corporate hangar row. The second gate provided access to the airside of those hangars and the north apron area. The west gate had historically remained open during "business hours" so that employees working in Hangar 12 could have access during the workday. The second gate remained closed 24/7 and requires a code for airport users to open the gate. There was extensive conversation among the Airport Commissioners regarding the security issues related to the two-gate situation.

Ms. Messenger said the Airport Commission discussed if the gate should be closed. She suggested possible camera installation and key cards for the gate. The current gate code was a set of numbers that were only changed every six months or a yearly. Regardless of the hangar situation, they needed to talk more about security. The request was to include a few conditions:

1. The new lessee acknowledges and agrees to any future security upgrades the City/Airport may consider, including the west gate remaining closed during business hours and requiring an access code or other mechanism (key card) for access. Lessee shall be responsible for maintaining privacy of any access codes.
2. Lessee and/or any tenants shall obtain any required land use action approvals including a conditional use permit if required.
3. Lessee and/or any tenants shall agree to rent the number of parking spaces required for the non-aeronautical use beyond two spaces.

Staff looked at solutions that would allow both gates to be closed full time and operated by a card lock or other similar system that could provide better security than the current system. The FY 2022-23 Airport Fund budget request included funding for security upgrades. The other item that changed since the execution of the original lease and settlement agreement was the zoning code. At the time of the original lease, the area was zoned M-2 Medium Commercial. It had since been rezoned to Airport District. In the Airport District, offices were allowed conditionally, and required a Conditional Use Permit (CUP).

Ms. Messenger stated the Airport Commission discussed this lease assignment at length at their April 21 meeting. Ultimately, the Commission voted 3-2 to forward the lease assignment request to the Council without a recommendation. The current lease rate for the non-aviation portion of the hangar is \$0.73/SF and totaled \$3,572.62 annually. The aviation lease rate was

\$0.3115/SF and totaled \$2,248.56. Previously, the hangar owner had also rented additional parking spaces at \$24/month per space. Section 20 of the lease agreement gave the City 60 days from receiving the written request for assignment to consent or object to the assignment (which shall not be unreasonably withheld). The written request was received on March 17, which gives the City until May 16, 2022.

In response to Mayor Rich, Councilor Sipos explained that because there was a certain date before it rolled into a renewal, the Commission felt the assignment was a moot point and wanted to focus more on the issue around security. Attorney Forrester noted the Hangar 12 litigation and settlement agreement affected the underlying lease. It was an allowed use of the hangar as long as the City did not prove it was needed for aviation use only. In response to Mayor Rich, Ms. Messenger confirmed that if the airport had a need for aviation use, the City had the right to terminate the agreement. It was tied back to the grant assurances if not used for aviation demand and would need approved and justified to the FAA. Attorney Forester added that the City had to go through the FAA every five years to prove the use for the hangar. Councilor Cole questioned if the new owners were not happy about the security. Ms. Messenger noted it was about the assignment, if the conditions were included, and the Tatone's had not purchased it yet.

Councilor Moothart saw this as two different issues regarding a lease and then security. If the airport decided there needed to be more security then that whole group needed to agree to it. Ms. Messenger said she wanted to know if there would be a cost now rather than later because the situation was different compared to fifteen years ago. Mayor Rich questioned why this hangar could have an office and what would happen if others wanted the same. Ms. Messenger said it was about being able to certify with the FAA. Attorney Forrester noted the discussion before them was about the lease and how to proceed. In response to Mayor Rich, Ms. Messenger confirmed security seemed to be a concern if there were numerous visitors and cars at the airport hangar, but the new owners would also need to comply with the zoning code and make sure it did not conflict with the Airport Master Plan. There was nothing in the settlement agreement limiting traffic flow. The street side was fenced, but they had experienced homeless camps in that area and had seen people there after hours who should not be in that area.

Derek Simmons, attorney representing REIS, LLC, appreciated Attorney Forrester's presence and assistance with the process. The City could consent or withhold the decision, but he did not see the importance of adding the conditions. He agreed with Councilor Moothart that it appeared to be two separate discussions and REIS, LLC was only talking about a new party going into the space. They planned to have low impact traffic and noted the previous tenant was very busy in 2007. He asked Council for consent without conditions.

Jody Tatone, 119 Birdie Lane, said he used to own Remax Reality, but sold it. He was excited to work with his son, Ben Tatone, who had three employees and worked with a local builder. He had been a pilot for fifty years and his son was in process of obtaining his license. He explained why he preferred to have the gate open for ease of access to the business. They were both low traffic with some deliveries to the office. There were many empty hangars at the airport. Owner value would be reduced substantially with a closure of the west gate and would ultimately terminate the transaction and make it difficult to sell. Non-aviation use was a higher



lease rate that would go to the City. It was an increased asset, but by closing the parking lot during business hours, it stopped the process from moving forward. He visited the Medford and Eugene airports and neither had two gates or a separate one for parking. He provided photos to Council showing the public street and access at both airports. Roseburg appeared to have better protection for corporate hangars and seemed more secure. Medford had a line of businesses at the airport and some had roll up doors on either side to drive up and out. He asked Council for an alternative motion regarding Hangar 12.

In response to Mayor Rich, Mr. Tatone said if he did not put his own airplane in the hangar, he could lease it to someone else. They could have a shared break room and restroom, but the office would be a separate area. Councilor Zielinski asked about the location of Hangar 12 at the airport. Mr. Ben Tatone provided a drawing on the room's whiteboard to better show the location and explained the gate only served a small row of hangars. There was only access to the frontages of the buildings and not the airport. Mr. Jody Tatone added the fact the gate could be closed at night offered extra protection, but it needed to be open during business hours. Council Sipos agreed the Airport Commission was concerned about security. After seeing the drawing and photos, she felt the airport was more secure than other locations and the additional conditions may not be needed.

Mr. Ben Tatone explained the office would be a normal working space and the hangar would not be impacted by it. They wanted the option for someone to build something custom to their own liking. The building could be the aeronautical use and office space he and his father were excited to have. For his business, he might have 2-3 people a day with a delivery. In response to Mayor Rich, Mr. Tatone said there could be a separate keyed access for customers so they are not going to the hangar portion. Mr. Jody Tatone added that when visiting the Fixed Base Operator (FBO), a person could walk through to the airport. The older hangars were separated from Aviation Drive by a cyclone fence that was not very tall. There would be no reason for employees or visitors to go in the hangar and therefore, could be locked. If the hangar portion was leased then that person would have their own key and access. Ms. Messenger added the City had to provide consent to sublet spaces as well.

Councilor Moothart suggested using the motion presented by Mr. Jody Tatone. Attorney Forrester warned it could be argued once decided and then you would not have options at a later point. The lease did not include information about the gate and if Council said it was going to remain open during business hours then that is how it would proceed. Ms. Messenger added that Council could proceed without including the provisions. Mr. Simmons said adding to the lease complicates it for the future; he recommended a straight lease assignment. In response to Mayor Rich's suggestion of just opening the gate for customers, Mr. Ben Tatone said it was difficult during inclement weather.

Councilor Prawitz noted this was a quasi-judicial case and there was a previous settlement. He was not prepared to be in the position to make a decision, declared a conflict of interest and asked to abstain from voting due to business with some of the parties seeking the gate closure. Attorney Forrester reminded Council there was language in the lease that if Council did not make a decision by the 60 days, the assignment would proceed. The current lessor could agree to an extended time period, but was not sure they would want to agree to that.

Councilor Moothart moved to approve the ground lease assignment for Corporate Hangar Space 12 from REIS, LLC to Aerostate, LLC. The motion was seconded by Councilor Cole. Councilor Zielinski explained there was a lot of information and was not sure they had all that was needed. Ms. Messenger noted Council could direct staff to operate the gate as it currently runs as a separate motion. Staff was looking into security no matter the decision. Attorney Forrester added that by all agreeing now to extend and allow the lease to be assigned was not a decision to take specific actions on security. Councilor Prawitz felt they did not have closure on future security requirements that might be put in place. Councilor Zielinski said she hoped to have more information, photos and people coming forward in the future, but it was a good opportunity to hear the other side that was equally important. The motion was approved with the following vote: Councilors Briggs Loosley, Cole, Moothart, Sipos and Zielinski voted yes. No one voted no. Councilor Prawitz abstained.

#### ITEMS FROM MAYOR/CITY COUNCIL/CITY MANAGER

Ms. Messenger announced a successful recruitment process took place for the next Public Works Director. She planned to bring Ms. Dawn Easley, to the June 13, 2022 Council Meeting for an introduction.

#### ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Koree Tate  
Management Assistant

**Corporate Hangar #12, 2797 NW Aviation Dr – Aerostate, LLC**  
12,112.50 SQ. Ft.

**Owner/Lessee:**  
**\*\*Aerostate, LLC**  
2797 NW Aviation Dr.  
Roseburg, OR 97470  
Ph: 541-580-2211  
Email: [ben@roseburghomes.com](mailto:ben@roseburghomes.com)

**Land Lease Rate/Due Date: July 1<sup>st</sup>**  
07/01/10 - \$0.25 = \$3,028.13 - Thereafter CPI w/3% cap  
Non-aviation - \$0.65/4,894 SF = \$3,181.10  
Aviation - \$0.27262/7,218.5 SF = \$1,967.91  
**ANNUAL RENT = \$5,149.01**

**7/1/15**  
Non-aviation - \$0.65/4,894 SF = \$3,181.10  
Aviation - \$0.27916/7,218.5 SF = \$2,015.12  
**ANNUAL RENT = \$5,196.22**

**7/1/16**  
Non-aviation - \$0.66/4,894 SF = \$3,230.04  
Aviation - \$0.28251/7,218.5 SF = \$2,039.30  
**ANNUAL RENT = \$5,269.34**

**Plus \$24/per additional parking @ 12 spaces (per month) thru 2022**

**7/1/17**  
Non-aviation - \$0.68/4894 SF = \$3,327.92  
Aviation - \$0.2893/7,218.5 SF = \$2,088.31  
**ANNUAL RENT = \$5,416.23**

**7/1/18**  
Non-aviation - \$0.70/4894 SF = \$3,425.80  
Aviation - \$0.2974/7,218.50 SF = \$2,146.78  
**ANNUAL RENT = \$5,572.58**

**7/1/19**  
Non-aviation - \$0.72/4894 SF = \$3,523.68  
Aviation - \$0.3063/7,218.50 SF = \$2,211.03  
**ANNUAL RENT = \$5,734.71**

**7/1/21**  
Non-aviation - \$0.73/4894 SF = \$3,572.62  
Aviation - \$0.3115/7,218.50 SF = \$2,248.56  
**ANNUAL RENT = \$5,821.18**

**7/1/22**  
Non-aviation - \$0.75/4894 SF = \$3,670.50  
Aviation - \$0.3208/7,218.50 SF = \$2,315.69  
**ANNUAL RENT = \$5,986.19**

**Plus \$24/per additional parking @ 5 spaces (per month)**

**Aircraft Type:** None as of 6/2022

**Initial Term:** 12/01/2006 - 06/30/2027  
20 years, 7 months

**Renewal:** 5yr options after inspection

**Original Effective:** 12/01/2006

**Original Expiration:** 06/30/2027

**1<sup>st</sup> Option Effective:**

**1<sup>st</sup> Option Expiration:**

**1<sup>st</sup> INSPECTION NOTICE DATE - 03/01/2027**

**1<sup>ST</sup> INSPECTION DUE BY 06/30/2027**

*\*Sublease agreement with ITechss, Alaire Aviation & Western Wings Corp. signed 11/8/07 – five year term renewed effective 8/1/12 to expire 7/31/17. Sublease with Western Wings Corp terminated October 9, 2008. Lease Amendment/Settlement Agreement regarding non-aviation related use approved by City Council on 1/24/2011; Approved by FAA on April 4, 2011 and signed by Lessee on February 6, 2011. **New rates to become effective July 1, 2011 \$0.65/sq. ft @ 4,894 sq. ft + \$24/per spacing for additional spaces used beyond 2 designated.** Hangar was sold in May 2022 ground lease was reassigned from REIS, LLC to Aerostate, LLC (Jody & Ben Tatone).*

**Inspection Record:**

1<sup>st</sup> Inspection Due By: 06/30/2027      Notice Due: 3/01/2027      Approved:

**Note: Must get FAA approval for five-year renewals – next due 04/01/26**

**FAA REQUIRES APPROVAL EVERY FIVE YEARS**

**FAA Approved Non-Aeronautical Use: 04/2011      Expires: 4/2016**

**FAA Approved Non-Aeronautical Use: 04/2016      Expires: 4/2021**

**GROUND LEASE ASSIGNMENT AGREEMENT**  
**2797 NW AVIATION DR (CORPORATE HANGAR #12)**

**PARTIES:** City of Roseburg, an Oregon Municipal Corporation (Lessor)

**AND:** REIS, LLC, a limited liability corporation (Assignor)  
(H. Charles Chappell, Jr.)

**AND:** Aerostate, LLC (Assignee)  
(Jody Tatone & Ben Tatone)

**EFFECTIVE DATE:** 5 | 20, 2022

**RECITALS**

**WHEREAS**, on December 1, 2006, REIS, LLC., as Lessee, entered into a ground lease with the City of Roseburg for Corporate Hangar #12 at the Roseburg Regional Airport ("Lease") addressed as 2797 NW Aviation Dr., attached hereto as Exhibit "A", and by this reference, incorporated herein; and

**WHEREAS**, on February 9, 2011, Lessor and Lessee executed the First Amendment to the Ground Lease and Settlement Agreement attached hereto as Exhibit "B";

**WHEREAS**, on March 17, 2022, REIS, LLC requested Lessor's approval of an assignment of the Lease to Aerostate, LLC and Lessor has no objection to said assignment;

**NOW THEREFORE**, the parties hereby agree as follows:

**AGREEMENT**

**SECTION 1. Assignment.**

1.1 REIS, LLC (Assignor) assigns all of their rights and interests in the Lease, to Aerostate, LLC (Assignee) and Assignee accepts all of Assignors' rights and interests in said Lease. Assignor also delegates all obligations under the Lease to Assignee and Assignee accepts and assumes all of Assignor's obligations, duties and liabilities, other than liabilities with respect to actions taken, or omitted by Assignor prior to the date hereof, as Lessee under the Lease.

1.2 Assignor covenants and warrants to Assignee that Assignor's rights in the Lease are fully assignable, have not been previously assigned from Assignor to any other party, and that nothing prohibits Assignor from assigning all of their rights in the Lease to Assignee. Assignor agrees to indemnify Assignee for any loss, cost or damages incurred by Assignee for breach of this warranty.

**SECTION 2. Other Terms and Conditions.** All other terms and conditions of the Lease, as herein assigned, shall remain in full force and effect, unchanged by this Assignment Agreement.

**SECTION 4. Incorporation into Lease.** This Assignment Agreement, with City's Consent, shall be incorporated into, and shall become a part of the Lease.

**ASSIGNOR**  
REIS, LLC

H. Charles Chappell  
H. Charles Chappell, Jr.  
Date: 5/20/22

**ASSIGNEE**  
AEROSTATE, LLC

Jody Tatone  
Jody Tatone, Manager  
Date: 5-20-2022

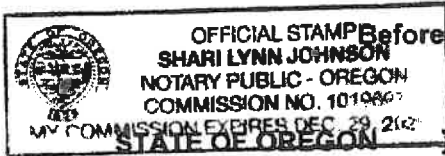
**ASSIGNEE**  
AEROSTATE, LLC

Ben Tatone  
Ben Tatone, Manager  
Date: 5/20/22

STATE OF OREGON

COUNTY OF DOUGLAS

On this 20th day of May, 2022, the above named H. Charles Chappell, Jr. of REIS, LLC, appeared before me and signed this document of his own free act and deed.



Before me, Notary Public for Oregon: Shari Lynn Johnson

My commission expires: 12/29/2025

COUNTY OF DOUGLAS

On this 20th day of May, 2022, the above named Jody Tatone of Aerostate, LLC appeared before me and signed this document of his own free act and deed.

Before me, Notary Public for Oregon: Shari Lynn Johnson

My commission expires: 12/29/2025

STATE OF OREGON

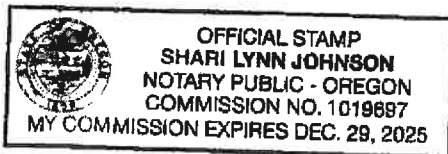
COUNTY OF DOUGLAS

On this 20th day of May, 2022, the above named Ben Tatone of Aerostate, LLC appeared before me and signed this document of his own free act and deed.



Before me, Notary Public for Oregon: Shari Lynn Johnson

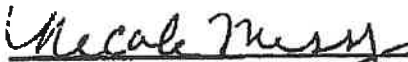
My commission expires: 12/29/2025



**CITY'S CONSENT TO ASSIGNMENT**

As Lessor, City consents to requested assignment of the Ground Lease on Corporate Hangar Space No. 12 (2797 NW Aviation Dr.) from REIS, LLC as Lessee, to Aerostate, LLC as herein set forth, effective upon execution of this contract; provided however, City shall retain all rights granted Lessor pursuant to the Lease and releases no parties. Lessee consents to the incorporation of the foregoing into the Lease.

**CITY OF ROSEBURG**

  
\_\_\_\_\_  
Nicole Messenger, City Manager  
Date: 5-11-2022

**ATTEST:**

  
\_\_\_\_\_  
Amy L. Sowa, Assistant City Manager/Recorder

**FIRST AMENDMENT TO GROUND LEASE AND SETTLEMENT AGREEMENT****Parties.**

CITY OF ROSEBURG, an Oregon municipal corporation ("the City")

REIS, LLC, an Oregon limited liability company ("REIS")

**Recitals.**

A. The City owns and operates Roseburg Regional Airport in Douglas County, Oregon ("the Airport"). On November 14, 2006, the City entered into a City of Roseburg Corporate Hangar Space Ground Lease ("the Ground Lease") pursuant to which REIS leased certain land at the Airport commonly known as "Corporate Hangar Space No. 12." REIS thereafter constructed improvements on that land, commonly referred to as "Hangar No. 12."

B. REIS thereafter entered into two (2) subleases ("the subleases") of portions of Hangar No. 12 with Information Technology Support Services, LLC and Alaire Aviation, LLC, with an effective date of September 15, 2007. The subleases were signed on behalf of the City in November 2007. REIS represents that Information Technology Support Services, LLC has now been acquired by Douglas County Individual Practice Association, Inc. and is operated as a practical matter as a division of that company, through its subsidiaries DCIPA EHR, LLC and DCIPA Management, LLC.

C. The City has determined that the portion of Hangar No. 12 currently used for non-aeronautical purposes (totaling 4,894 square feet), as shown on Exhibit "A" attached, is not necessary for the operation of the Airport in the foreseeable future. (The term "non-aeronautical" as used in this Agreement is intended to have such meaning as provided by FAA regulations and guidelines.) The City has determined that the fair market value of ground lease space which tenants use for non-aeronautical uses, such as the area(s) shown on Exhibit "A", is sixty five cents (\$0.65) per square foot per year.

D. A dispute has arisen between the parties relating to non-aeronautical use of Hangar No. 12. The parties have agreed to amend the Ground Lease and resolve all disputes between them, without admission of any kind, on the terms set out below.

**Agreements.**

1. INCORPORATION. The above recitals are true and are incorporated herein by this reference.

2. AMENDMENT. The terms of the Ground Lease are amended as provided herein. Except as amended herein, the original terms of the Ground Lease remain in full force and effect unchanged.

3. NON-AERONAUTICAL USE. REIS, and its herein-mentioned sub-tenants and assignees, may continue to use only the portions of Hangar No. 12 currently used for non-aeronautical activities as shown on attached Exhibit "A" for an initial period of five (5) years

from the date of this Agreement, provided however that if at any time the City reasonably determines that all or a portion of the said space is necessary to meet the Airport's needs for aeronautical use in the near future, the City shall give REIS written notice that it must discontinue non-aeronautical use of such space within at least six (6) months. During the initial five-year period, upon such notice, REIS and its subtenants and assignees shall terminate all non-aeronautical use of such space if FAA or the City reasonably determine there is an aeronautical need for the hangar space. At the end of the initial five (5) years, if the City has not determined that all or a portion of the relevant space is necessary to meet the Airport's needs for aeronautical use in the near future, the City and REIS will cooperate in applying to FAA for approval for an additional five (5) years of interim non-aeronautical use.

4. **INCREASED RENT.** The parties agree the adjusted total rental rate for the non-aeronautical use of the said portions of Hangar No. 12, at the rate of sixty five cents (\$0.65) per square foot per year, is \$3,181 per year. The rental amount for other space not used for non-aeronautical use shall remain at the rate set out in the Ground Lease. REIS agrees to pay said adjusted rent commencing July 1, 2011. Partial rent periods shall be pro-rated. In the event REIS submits evidence deemed by the City to be sufficient to verify that less than the portion of Hangar No. 12, shown on Exhibit "A" and referenced in Recital "C", is being used for non-aeronautical purposes, then the said adjusted rent shall be reduced accordingly.

5. **REAFFIRMED AND NEW CONSENT TO SUBLEASES.** The City reaffirms that it has consented to the subleases described above. REIS will apply to City for approval pursuant to City policy and pursuant to the Ground Lease if REIS desires to do any further subleases or assignments. REIS shall provide the City with a copy of any such signed subleases or assignments promptly after execution.

6. **CONSENT TO ASSIGNMENT.** The City consents to the herein-described potential assignment of the Information Technology Support Services, LLC sublease to DCIPA Management, LLC if REIS chooses to do so. Any assignment shall not release Information Technology Support Services, LLC from responsibility under the Ground Lease.

7. **SUBTENANTS.** The subtenants executing this Agreement agree to and are bound by the provisions hereof.

8. **MUTUAL RELEASE.** Except for obligations arising pursuant to the terms of the Ground Lease, as amended by this Agreement, the parties executing this Agreement release each other, and their respective employees, officials and other agents, from any and all claims of any kind, known or unknown, arising from or relating to the negotiation of the Ground Lease, the use of Hangar No. 12, or any of the other matters recited herein. REIS and the other parties executing this Agreement represent that they are the sole owners and holders of all claims herein released, that no other person, company or concern, by assignment, subrogation or otherwise, has acquired any part, lien or claim upon any of the claims herein released, and that they will save the City harmless from anyone claiming or purporting to have any such interest.

9. **CONDITION SUBSEQUENT.** The parties have executed this Agreement for purposes of submitting a signed Agreement to FAA for approval. This Agreement is entirely subject to a condition subsequent that FAA grant written approval for the interim non-



aeronautical use as described herein. The parties agree to cooperate in good faith, and to execute any and all additional documents reasonably necessary, to pursue such FAA approval.

10. **INTEGRATION.** This Agreement, together with the Ground Lease, constitutes a complete statement of the parties' agreements relating to the subjects of this Agreement, and they fully supersede any prior negotiations, representations, or agreements relating to those subjects, oral or written.

11. **BINDING EFFECT.** This Agreement will be binding on and inure to the benefit of the parties and their respective heirs, personal representatives, successors, and [permitted] assigns.

12. **NO THIRD-PARTY BENEFICIARIES.** Nothing in this Agreement, express or implied, is intended or will be construed to confer on any person, other than the parties to this Agreement, any right, remedy, or claim under or with respect to this Agreement.

13. **CONSTRUCTION.** The captions used in this Agreement are provided for convenience only and will not affect the meaning or interpretation of any provision of this Agreement. All references in this Agreement to "Section" or "Sections" without additional identification refer to the Section or Sections of this Agreement. All words used in this Agreement will be construed to be of such gender or number as the circumstances require. Whenever the words *include* or *including* are used in this Agreement, they will be deemed to be followed by the words *without limitation*.

14. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which will be considered an original and all of which together will constitute one and the same agreement.

15. **FACSIMILE SIGNATURES.** Facsimile transmission of any signed original document, and retransmission of any signed facsimile transmission, will be the same as delivery of an original. At the request of any party, the parties will confirm facsimile transmitted signatures by signing an original document.

16. **FURTHER ASSURANCES.** Each party agrees (a) to execute and deliver such other documents and (b) to do and perform such other acts and things, as any other party may reasonably request, to carry out the intent and accomplish the purposes of this Agreement.

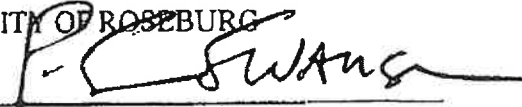
17. **TIME OF ESSENCE.** Time is of the essence with respect to all dates and time periods set forth or referred to in this Agreement.

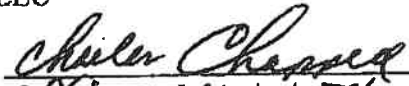
18. **EXPENSES.** Except as otherwise expressly provided in this Agreement, each party to this Agreement will bear the party's own expenses in connection with the preparation, execution, and performance of this Agreement and the transactions contemplated by this Agreement.

19. **WAIVER.** Any provision or condition of this Agreement may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any

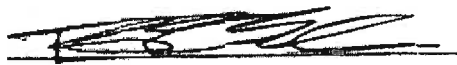
breach of any provision will not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.


20. EXHIBITS. The exhibits referenced in this Agreement are part of this Agreement as if fully set forth in this Agreement.

CITY OF ROSEBURG  
  
P. Eric Swanson, City Manager  
Date: 2.9.11

REIS, LLC  
By:   
Title: Officer, Global Technologies,  
Date: 2/5/11 owner

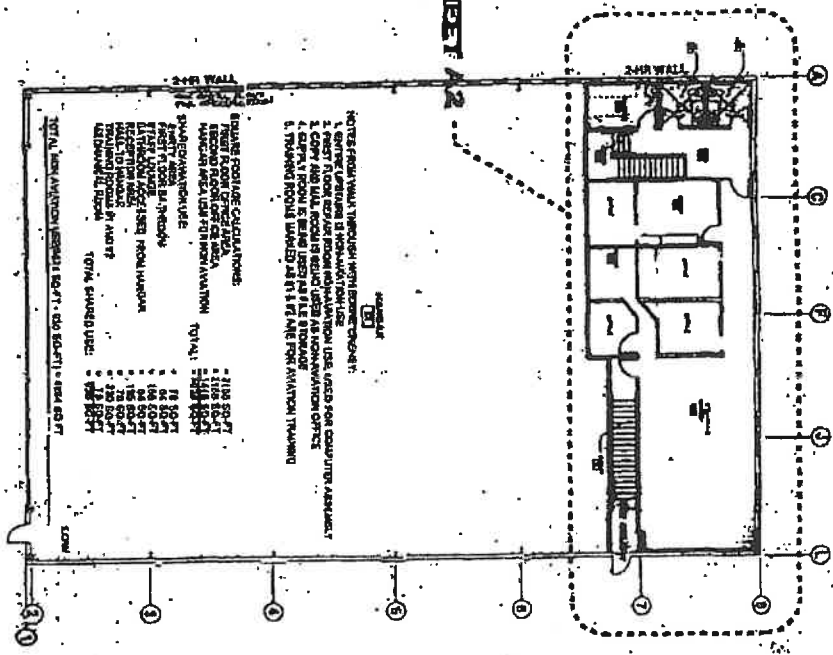
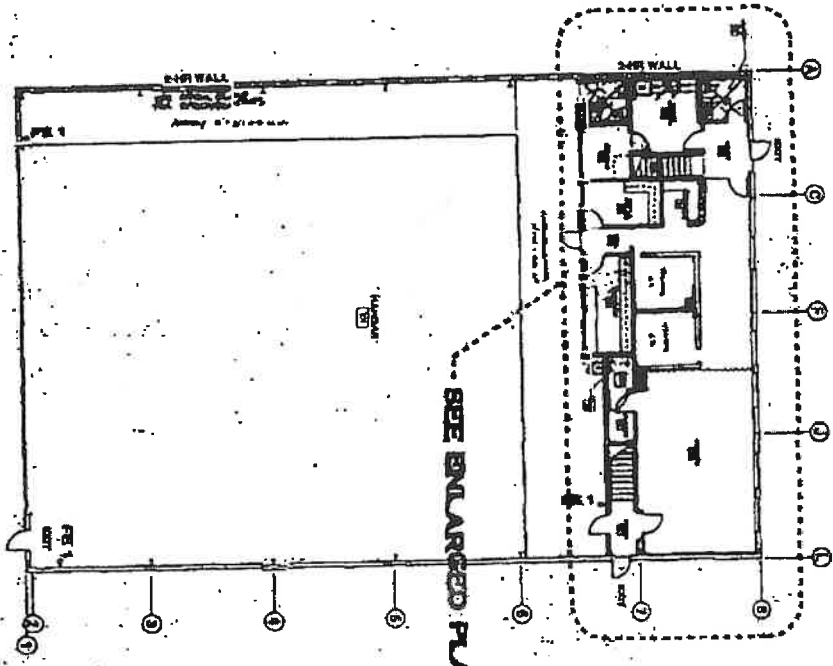
ATTEST:  
  
Sheila R. Cox, City Recorder

Information Technology Support Services, LLC  
By:   
Title: \_\_\_\_\_  
Date: 2/6/2011

Alaire Aviation, LLC  
By:   
Title: Officer, Global Technologies,  
Date: 2/5/11 owner

LOWER FLOOR PLAN

UPPER FLOOR LEVEL



SEE ENLARGED PLAN ON SHEET A2

NOTE: SQUARE FOOTAGE CALCULATIONS:  
 1. EXISTING FLOOR AREA FROM EXISTING ARCHITECTURAL DRAWINGS.  
 2. EXISTING FLOOR AREA FROM EXISTING PHOTOGRAPHS.  
 3. EXISTING FLOOR AREA FROM EXISTING SURVEY DATA.  
 4. EXISTING FLOOR AREA FROM EXISTING AS-BUILT DRAWINGS.  
 5. EXISTING FLOOR AREA FROM EXISTING SURVEY DATA.  
 6. EXISTING FLOOR AREA FROM EXISTING PHOTOGRAPHS.  
 7. EXISTING FLOOR AREA FROM EXISTING SURVEY DATA.  
 8. EXISTING FLOOR AREA FROM EXISTING AS-BUILT DRAWINGS.  
 9. EXISTING FLOOR AREA FROM EXISTING SURVEY DATA.  
 10. EXISTING FLOOR AREA FROM EXISTING PHOTOGRAPHS.

GRAND TOTAL: 1,118 SQ FT  
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NO.	REVISION	DATE	BY	CHKD.
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Richard L. Kiehn Architects  
 Total Improvement for  
**REIS LLC Hangar**  
 Lot # 12, Hanesport Municipal Airport



**RICHARD L. KIEHN ARCHITECTS, AIA**  
 1490 2ND VALLEY DRIVE, SUITE 200  
 CHARLOTTE, NC 28205  
 PHONE: 704.366.1111  
 FAX: 704.366.1112  
 WWW: RICHARDLKIEHN.COM

EXHIBIT "A"

# City of Roseburg

900 S.E. Douglas Avenue Roseburg, Oregon 97470 | [www.cityofroseburg.org](http://www.cityofroseburg.org) | Phone (541) 492-6700

April 5, 2021

Joseph Dalke, P.E.  
FAA- Northwest  
Region Seattle  
Airports District Office  
2200 S 216<sup>th</sup> St.  
Des Moines, WA 98198

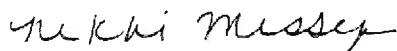
RE: Roseburg Regional Airport - Interim use agreement Dear Mr. Dalke,

Please consider this written request to extend the interim non-aviation use of a portion of Corporate Hanger 12 (REIS, LLC) consistent with the prior approval received from the Federal Aviation Administration. As previously indicated, a portion of the hanger continues to be used for aeronautical purposes, but a portion is also used for a non-aeronautical related activity.

In keeping with our previous direction, the lease term is limited to five years, there is not a current nor projected demand during the five year period for aeronautical use of the space, there continues to be a termination clause that would allow for aeronautical use if the demand arises, and the commercial use component of the space will continue to pay market rate rent as outlined.

At this time, we respectfully request your approval of the extension for five years of the interim use agreement outlined. Thank you in advance for your consideration. If you have any questions, you can contact me 541-492-6864.

Sincerely,



Nicole Messenger, P.E.  
City Manager

cc. Corporate Hanger File

## Nicole A. Messenger

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**From:** Dalke, Joseph (FAA) <joseph.dalke@faa.gov>  
**Sent:** Friday, April 16, 2021 10:14 AM  
**To:** Nicole A. Messenger  
**Cc:** Kandi A. Leroue  
**Subject:** Corporate Hanger #12 - Interim Use Extension Approval

Hello Nikki,

In review of your letter dated April 5, 2021 requesting our approval of a proposed 5-year extension to the previously approved interim non-aeronautical use permit for the office space in Corporate Hanger #12, I have noted that your submittal confirms the following:

1. The duration of the extension of interim use will not be more than 5 years. At the end of this time, the sponsor will evaluate the aeronautical need for this property and determine if is appropriate to request for an additional interim non-aeronautical use.
2. The lease contains a clause giving the airport the right to terminate the lease if there is an aeronautical need for that hangar space.
3. The airport has demonstrated that it is receiving a fair market value (FMV) for the non-aeronautical use of the property.

We are approving the extension of the non-aeronautical interim use of corporate Hangar #12 for a term of no more than 5 years, and require the airport to contact our office to request an extension to this permit.

Please feel free to contact me if you have any additional questions or would like to discuss further.

Thank you,

Joseph Dalke, P.E.  
FAA Civil Engineer  
SEA ADO

2200 S 216th St  
Des Moines, WA 98198

Office: 206-231-4137

**CITY OF ROSEBURG  
AIRPORT COMMISSION  
MEETING MINUTES  
APRIL 21, 2022**

**CALL TO ORDER:** Chair Patrice Sipos called the meeting of the Roseburg Airport Commission to order at 3:00 p.m., Thursday, April 21, 2022, electronically via Zoom in Roseburg, Oregon.

**ROLL CALL:** **Present:** Chair Patrice Sipos, Commissioners Frank Inman, David Morrison, Clint Newell, Steve Skenzick, Dan Sprague, and Ex-officio Rob Levin

**Absent:** Robb Paul

**Attending Staff:** City Manager Nikki Messenger, Public Works Director Brice Perkins, Design and Construction Manager Ryan Herinckx, and Staff Assistant Kandi Street

**Others Present:** Ben Tatone with Aerostate, LLC

**APPROVAL OF MINUTES:** Commissioner Newell moved to approve the minutes from the January 6, 2022 meeting. Motion was seconded by Commissioner Sprague and approved with the following vote: Chair Sipos, Commissioners Inman, Morrison, Newell, Skenzick, and Sprague voted yes. No one voted no.

**DISCUSSION ITEMS:**

**Updated 2022-2027 Capital Improvement Plan:**

Messenger reported as part of the Bipartisan Infrastructure Law the airport is eligible to receive \$295,000 every year for the next 5 years. The FAA requested an updated CIP to show how the City plans to spend the additional funding and if the City intends to apply for the terminal construction grant. The FAA national notice indicated they would prefer to see projects added to the CIP that could not be funded from another source. Staff and the consultant reviewed the Airport Layout Plan and Airport Master Plan to update the CIP. Messenger gave a brief overview of the updates. She indicated, if the Commission would like to make changes, they could be submitted in the fall. Levin asked if acquiring Aviation Suites could stay in the list. Messenger answered if it wasn't on the list it couldn't happen, however, a grant application would need to be submitted. Levin questioned if the additional funding moves any of the previously planned projects up the timeline. Messenger replied it doesn't move any of the AIP programmed projects. Commissioner Morrison questioned the status of future development of corporate hangars on the North end. Commissioner Newell replied future development is outlined in the Airport Master Plan and the grading work in the updated CIP puts us one-step closer. The commission approved the updated CIP.

**Corporate Hangar Space #12 Lease Assignment:**

Messenger reported staff received a letter indicating Corporate Hangar #12 has a sale pending and has requested a ground lease assignment. The lease has an effective date of December 1, 2006 and the initial term ends on June 20, 2027. Municipal code requires airport leases with more than five years remaining on the term to have council approval after a recommendation from the commission. The lease states the request for assignment shall

not be unreasonably withheld. The hangar currently has a combination of aeronautical and non-aeronautical uses recorded under the First Amendment to Ground Lease and Settlement Agreement. Research done by the City Attorney found that the non-aeronautical portion of the lease is assignable. The non-aeronautical use is charged at a higher rate per sq. ft. The non-aeronautical use is considered interim by the FAA. If there is not an aviation demand for the space it can be approved in five-year increments.

Levin asked if the portion of non-aeronautical use is mapped out. Tatone stated there is a red line in the aviation portion of the hangar signifying the split between the two uses. Commissioner Sprague questioned what the non-aeronautical use will be. Tatone stated the two office suites would be used for a homebuilder and real estate. Commissioner Newell asked what is the anticipated occupancy head count. Tatone answered between eight and ten. Commissioner Sprague asked if the use would be considered retail. Tatone stated no it would more fall into a professional office use. Commissioner Inman asked if construction equipment would be stored in the hangar. Tatone replied the aeronautical portion of the hangar will not be used to store machinery, equipment or materials.

Commissioner Sprague asked if shipping carriers would need to go into the taxiway area. Tatone replied no, the non-aeronautical portion of the business would not need access to the taxiway. Messenger stated the front gate is open to allow access to the non-airside of the hangars. There is potential for the gate to be closed full time and operated by a card lock system to alleviate security concerns. Tatone stated having the gate closed during business hours would be beyond an inconvenience for their business to withstand. Commissioner Newell stated the plan to close both gates full time has been in motion for some time.

Commissioner Inman questioned what they plan to use for signage. Tatone stated the current sign is on the awning, he proposes a vertical sign the same size. Commissioner Sprague asked if any use is allowed in the non-aviation portion. Messenger replied there are uses that are allowed outright and others that are allowed with a condition use permit. Professional offices are allowed with a conditional use permit.

Commissioner Morrison stated the need for a higher-level security seems to conflict with the primary function of the business. Messenger added there is a high potential the gate will not remain open in the future, staff has been working on other solutions. Tatone stated that would be less than ideal. Commissioner Morrison suggested contacting the City attorney regarding the overriding need for security at the airport and the businesses need to have the gates open for customer access. Messenger answered she can but does not believe signing the lease takes away the City's right to do security upgrades.

Messenger asked Tatone for their timeline. Tatone answered they are prepared to close in the middle of May, he noted that the buyer and the seller would need to be comfortable with the process going forward. Messenger said the sixty-day clause is still valid.

Discussion ensued regarding concerns around security and access for users, customers and the postal service.

**MOTION:** Commissioner Morrison moved to defer the decision to the City Council.

Motion was seconded by Commissioner Skenzick and approved with the following vote: Chair Sipos, Commissioners Morrison, Skenzick, Sprague voted yes. Commissioners Inman & Newell voted no.

**AUDIENCE PARTICIPATION:** None

**INFORMATIONAL ITEMS:** Herinckx reported staff was contacted by Century West Engineering regarding upcoming pavement maintenance at the Airport the week of May 9<sup>th</sup>. The maintenance involves crack sealing of the runway, north and south apron areas as well as in the hangar areas. The runway will be closed from 7 am to 4 pm on May 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and possibly the 13<sup>th</sup>. The work could potentially be postponed due to weather. Upon receiving confirmation from the contractor, an email will be sent to Airport Users and a NOTAM will be issued.

Messenger reported the special procedure has not been published, it appears it will be a May publication date.

**BUSINESS FROM THE COMMISSION:** None

**NEXT MEETING DATE:** June 16, 2022

**ADJOURNMENT:** Meeting adjourned at 4:51 p.m.

  
\_\_\_\_\_  
Kandi Street, Public Works Staff Assistant



**CITY OF ROSEBURG  
PLANNING COMMISSION  
STAFF REPORT**



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**FILE NO'S. AN-22-001 & ZC-22-002**

**MEETING DATE: SEPTEMBER 19, 2022**

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**TO:** Planning Commission  
**FROM:** Stuart Cowie, Community Development Director  
**SUBJECT:** Annexation R145117 with concurrent Zone Change

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**PROJECT SUMMARY & PROCEDURES:**

David & Linda Leonard, property owners, submitted applications for approval of an annexation and zone change of a 0.29+/- ac. unit of land. Proposed annexation would bring the parcel into Roseburg City Limits and would change zoning from County-zoned Single-Family Residential (R1) to City-zoned Single-Family Residential (R7.5). The subject property has a Low-Density Residential Comprehensive Plan designation. The property is not currently addressed and is vacant of any structural development. The property can further be described on Douglas County Assessors Map as Township 27 South, Range 06 West, Willamette Meridian, Section 01DA, Tax Lot 1601; R145117.

The annexation/zone change is a quasi-judicial land use action, as listed within Section 12.10.010(R) of the Roseburg Municipal Code (RMC). Therefore, the request shall be heard by the Planning Commission for a recommendation to City Council. 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 Roseburg Municipal Code.

**APPLICABLE CRITERIA:**

The applicant's request for annexation and concurrent zone change was reviewed by the City, as shown within the attached findings of fact, based on the applicable criteria as follows from the Roseburg Municipal Code:

**RMC Section 12.10.040 – "Zone Change"**

1. The rezoning will conform to the Roseburg Urban Area Comprehensive Plan, including the land use map and written policies.
2. The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.
3. The rezone is consistent with the safety and performance measures of the transportation system.

## **STAFF RECOMMENDATION:**

Based on the information provided in the Findings document, Staff finds the proposed annexation and zone change request meets the criteria of ORS 222.125, Roseburg City County Resolution 2006-04 (Annexation Policies), and Roseburg Municipal Code. Therefore, it is recommended the Planning Commission approve files AN-22-001 & ZC-22-002, based on the findings of fact attached as Exhibit A.

## **OPTIONS:**

- Adopt Findings of Fact referring the request to City Council with a recommendation that City Council approve the annexation and zone change request.
- Continue consideration of the request.
- Adopt Findings of Fact referring the request to City Council with a recommendation that City Council deny the annexation and zone change request.

## **SUGGESTED MOTION:**

I MOVE TO ADOPT THE FINDINGS OF FACT AS PRESENTED, AND REFER THE REQUEST TO CITY COUNCIL, RECOMMENDING APPROVAL OF THE REQUESTED ANNEXATION AND ZONE CHANGE, REFERENCED AS FILE NO'S. AN-22-001 & ZC-22-002.

## **EXHIBITS:**

- A – Findings of Fact
- B – Zoning Map

## EXHIBIT A

In the matter of the )  
Annexation & Zone Change ) Annexation & Zone Change  
request by ) File No's. AN-22-001 & ZC-22-002  
David & Linda Leonard )

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

#### I. NATURE OF APPLICATION

David & Linda Leonard, property owners, submitted applications for approval of an annexation and zone change of a 0.29+/- ac. unit of land. Proposed annexation would bring the parcel into Roseburg City Limits and would change zoning from County-zoned Single-Family Residential (R1) to City-zoned Single-Family Residential (R7.5). The subject property has a Low-Density Residential Comprehensive Plan designation. The property is not currently addressed and is vacant of any structural development. The property can further be described on Douglas County Assessors Map as Township 27 South, Range 06 West, Willamette Meridian, Section 01DA, Tax Lot 1601; R145117.

The annexation and zone change request will be evaluated pursuant to Land Use and Development Regulations Chapter 12.10.040 and all other applicable sections of the Roseburg Municipal Code.

#### II. FINDINGS OF FACT

##### A. EXISTING CONDITIONS

1. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by City Council Ordinance No. 2980 on December 9, 1996 and of Title 12, Land Use and Development Regulations (LUDR) of the Roseburg Municipal Code (RMC), as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3497 on May 1, 2018.
2. Notice of the public hearing was given by publication in The News Review, a newspaper of general circulation, at least 20 days prior to the hearing. Notice of the public hearing was mailed to all owners of property within 300 feet of the property 20 days prior to the hearing.
3. The subject property is described on Douglas County Assessors Map as Township 27 South, Range 06 West, Willamette Meridian, Section 01DA, Tax Lot 1601; R145117.
4. The subject property is 0.29+/- acres, is designated by the Comprehensive Plan as Low Density Residential and is currently zoned County-zoned Single-Family Residential (R1).
5. Property owners David & Linda Leonard applied for an annexation and zone change to bring the property into Roseburg City Limits and change the zone of the subject property from County-zoned Single-Family Residential (R1) to City-zoned Single-Family Residential (R7.5).

**B. AGENCY COMMENTS**

Comments regarding the zone change request were solicited from the Fire Department, Public Works Department, Douglas County Building Department, County Public Works Department, and Roseburg Urban Sanitary Authority. All comments received are part of the record and have been incorporated, where appropriate, into the conditions of approval at the end of these findings of fact.

**C. PUBLIC COMMENTS**

The Community Development Department notified all owners of adjacent and neighboring properties per ORS 197.610 and RMC 12.10.030. No comments were received.

**D. PUBLIC HEARING**

A public hearing was held on September 19, 2022 regarding the matter of the annexation and zone change request.

**E. APPLICABLE CRITERIA**

The applicable approval criteria for the subject annexation and zone change is contained within the following:

**1. ORS 222.125, "Annexation by consent to allow owners of land," the following criteria must be demonstrated:**

*A) Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

**Finding:** The subject property is contiguous with the city limits of Roseburg, and the applicant has given written consent, by applying for the annexation, to be annexed into the city.

**2. Pursuant to City of Roseburg Resolution 2006-04, "Annexation Policies," the following Policies shall be adhered to:**

*A) ANNEXATION ENCOURAGED. Over time, the City of Roseburg shall be the primary provider of municipal water service and other urban services within the UGB, provided the City can offer these services in an efficient and cost-effective manner.*

*Annexation to the City should be encouraged:*

*- For unincorporated areas that are now receiving some City services, are urban in character, or are logically served by the City because of geographic factors such as drainage basins, boundaries, or environmental constraints;*

*- Where the availability of infrastructure and services allows for the development of urban densities.*

**Finding:** The subject property can logically be served by the City given that it is surrounded on two sides by incorporated land. Infrastructure and services necessary for urban densities can be provided when approval is granted for development consistent with the proposed zoning.

*B) CITY INITIATED ANNEXATION. If the City initiates an annexation, then the City shall analyze the financial impacts of the annexation including a calculation of revenues derived from a proposed annexation and the expenses to provide services in the area to be annexed.*

**Finding:** The City has not initiated this annexation.

*C) FULL RANGE OF CITY SERVICES IN TIMELY MANNER. The City shall not initiate annexation proceedings on any property if it cannot provide a full range of City services within approximately a three-year period of time. A full range of City services means a level of urban services approximately similar to that enjoyed by residents currently living in the City of Roseburg.*

**Finding:** Surrounding properties of the subject property are already serviced by municipal water and sewer. Extending services to the subject property can be provided within a timely manner and will accommodate future development timeframes where practical.

*D) PREFERENCE FOR ANNEXATION AREAS. Highest preference for annexation shall be given to those areas that best meet annexation policies and where revenues derived from the annexed areas exceed City expenses. Lowest preference shall be given to those annexation requests that exhibit a negative financial situation for the City of Roseburg or only minimally meet City annexation policies. Fiscal impacts are only one of many criteria to be evaluated, and must be balanced with other annexation policies and goals.*

**Finding:** The subject property lies adjacent to the existing City boundary and has, or can have, urban services provided to it in a cost-effective manner consistent with logical growth patterns.

*E) UNINCORPORATED ISLANDS. Property that is currently surrounded by land within the City limits (unincorporated islands) shall be discouraged. As soon as practical, the City shall initiate annexation proceedings for such islands.*

**Finding:** The subject property is directly adjacent to Roseburg City Limits and is not considered an unincorporated island.

*F) PROPERTIES NOW SERVED BY MUNICIPAL WATER BUT LOCATED OUTSIDE EXISTING CITY LIMITS. Property owners now receiving municipal water service from the City of Roseburg are encouraged to initiate annexation proceedings on their property consistent with these policies.*

**Finding:** The subject site and properties surrounding the subject property are or can be served by municipal water service. The property is currently vacant of development and is therefore not served by water. At the time of development, the City will be able to

provide the site with water services.

*G) NEW CONSENT TO ANNEXATION AGREEMENTS PROHIBITED. After Council adoption of a change to Roseburg Municipal Code 5.04.060, no new municipal water service shall be provided unless the property is annexed to the City of Roseburg.*

**Finding:** The property owners have requested annexation of the subject property to facilitate future development and the extension of City Services to benefit the site. In order to allow for these service extensions, the property must be annexed into Roseburg City Limits.

### **3. Roseburg Municipal Code 12.10.040(D):**

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

**Findings:** The property is located within the Roseburg Growth Boundary in an area that is designated Low-Density Residential in the Comprehensive Plan. Regarding zoning designations, the current zoning for the property is County-zoned Single-Family Residential (R1) and it is surrounded by County-zoned Single-Family Residential (R1) parcels to the east and south, High-Density Multi-Family Residential (MR29) zoning to the north, and Single-Family Residential (R7.5) property to the west. The proposed R7.5 zone conforms to the Comprehensive Plan under the Low-Density Residential Comprehensive Plan designation, and therefore does not require a Comprehensive Plan amendment. The rezoning allows for the same amount of dwelling density and allows for similar uses between the current County zoning and proposed City zoning.

Staff finds the rezoning meets this criterion.

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

**Findings:** The site is suitable for the proposed zone change as it is surrounded by like zoning and uses. All utilities are available to the subject property and will ensure that public safety and welfare requirements in the area will continue to be satisfied with future development on the property. The proposed Zoning District is compatible with existing adjacent development as well as future permissible development, and as such is presumably no less suitable than the existing County Zoning.

Staff finds the rezoning meets this criterion.

*C) The zone change is consistent with the safety and performance measures of the transportation system.*

**Findings:** The locally-classified street network that serves the subject property is consistent with the safety and performance measures of the transportation system. The

property is served by NE Housley Ave. and any future development on the subject property will gain access off of NE Housley Ave. The proposal to convert the zoning to R7.5 will not compromise the existing roadways this property benefits, and all future development would be required to meet access standards determined by the Transportation System Plan, RMC and Public Works standards.

Staff finds the rezoning meets this criterion.

### III. CONCLUSION

Upon review of the application, and other materials referenced as File AN-22-001 & ZC-22-002, and after conclusion of the Public Hearing and all testimony provided herein, the Planning Commission concludes that the application by David and Linda Leonard satisfies the approval criteria, therefore warranting the approval of the zone change as requested.

### IV. ORDER

Based on the Findings and Conclusions above, the Planning Commission refers the annexation and zone change request to the City Council recommending **APPROVAL** of the annexation and zone change, as contained within file AN-22-001 & ZC-22-002 and subject to the conditions as follows:

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

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Daniel Onchuck, Planning Commission Chair

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Date

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Stuart Cowie, Community Development Director

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Date

#### Planning Commission Members:

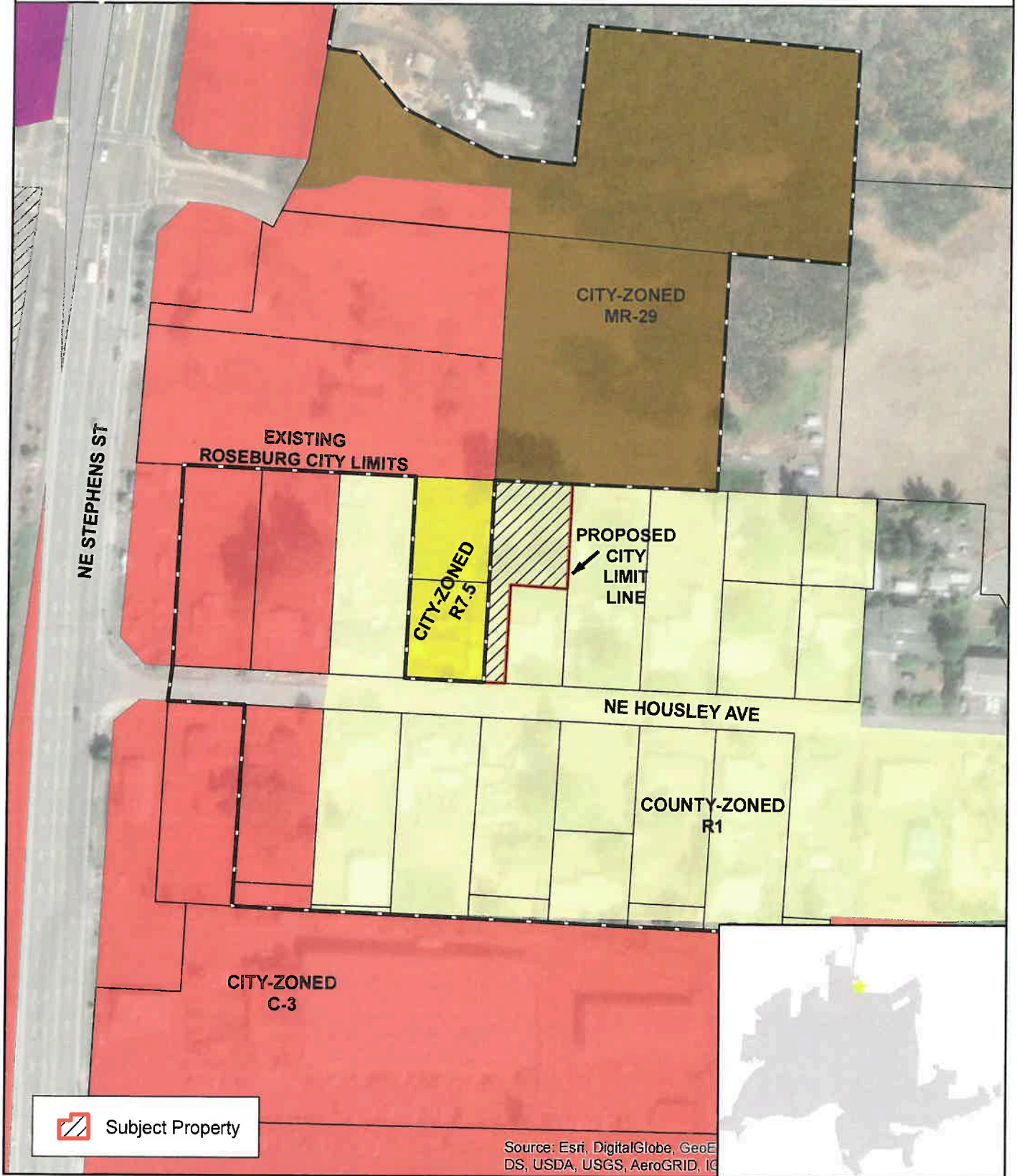
Daniel Onchuck, Chair  
Shelby Osborn, Vice Chair  
Matthew Brady  
Jamie Yraguen  
Victoria Hawks  
Janelle James  
Andrew Blondell



# ZONING MAP 0 NE HOUSLEY AVE.

T27S R06W SEC01DA TL1601 R145117

Community Development Department | 900 SE Douglas Ave., Roseburg, Oregon 97470 | 541-492-6750



 Subject Property

Source: Esri, DigitalGlobe, GeoE  
DS, USDA, USGS, AeroGRID, IC

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