

EXHIBIT 1

NOTICE OF APPEAL



Section 5.1.170 of the City of Roseburg Land Use and Development Ordinance provides strict procedures to appeal a land use decision. A Notice of Appeal cannot be accepted unless the Notice of Appeal is filed with the Community Development Director no later than fourteen (14) days after the decision or action.

The Notice of Appeal shall contain:

- A reference to the decision (e.g. project description referring the file number)
- A statement as to how the petitioner qualifies as a party
- The specific grounds relied on for the petition of review
- Date of the final decision or action.

Fee

The Notice of Appeal **shall** be accompanied by the applicable non-refundable fee:

- Director's Decision the original application fee with a maximum of \$250
- Land Use Decision is equal to one-half (1/2) the original application fee with a maximum of \$500

Procedure

A Notice of Appeal requires review and action by the Planning Commission via the public hearing process. A decision of the Planning Commission can be appealed to the City Council upon filing a "Notice of Appeal."

Type of Review

Planning Commission public hearings requires notices be mailed to all property owners within 300 feet of the subject site 20-days prior to the hearing, as well as being posted in the vicinity of the property and published in the newspaper.

Petitioner(s):*

(see attached)

CONTACT PERSON: (If different)

Jillanne Michell

Mailing Address

1231 NE Steele Ct.

Mailing Address

Phone Number: _____

Phone Number: 541-440-2253

E-mail: _____

E-mail: jillanne@rosenet.net

I (we) understand the Community Development Department will notify interested parties when this appeal is scheduled for consideration by the approving authority.

Signature & Date

Jillanne Michell

March 10, 2015

Re: File AMD-14-2

To Brian Davis, Community Development Director:

Please consider this our Notice of Appeal regarding the decision of the City Planning Commission regarding the rezoning of Common Area IV of Rocky Ridge PUD Phase 1. The Planning Commission approved the proposed major amendment on March 2.

For a number of reasons, not limited to those mentioned here below, we believe that the Planning Commission came to the wrong decision. Those reasons include the fact that a precedent was set for denial of a similar proposed amendment in 2002 (PUD-98-1/AMD-02-1), and, while this new proposal addresses and eliminates a few of the previous reasons for denial, it does not eliminate them all. Specifically, while points 9 and 10 have been eliminated, point 11 still stands:

The Commission finds that the factors that are applied during the consideration of a PUD as specified in Section 5.050.c. are relevant to the consideration of this Major Amendment in that they include: (1) *Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way.* **The Commission finds that the proposed conversion of the lot designated as Common Area IV from Private Open Space to a building lot would have a detrimental impact to neighboring properties in terms of these factors.**

We do not believe the current proposed screening plan adequately addresses the issue of “screening and buffering of sight.” Furthermore, we do not believe that the Planning Commission took into account other significant concerns outlined in this previous point of denial, including “the detrimental impact to neighboring properties,” an impact that goes beyond issues of privacy to include a loss in property value.

In addition, while the City has stated that there is no specific language in the 1998 PUD approval documents (PUD-98-1 plus the associated minutes) about common areas remaining undeveloped, the testimony of many homeowners strongly indicates that that was the original agreement and understanding. Moreover, we disagree with the City’s interpretation of the 1998 PUD approval documents and have found language in said documents that demonstrates that the original intention and understanding of the developers and the City was that certain areas of the development would remain undeveloped and that a strong case can be made that Common Area IV is one such area.

Furthermore, language in the 1998 approval documents indicates a time limit for development of common areas, and that time limit has passed.

For these, and many other reasons, we respectfully appeal to the City Council to reconsider the decision made by the Planning Commission.

Sincerely,

Donald Kitzman, 1780 NE Beulah Dr., Roseburg,

Scott Fray, 1223 Steele Ct., Roseburg,

Jillanne Michell, 1231 NE Steele Ct., Roseburg

(The above individuals all have party status in this matter, and there are many others who are also opposed to the Planning Commission's decision.)

City of Roseburg

March 10, 2015

Re: File No. AMD-14-2

Concerned Citizen,

This is a re-notification for the purposes of supplying the information about the review process.

You are receiving this notice because you are recognized as a party in the above referenced application. Official notice is hereby given that at their regular meeting on March 2, 2015, the City of Roseburg Planning Commission **APPROVED** the above reference application for a Major Amendment to Rocky Ridge PUD Phase 1 by adopting Findings of Fact and Decision.

The quasi-judicial decision will be effective fifteen (15) days from the date of this letter or by March 24, 2015 unless an appeal is filed within fourteen (14) days. The fee to appeal this decision is \$136.50. A copy of the decision document can be found at the following link:

http://www.cityofroseburg.org/files/8514/2594/0111/AMD-14-2_Note_of_Decision.pdf

Information about the review process is enclosed.

If you have any questions or need for information, please contact the Community Development Department at 541-492-6750.

Sincerely,



Brian R. Davis
Community Development Director



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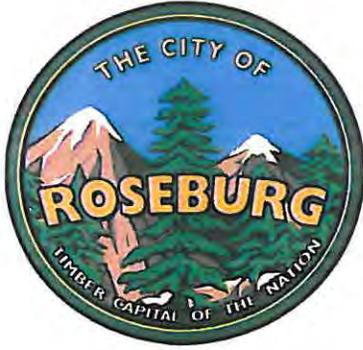
Phone Number: _____

E-mail: _____

E-mail: _____

I (we) understand the Community Development Department will notify interested parties when this appeal is scheduled for consideration by the approving authority.

Signature & Date _____



AFFIDAVIT OF MAILING

I, Christine Morgan, affirm that I am on the staff of the City of Roseburg Community Development Department. On March 4, 2015 I mailed a true copy of Findings of Fact regarding the application of i.e. Engineering, agent for Ralph Winterode, to Rocky Ridge PUD Phase 1, Roseburg, Oregon to those persons listed as parties in File No. AMD-14-2.

Christine L Morgan

State of OREGON

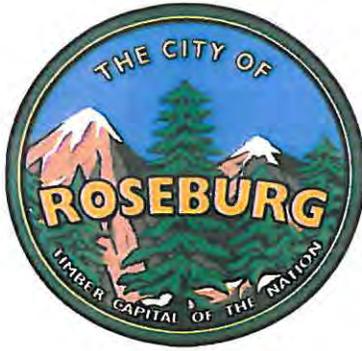
County of DOUGLAS

Signed or attested before me on (date) 3/10/2015.



Koree D Tate

Notary Public for Oregon



AFFIDAVIT OF MAILING

I, Christine Morgan, affirm that I am on the staff of the City of Roseburg Community Development Department. On March 10, 2015 I mailed a true copy of Letter of Information and Appeal Information regarding the application of i.e. Engineering, agent for Ralph Winterode, to Rocky Ridge PUD Phase 1, Roseburg, Oregon to those persons listed as parties in File No. AMD-14-2.

Christine Morgan

State of OREGON

County of DOUGLAS

Signed or attested before me on (date) 3/10/2015.



Koree D Tate

Notary Public for Oregon

In the matter of the application) Major Amendment
by i.e. Engineering) File No. AMD-14-2

BEFORE THE ROSEBURG PLANNING COMMISSION

FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

The applicant is requesting approval of a Major Amendment (AMD) to Rocky Ridge PUD Phase 1. The requested action is to amend the final plat of Rocky Ridge PUD Phase 1 by converting Common Area IV (0.77 acres) to a buildable lot and consolidating with Parcel 2 of PP No. 2003-19 (formerly part of Lot 2 of Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres) for the future construction of a single family dwelling. Both lots are zoned Low Density Residential (R10) and designated Low Density Residential (LDR) by the Comprehensive Plan. The reconfiguration will give "Lot 40" frontage and access to NE Cambrian Court (a private road), identified in the map below. The applicant is proposing the Major Amendment in order to permit a dwelling to be constructed on Common Area IV.



II. PUBLIC HEARING

Public hearings were held on the application before the Roseburg Planning Commission on December 1, 2014, February 2, 2015 and March 2, 2015. At that hearing the Planning Commission reviewed Land Use File AMD-14-2 application for a Major Amendment and it was made part of the record.

III. 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 the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013, as both may have been amended from time-to-time.
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 in addition to all residents of Rocky Ridge PUD Phase 1, 20 days prior to the hearing.
3. The application consists of a request to a Major Amendment to Rocky Ridge PUD Phase 1 as it applies to two lots within the City of Roseburg.
4. The lots may be described as Tax Lots 1301, Section 18BA and Tax Lot 5600, Section 18BD in Township 27 South, Range 05 West; Willamette Meridian. Property ID Numbers R119207 & R122955.
5. The lots are designated Low Density Residential (LDR), zoned Low Density Residential (R10) and surrounded by properties with a Comprehensive Plan Land-Use Designation of Low-Density Residential (LDR) and Medium-Density Residential (MDR) as well as zoning consisting of Single Family Residential (R7.5) and Limited Multiple-Family Residential (MR14).
6. Both of the lots that are subject to the Major Amendment (1.23 acres) are vacant and undeveloped. Common Area IV is currently designated as open space (0.77 acres). Parcel 2 of PP No. 2003-19 (0.46 acres) is a narrow lot for access which is a part of the former Lot 2 of Rocky Ridge PUD Phase 1.

B. PROPOSAL

The proposal is to convert Common Area IV from open space and consolidate Parcel 2 of PP No. 2003-19 to become Lot 40 of Rocky Ridge PUD Phase 1. The current subject properties are not developable in their current configuration. The proposed amendment will allow the applicant to develop the property residentially, subject to LUDO Chapter 3 Site Review standards.

C. AGENCY COMMENTS

No agency comments were received as of the writing of this staff report.

D. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per ORS 227.186 and LUDO 5.1.190 and received letters of remonstrance from Jillanne Michell for 1231 NE Steele Court, Scott Fray for 1223 Steele Court, Donald Kitzman for 1780 NE Beulah Drive, Todd Boyd for 1760 Beulah Drive, Rita Fleck for 1212 NE Steele Court, and Denny and Beverly Cumpston for 1251 NE Cambrian Court, Ibbi Brosi for 885 NE Sunset, Shelley Berberger for 1151 NE Garden Valley Blvd., Michelle Mousseau for 1451 NE Lincoln Street, Mary A. Kozial for 1214 NE Steele Court, Dori John for 1222 NE Steele Court, Tiffany and Levi Fouse for 1288 NE Lincoln Street, Judy A Chase for 1227 NE Lincoln Street, Jason Strickland for 1187 NE Lincoln Street, Laura Hampton for 1066 NE Lincoln Street, Wendy Grinstead for 1064 NE Lincoln Street, Joann M Denn for 1057 NE Lincoln Street, Marty Benton for 1037 NE Lincoln Street, and Kathleen Shayler for 1016 NE Lincoln Street as of the writing of this second supplemental staff report.

E. ANALYSIS

Major Amendment applications are required to be processed in accordance with Chapter 5 and satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Sections 6.2.120 and 6.2.060, respectively.

F. REVIEW CRITERIA

Pursuant to LUDO Section 6.2.120, the following criteria must be demonstrated as being satisfied by the application for approval of the Major Amendment:

- a) A "major amendment" is any change which does not meet the definition of a "minor amendment".

Finding: The proposal changes the general location or amount of land within the PUD that is devoted to open space, which does not meet the definition of a "minor amendment". The proposal will change Common Area IV, a lot designated as open space on the Final Plat of Rocky Ridge PUD Phase 1, to Lot 40 of Rocky Ridge PUD Phase 1.

G. PUD CRITERIA

The applicant proposes to amend standards applied to a platted PUD, therefore, the appropriate standards found in LUDO Section 6.2.060 shall be evaluated as being satisfied by the application for approval of the Major Amendment:

- 1) Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation.

Finding: The subject properties are both designated Low Density Residential which allows a density of 10,000 sq. ft. per dwelling. The original proposal of Rocky Ridge PUD Phase 1 was for 39 lots on 45.1 acres, establishing a density of one dwelling per 1.15 acres. The proposal will increase the density to one dwelling per 1.12

acres. Therefore, the increase in one dwelling will not exceed the gross acreage by site allowed by the plan designation.

2) Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.

Finding: The proposed lot consolidation will establish a new lot shape which combines Common Area IV with Parcel 2 of PP 2003-19. The portion of the newly consolidated Lot 40 that is Common Area IV will serve as the site for a future dwelling, whereas, the narrow Parcel 2 will serve and be appropriate for access and frontage to NE Cambrian Court. The applicant will be subject to providing a geotechnical report prior to development of proposed Lot 40 and will be subject to Site Plan review standards.

3) Building Spacing and Yard Requirements

- a) General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
- b) Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

Finding: There is no reduction of setback proposed. The surrounding development is composed of single family residences. At the time of development, the applicable standards of Chapter 3, Site Plan review will be applied as a condition of this approval.

4) Open Space. Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone.

Finding: The existing average density of the Rocky Ridge PUD Phase 1 development is more than 10,000 sq. ft. per lot which exceeds the minimum density permitted in the underlying zone. In addition, the development currently provides a surplus of 17.34 acres of open space or "common area". The minimum requirement for open space for the original development was zero (0) acres of open space.

Therefore, the conversion of Common Area IV would reduce the amount of open space to 16.60 acres which exceeds the minimum requirement of zero (0) acres.

5) Perimeter Design.

- a) The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.
- b) If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the approving authority shall require one (1) or more of the following:
 - i) A special setback or setbacks of residential and nonresidential structures located on the perimeter.
 - ii) Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

Finding: The proposed development area of Lot 40 would be within former Common Area IV, which is adjacent to single family homes developed within an area with steep slopes. No special setbacks were proposed in the application as topographical barriers provide reasonable privacy and potential adverse impacts to existing residences.

G. PUBLIC HEARING COMMENTS

The following issues were raised by the parties speaking in opposition to the proposal and Staff has made findings addressing each issue as it pertains to the approval criteria:

- 1) Water runoff from development of the lot and storm water collection on Cambrian and/or Steele Court negatively affects adjacent properties downstream.

Finding: There are no proposed alterations that affect the natural drainage of the site. However, recognizing that the site may eventually be developed with a residence, adequate provisions will be installed as a condition of approval in accordance with the Site Development Standards of LUDO. LUDO requires adequate provisions to be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage Ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

- 2) When the property is developed, erosion, soil stability and geologic hazards will be potential hazards to the development itself, as well as properties below the development.

Finding: The applicant did not submit a development proposal as a supplement to this application. However, recognizing that the site may eventually be developed with a residence, the conditions of approval in accordance with the Site Development Standards of LUDO shall require the applicant to submit a Geotechnical Report for lots within the Hillside Development/Geologic Review Overlay prior to any development, which includes excavation, cuts, fills, and the removal of trees.

- 3) Visual, acoustic privacy are desired by abutting landowners and screening would be necessary due to objectionable views being created due to the development of the lot.

Finding: Visual and acoustic privacy are provided by several large oak trees and other low growing vegetation existing on site. The existing trees and vegetation are characteristically similar to adjacent development found in the immediate vicinity. Additional trees, landscaping, or fencing may be provided by the applicant or adjacent property owner to provide additional screening if desired. As a condition of the development of the property, the LUDO Section 2.10.060 establishes that ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved. This provision will be addressed in the Geotechnical Report prior to development.

- 4) Common Area IV currently serves as a wildlife refuge and should remain common area. The property should have been commonly owned by the Homeowners Association if planned as Common Area by the developer. Furthermore, if the developer would have proposed the lot during the original platting of the Rocky Ridge PUD Phase 1, adjacent owners on Steele Ct. would have objected.

Finding: The City of Roseburg comprehensive plan does not identify the subject property, which is designated for urban use, as a protected wildlife habitat area. While Common Area IV may have been recognized as an open space as identified on the final plat, that area remained privately owned. As proposed in the application, the current owner proposes to remove the Common Area designation from the subject property and develop the property residentially. Furthermore, the developer of Rocky Ridge PUD Phase 1 could have originally proposed Common Area IV to be developed as residential lot as they exceeded the open space requirement. Staff cannot speculate as to the concerns, if any, the Steele Court residents would have raised at the time of the original Rocky Ridge PUD Phase 1 plat. However, staff provided notice on November 6, 2014 to owners of record as identified in the attached notice map and have received several comments in opposition.

- 5) Site Development issues such as setbacks and spacing, perimeter design standard, site clearing before construction, installation of driveway, water and sewer lines.

Finding: Future residential site development standards and the associated Geotechnical Report will address these issues as part of LUDO Chapter 2, Article 10 (Hillside Development) and Chapter 3 Article 1 (Site Plan Review). The developer will be responsible for installing and financing their own improvements to be consistent with residential zoning district standards and hillside development overlays or more restrictive standards as recommended in an approved Geotechnical Report.

- 6) Does the site have access? Fire access?

Finding: The site has access via NE Rocky Drive, thence via NE Cambrian Court, thence via a future private driveway through Parcel 2 of PP2003-19. Fire access standards shall be a condition of approval for the development of the parcel and meet the minimum standards as applied in the Hillside Development/Geologic Review Overlay. Monte J. Bryan, Deputy Fire Marshal, stated that Roseburg Fire Department has *"No objections to the submitted Major Amendment. However, when the site is submitted for review and prior to construction, the applicant must submit plans and information to satisfy the Oregon Fire Code requirements for adequate Fire Department Access and water supply for fire suppression. This may include, but shall not be limited to, requirements for Fire Department turnarounds and a residential sprinkler system."* The applicant, as a condition of the development of the site, will be required to satisfy Oregon Fire Code requirements, meet local fire access standards and supplemental fire suppression requirements.

- 7) NE Beulah Drive, in its current condition, does not meet access improvement standards. If the owner is accessing his property from NE Beulah Drive, than Beulah would need to be improved, as it was never finished by the city as promised.

Finding: NE Beulah Drive is not proposed as an access to the subject property. The improvement of Beulah Drive is not subject to the approval criteria.

- 8) Doug John claimed he did not receive notice of the proposal.

Finding: LUDO Section 5.1.070 states that the records of the Douglas County Assessor's Office shall be used for notice required by this Ordinance...*The failure of a person to receive notice shall not impair or invalidate the action if the City can demonstrate by affidavit that the prescribed notice was sent to the persons entitled thereto as shown by the Assessor's records.* A copy of the notice to adjacent property owners and affidavit of mailing is attached.

- 9) Rocky Ridge Developer promised this would remain as open space. City Documents should prove that.

Finding: Staff and City attorney reviewed the records of previous hearings and decisions and did not find anything directly related to the subject to remain and serve as a buffer area in perpetuity.

- 10)The lack of response from the HOA is not an indication of their neutrality.

Finding: Staff provided notice to the Granite Ridge and Rocky Ridge Homeowners Association. Staff did not receive any written response from either homeowners association prior to the hearing. David Littlejohn, President of Rocky Ridge Homeowners Association provided testimony at the December 1, 2014 hearing but did not provide support or opposition to the proposed request.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in LUDO 6.2.120 and 6.2.060.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission **APPROVES** this application subject to the following conditions for future site development:

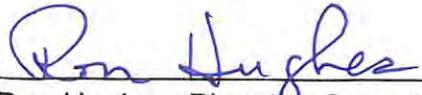
- 1) Excavation, fill placement, or removal of trees or ground cover shall require the applicant to provide a site development and grading plan illustrating and describing the following:
 - a. Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.
 - b. Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.
 - c. Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
 - d. General description and notation of trees and ground cover; general description of soils and characteristics.
 - e. Plan including cut and fill areas, existing and finish grades and slope height.
 - f. Drainage plan complying with the Storm Drainage Master Plan.
 - g. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.

- 2) Any development associated with the excavation, fill placement or removal of trees or groundcover will require the applicant to obtain a permit from Community Development as described above. Said development shall, at minimum, meet the following criteria:
 - a. Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
 - b. Removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - c. If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.

- 3) Development shall comply with Chapter 2, Article 10 (Hillside Development/Geologic Review Overlay & the recommendations addressed in the Geotechnical Report for the development of the subject property. The following requirements are generally the minimums that apply to lands shown on the City of Roseburg Slope Map or having a slope of greater than 12%; however, based on information provided by an accepted and approved Geotechnical Report verifying that the intent and purpose of this Ordinance is being carried out and appropriate mitigations are identified and in place, the Director of Community Development is authorized to allow for the recommendations contained in said report that may differ from the strict application of the following:
- a. Setbacks shall be consistent with the underlying zoning or those recommended in the approved Geotechnical Report.
 - b. Split pad or stepped footings shall be used when possible to allow the structure to more closely follow the slope.
 - c. Foundations shall be in conformance with the requirements of Geotechnical Report and if required designed by a Geotechnical or Professional Engineer as provided by ORS 672.002 to 672.325.
 - d. Split-level foundations are encouraged when appropriate for the site contours.
 - e. When appropriate, based on recommendations included in the Geotechnical Report, multi-level building footprint shall be used to reduce scarring.
 - f. Driveways used to access onsite parking shall comply with the following criteria as further defined by Figure 2-12: Hillside Driveway Access:
 - i. Maximum grade of driveway from property line to face of garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length, except as provided otherwise herein.
 - ii. Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.
 - iii. When determined necessary at the time of site plan review, to provide for emergency apparatus access, access drives exceeding 20 feet in length may need to provide a minimum 20 feet wide paved area back from the face of the garage/parking not exceeding five percent (5%) grade.
 - iv. Landscape features, retaining wall, fences, and other elements shall comply with clear vision requirements and shall be located solely behind the property line.
 - v. Unless otherwise approved, in the cases of a curved driveway, the inside turning radius and outside turning radius shall not be less than

- 28 feet and 48 feet respectively, measured from the center point to provide for emergency apparatus access.
- vi. With the approval of the Fire Chief, driveways that are greater than 100 feet in length may have intermittent sections of grades up to a maximum of 20% provided that:
 - 1. The 100 foot distance back from the structure maintains the 15% grade described herein.
 - 2. Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.
 - 3. An approved fire apparatus turnaround area having a grade no greater than ten percent (10%) is provided.
 - vii. Driveways shall conform to the width requirements of Section 3.2.100; however, the Director of Public Works and the Fire Chief may require additional width in order to meet the purpose and intent of this Ordinance.
 - viii. Parking shall meet the requirements of Section 3.2.010; in addition, when driveways exceed 150 feet in length, one additional on-site paved parking area shall be provided for each additional 50 feet up to a maximum of five (5) spaces.
- g. Grading, drainage improvements, or other ground disturbances on slopes of greater than 12% shall occur from April 15 to October 15; however, nothing in the Ordinance shall preclude immediate action to be taken in cases of emergency.
- h. Steep cut or fill slopes greater than two-to-one (2:1) shall be retained with engineered retaining structures, such as stacked rock, retaining walls, rock buttresses or a functional equivalent engineered structure to control erosion and stabilize slope.
- i. Cut faces on terraced sections shall not exceed a maximum height of 15 feet.
 - ii. Retaining structures greater than four (4) feet in height, as measured from the bottom of the footing to the highest point, are required to be engineered. Retaining structures at the toe of a slope or within six (6) feet of a foundation shall be engineered regardless of height.
- i. Prior to the removal of vegetation, including trees, and in conjunction with the required Geotechnical Report, an analysis shall be submitted to identify the slope stability with and without such plantings. Based on the information contained in the report, measures shall be implemented to assure that the intent and purpose of this Ordinance is met, including tree replacement.
- i. Ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved with care taken to preserve specimen trees.

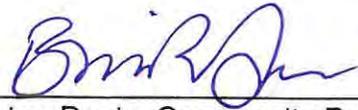
- 4) The applicant shall provide a landscape screening plan that provides a visual barrier between the development and abutting properties to the west at the time of development. The screening plan shall be consistent with the design and intent of the proposed landscaping plan Exhibit "A" and "B".
 - i. Prior to occupancy of the development, the developer shall plant a variety of evergreen tree species in a mixed, staggered layout in order to provide adequate year round screening between the property and adjacent neighbors to the west and southwest.
 - ii. Trees shall be planted a minimum of 20 feet from all buildings on the property.
 - iii. Trees planted shall be chosen from healthy nursery stocks with full branching and planted between the months of September to May.
 - iv. All varieties shall be purchased at a minimum of 6 feet tall and planted and staked for at least 12 months as shown in the Proposed Landscape Screening Plan detail.
- 5) The property owner shall provide a minimum of 2 off-street parking spaces.
- 6) The driveway shall not be located closer than 5 feet from side lot lines.
- 7) When it is determined necessary at the time of site plan review to provide emergency apparatus access, access drives exceeding 30 feet in length are to provide a minimum 20 feet-wide paved area back from the face of the garage/parking not exceeding five percent (5%) grade.
- 8) Driveway shall be paved with asphalt, concrete, or pavers brick a minimum 2.5 inches over 4 inches of aggregate or 4 inches of Portland cement.
- 9) Architectural features (including eaves) shall not project more than 25 inches into a required yard.
- 10) Utilities shall be underground where available.
- 11) Adequate provisions shall be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage Ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).



Ron Hughes, Planning Commission Chair

3/3/15

Date



Brian Davis, Community Development Director

3/2/15

Date

Planning Commission Members:

Ron Hughes, Chair
Patrick Parson
Scotty Ingeman
Matthew Powell
Dan Onchuck
Jesse McLean
Brook Reinhard

EXHIBIT A

PROPOSED LANDSCAPE SCREENING PLAN

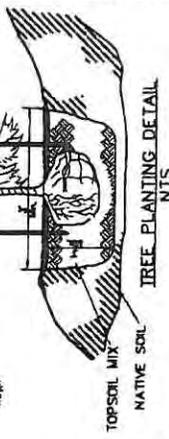
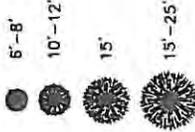
PROPOSED EVERGREEN TREE LIST FOR
PRIVACY SCREENING

BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE WIDTH
KICHA RINGENS HOOPSII	HOOPS BLUE SPRUCE	30'-50'	10'-20'
PINUS NIGRA	AUSTRIAN PINE	40'-60'	15'-25'
PINUS CONTORTA	SHORE PINE	30'-45'	20'-30'
CEDRUS ATLANTICA 'GLAUCO'	BLUE ATLAS CEDAR	40'-50'	20'-25'
ABIES NORDMANNIANA	NORDMANN FIR	40'-60'	20'-25'
ABIES BALSALEA	BALSAM FIR	40'-60'	15'-20'
CUPRESSUS ARIZONIA 'BLUE PYRAMID'	BLUE PYRAMID CYPRESS	20'-25'	10'-12'
CUPRESSUS LEYLANDII 'GOLD RIDER'	GOLD RIDER LEYLAND CYPRESS	35'	15'
X CUPRESSOCYPERIS LEYLANDII 'MONICAL'	LEYLAND CYPRESS	20'-30'	20'
X CUPRESSOCYPERIS LEYLANDII 'MONICAL'	EMERALD ISLE LEYLAND CYPRESS	20'-25'	15'-9'

NOTES:

1. CONCEPTUAL DRAWING IS A SUGGESTION ONLY. TREES CAN BE CHOSEN FROM SUGGESTED TREE LIST AND PLANTED BASED ON OWNERS PREFERENCES.
2. PLANTING WELLS SHALL BE A MINIMUM OF 3' DUE TO SHALLOW EXISTING SOILS.
3. TOPSOIL MIX SHALL BE 1/4 PEAT MOSS AND 3/4 ORGANIC TOPSOIL.
4. FOLLOW A REGULAR WATERING SCHEDULE DURING THE FIRST GROWING SEASON TO ESTABLISH A DEEP, EXTENSIVE ROOT SYSTEM.

PROPOSED TREE SIZES (SPREAD, AT MATURITY):



Scale: 1" = 40'
PROJECT NO. 2637-01
DWG BY: ANY

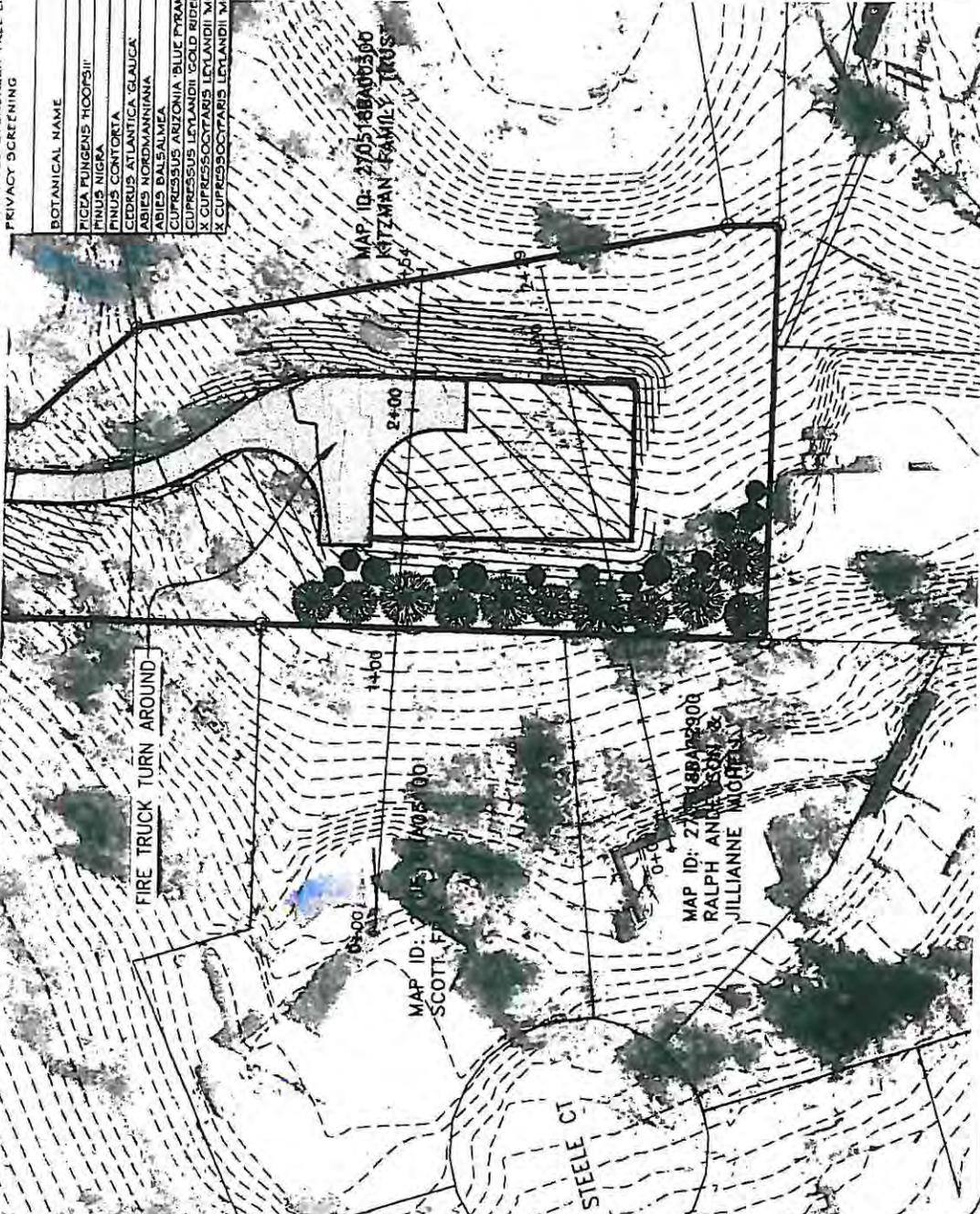


EXHIBIT 3

CITY OF ROSEBURG PLANNING COMMISSION MEETING MINUTES March 2, 2015

CALL TO ORDER: Chair Ron Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:03 p.m. on Monday, March 2, 2015, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

Welcomed the newest Commissioner Brook Reinhard.

ROLL CALL

Present: Chair Ron Hughes and Commissioners Scott Ingeman, Jesse McLean, Daniel Onchuck, Patrick Parson, Matthew Powell and Brook Reinhard

Others present: Community Development Director Brian Davis, Assistant Planner John Lazur and Staff Assistant Sandy Cook. Troy Brynelson of the News Review

APPROVAL OF MINUTES

Onchuck moved to approve the minutes of February 2, 2015 as presented. Motion was seconded by Powell and passed unanimously.

AMD-14-2, Rocky Ridge PUD Phase 1 Major Amendment

Hughes advised the public hearing had been closed and no further testimony would be presented. Staff presented revised findings for consideration. As requested, the applicant submitted a landscape plan (Exhibit's "A" and "B") which has been included in the findings with the condition to screen and maintain accordingly.

Reinhard advised he had reviewed the record and is comfortable participating in the discussion and decision. There were no objections. Point of clarification, the Staff emails regarding opponents concerns and the response to Reinhard regarding enforcement of landscaping requirements will be included in the City's record. Lazur noted the Findings will include the previously submitted petition opposing development of the Open Space. The signators will be included as parties which also gives them the right to appeal. Upon questioning, Lazur advised the landscape screening requirement is enforceable through the Roseburg Municipal Code as well the Land Use and Development Ordinance and will run in perpetuity with the property. Hughes clarified the proposed development must abide by current city regulations and there is nothing in the landscape plan that qualifies or conditions the type of vegetation other than the type of 6' trees. The structural height limitation in this zone is 35'.

Powell moved to approve proposed findings as amended to include the names on the previously submitted petition (petitioners). Parson seconded; motion passed with Ingeman voting Nay and all others Yes. Powell moved to allow Staff to modify the Findings to amend the party status on the record list to include those who signed the petition thus confirming their party status, and to proceed without bringing this matter back to the Planning Commission, thereby allowing the Chair to sign the modified findings as approved. Parson seconded; motion passed unanimously.

Davis advised the next step in the process includes notification of the Planning Commission decision to all those identified as having party status. Staff will also provide those parties with the procedures required should any of them wish to appeal the decision to the City Council.

Discussion followed regarding previous City approvals of PUD's that included open space designations such as this and the hopes that further requests can be curtailed so as to prevent similar requests from occurring over and over again in the future. Davis assured the Commission that Staff is working to provide and maintain records that are clarified and more accurate to prevent future issues. Additional discussion included density requirements and open space ownership. Davis explained how PUD's have flexibility in density requirements and yet the City has to balance the use of urbanized land within the UGB. Ownership of open space is different with each PUD . Ingeman asked for feedback from the residents of the Homeowners Association and the President of Rocky Ridge Master Association, David Littlejohn (1792 NE Rocky Drive), responded that they had met but there was not a lot of strong opinion from the association itself, other than to note that residents on Cambrian Ct. were generally opposed to the proposal to develop the open space.

BUSINESS FROM STAFF – Davis provided the Directors Report –

- Would like to provide training for the commission at an upcoming meeting
- Advised of impending City construction project on Oak/Washington/Stephens area for water main relocation in preparation of the ODOT Hwy 138 realignment project.
- The ODOT Hwy 138 realignment project should begin shortly after completion of the City's water main relocation project.

BUSINESS FROM COMMISSION – Ingeman questioned Staff regarding a proposal to develop Elk Island. Davis advised the property is zoned Public Reserve but there are possible access and floodplain issues to be resolved. The work on the hill below the water reservoir is a City project installing a water main. Concern about damage caused to the erosion control along the Deer Creek bike path was also mentioned.

ADJOURNMENT - The meeting adjourned at 7:35 p.m. The next regularly scheduled meeting is April 6, 2015. At this time, Staff does not have anything for the April meeting.

SANDY COOK
Staff Assistant

EXHIBIT 4



CITY OF ROSEBURG PLANNING COMMISSION 2ND SUPPLEMENTAL STAFF REPORT

Major Amendment to Rocky Ridge PUD Phase 1 File No. AMD-14-2

Meeting Date: March 2, 2015

Completeness Date: N/A
120-Day Limit: N/A

Staff Contact: John K. Lazur, Assistant Planner

Applicant: IE Engineering representing Ralph Winterode

ISSUE STATEMENT AND SUMMARY:

At the continued public hearing on February 2, 2015, the Planning Commission heard additional testimony from the applicant and opposition. Additional concerns raised by the opposition that were not addressed by Findings in the previous Supplemental Staff Report are addressed below. Upon closing the public hearing, the Commission requested Staff to research similar screening situations that would satisfy LUDO conditions for screening of the neighbors below elevation and be consistent with other developments that have such screening in the City that could be incorporated into this approval. A motion was made to direct City Staff to prepare language identifying a method for screening the properties to the west of the subject property and to approve the proposed development subject to a condition outlining potential/method of screening plan for this lot prior to commission approval.

The applicant has proposed a landscape screening plan that staff finds is consistent with LUDO screening requirements and is consistent with other similar hillside developments. Staff has prepared findings and an additional condition of approval that implements the proposed plan.

FINDINGS RAISED

The following issues were raised by the parties speaking in opposition to the proposal and Staff has made findings addressing each issue as it pertains to the approval criteria:

1. Rocky Ridge Developer promised this would remain as open space. City Documents should prove that.

Finding: Staff and City attorney reviewed the records of previous hearings and decisions and did not find anything directly related to the subject to remain and serve as a buffer area in perpetuity.

2. The lack of response from the HOA is not an indication of their neutrality.

Finding: Staff provided notice to the Granite Ridge and Rocky Ridge Homeowners Association. Staff did not receive any written response from either homeowners association prior to the hearing. David Littlejohn, President of Rocky Ridge Homeowners Association provided testimony at the December 1, 2014 hearing but did not provide support or opposition to the proposed request.

ATTACHMENTS:

1. **Proposed Landscape Screening Plan**
2. **Proposed Landscape Screening Sections**

EXHIBIT 5

CITY OF ROSEBURG PLANNING COMMISSION MEETING MINUTES February 2, 2015

CALL TO ORDER: Chair Ron Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:00 p.m. on Monday, February 2, 2015, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Chair Ron Hughes and Commissioners Scott Ingeman, Jesse McLean, Daniel Onchuck, Patrick Parson and Matthew Powell

Others present: Community Development Director Brian Davis, Assistant Planner John Lazur, City Attorney Bruce Coalwell and Staff Assistant Sandy Cook

APPROVAL OF MINUTES

Powell moved to approve the minutes of December 1, 2014 as presented. Motion was seconded by Ingeman and passed unanimously.

ELECTION OF OFFICERS

Parson nominated Ron Hughes as Chair and Matthew Powell as Vice-Chair of the City of Roseburg Planning Commission; Onchuck seconded. Motion passed unanimously.

AMD-14-2, Rocky Ridge PUD Phase 1 Major Amendment (continued public hearing)

Hughes advised that this is a continued public hearing and the previous hearing procedures would still apply. Lazur provided the supplemental Staff Report identifying and responding to each of the concerns raised at the previous hearing held on December 1, 2014. Concerns about water runoff/stormwater collection on Cambrian Ct. and/or Steele Ct., will be addressed through conditions of approval including site development standards of LUDO (as with normal development of residential property). Erosion/soil stability and geological hazards upon development will also be addressed through site development as well as the requirement of a geotechnical report for hillside development. Visual/acoustic privacy and screening can be addressed at site development and through the recommendations of the Geotechnical Report prior to development. Although, screening between residential developments is not typically required. Regarding the designation of Common Area IV as a wildlife refuge, the Comprehensive Plan does not identify the subject property as such and is instead designated for urban development. Concerns about site development will be addressed through LUDO Site Plan Review standards and the associated Geotechnical Report. Accessibility issues, including fire access, will be addressed through conditions of approval for the development of the property including minimum standards set forth in the Hillside Development/Geologic Review Overlay and Oregon Fire Code requirements. Lack of improvements on Beulah Drive is not an issue at this time since the developer is not proposing access to the subject property from Beulah Drive and therefore, is not subject to approval criteria. Discussion followed regarding street improvements existing and required. Cambrian Court is a private road and was developed as part of the PUD and therefore has modified development standards. Beulah Drive is not constructed to City standards at this time with no plans to do so at this time. Doug John complained of not having received notice of the proposed development; however, Staff reviewed the record and determined that Mr. John had been included in the mailing of the notice as required and based on the records of the Douglas County Assessor's

Office. Staff provided the Commission with an affidavit of mailing and the list of recipients, which included Mr. John.

Upon questioning, Staff advised that the Homeowners Association had not yet had an opportunity to meet and provide Staff with additional information. It has been confirmed that the applicant is the owner of the subject parcel. Staff has provided revised findings based on testimony received at the December 1, 2014 public hearing. The commission has the option to approve the request as submitted, approve with changes/revisions or to deny the request. A current Geotechnical Report specific to this site has not been completed but is included as a condition of approval for residential development of this lot.

APPLICANT

Applicant's representative, Steve Lovemark of ie Engineering, Inc., provided 11x17 aerial maps of conceptual driveway & drainage plans (Applicant's Exhibit #1). Current drainage issues/concerns and remedies to correct those problems were discussed. Lovemark met with members of the Homeowners Association and Mr. George Rice regarding drainage issues on Cambrian Ct. He offered suggestions to remedy the current problems as well as options to prevent further impact from development of this property. It is the responsibility of the property owner to prevent impact of stormwater runoff on neighboring properties. Failure to correct a problem is a violation of the Municipal Code and is processed through abatement proceedings. He explained that until such time as a specific building has been selected and a site plan prepared, it is difficult to predict exactly how the driveway and drainage improvements will be configured. The extension of utilities from Cambrian Ct. to the structure is the responsibility of the developer.

Lovemark expressed concern about requiring screening between residential developments which is not normally done. He noted that if the lot remains as common area, it could be developed for use by the homeowners within the HOA or left untouched. The reason for the lot line adjustment is to provide access from Cambrian Ct to this landlocked parcel. Lovemark suggested that the HOA had not objected to this development so they were in effect agreeing with it.

Discussion followed. In an effort to understand what would be necessary to block the view, Powell questioned the height to windows on a second floor. As far as the permitted height for the structure, Davis advised it would be subject to building height limitations within that particular zone.

OPPONENTS

Don Kitzman, 1780 NE Beulah Drive, expressed concern about drainage, excavation and the proposed changes to the existing open space. He said he had met with the Rocky Ridge developer during the initial PUD development regarding sewer and water. At that time, the developer agreed that this property would remain as an open area and Kitzman would like to have it kept as such. Kitzman suggested additional records in the City offices might provide additional insight. In response to the question regarding street improvements to Beulah, Davis said he understood the residents did not want it developed and dedicated as right of way because that opens up more concerns such as access and subdividing possibilities.

Scott Fray, 1223 NE Steele Ct, has concerns about the development altering the drainage

and this was expressed during the 2002 hearing as well. Fray submitted photos taken from his home towards the proposed building lot to demonstrate concerns about the new development being allowed to look down into his property and his home (Opponent's Exhibit #1). He has continued to invest money into his home with additional improvements and feels betrayed that this common area can now be developed.

Jillanne Michell, 1231 NE Steele Ct, addressed the Commission and suggested the proposal goes against LUDO criteria. A similar application was denied in 2002, due to access requirements and criteria for frontage. These concerns appear to have been addressed with the proposal to join the two lots thus providing access to Cambrian Ct. There is also a concern regarding lot size and access requirements because this is a peculiarly shaped lot. The 2002 findings for denial cited privacy and screening issues among other factors because the development "would have a detrimental impact to neighboring properties". This new proposal is different, with access from a cul-de-sac and runoff. This proposal should again be denied based on LUDO criteria. Michell feels this is important and merits further consideration. In order to obtain City approval of the original PUD, the developer had to agree to certain amenities which included the establishment of common areas. The silence of the HOA is not an indication of their neutrality. She felt a precedent had been set by the Commissions previous denial to develop this lot because of the lack of privacy and screening as sited in items 9, 10 and 11 of the previous Findings document.

Dave Kitzman, son of Don Kitzman at 1780 NE Beulah, submitted a petition signed by area residents objecting to the development of this open area (Opponent's Exhibit #2). He is opposed to the development siting major concerns as: drainage, water running down the proposed driveway, the lot acting as a wildlife corridor, visual impact and previous promises of the open space. Kitzman requested denial of the request or at least postponing the decision until a later date.

REBUTTAL

Lovemark agreed there were concerns about screening identified in the 2002 Planning Commission denial, but is not sure the best way to address those concerns. He reiterated that it is not common to require screening between residential properties/development. He reviewed other locations identified as common areas within this particular PUD. Stormwater runoff was again discussed at length. Parson questioned whether quick growing hearty trees would be sustainable on this property and Lovemark suggested that additional soil may need to be brought in. If there was a condition to do some screening to minimize impacts to the neighbors, then the developer would satisfy those concerns. Michell advised that she had planted a row of Leland Cypress but the soil wasn't good enough to provide sufficient screening.

Hughes closed the public hearing and discussion followed primarily focusing on the desire or ability to screen the proposed development from neighboring properties. Onchuck suggested that LUDO provides guidelines for approving the entire PUD plan when originally presented as opposed to single lot development within the PUD as now presented. Discussion included the originally designated common areas and those remaining under private ownership versus the homeowners association. Staff reviewed the prior records with the City Attorney and did not find anything directly related to the subject common area as a buffer area. In regards to development of residential properties with neighboring development with higher/lower elevations, the Commission requested Staff to research similar situations that could be

incorporated into this approval to require screening and then what type of screening is most effective.

Powell made a motion to have City Staff prepare language identifying a method for screening the properties to the west of the subject property and to approve the proposed development subject to a condition outlining potential/method of screening plan for this lot prior to commission approval. McLean seconded. Motion passed with Onchuck voting nay and all others in favor. Staff will return to the next meeting with draft findings including a screening plan on the west side of the property that would satisfy LUDO conditions for screening of the neighbors below elevation and consistent with other developments that have such screening in the City.

Hughes closed the public hearing and advised there would be another meeting on March 2nd to consider adoption of the revised Findings of Facts. Staff will provide copies of the proposed Findings to the opponents prior to the March meeting. The opponents will then be permitted to submit comments in writing within the seven (7) days prior to the March 2nd meeting and will also have the ability to appeal the decision to the City Council.

Break 9:20 p.m. – 9:28 p.m.

AN-14-1/ZC-14-3/BLA-14-5, Pinnacle Western, Inc.

Hughes read the public hearing procedures into the record and opened the public hearing. Upon questioning for declaration of ex-parte contact, Parson declared that he updates mapping for Douglas County but it would not affect his ability to make an impartial decision. Hughes also declared that he has known the applicant, Dave Leonard, for many years but it would not affect his ability to make an impartial decision.

Davis presented the Staff Report advising the applicant has requested annexation of property near the intersection of Edenbower Blvd. and Stephens Street. This application also includes a request for a Boundary Line Adjustment and concurrent Zone Change from County R-1 to City MR40. Discussion followed. The applicant submitted a letter advising that he was not able to attend the meeting tonight but concurs with Staff's recommendation. Hughes closed the public hearing and discussion followed.

Parson moved to adopt proposed Findings of Fact and Order recommending City Council APPROVAL of File No. AN-14-1, BLA-14-5, and ZC-14-3, Pinnacle Western, Inc. Powell seconded; motion passed unanimously.

BUSINESS FROM STAFF – Davis advised that Council will interview Planning Commission candidates to fill the existing vacancy at 7:00 pm on Monday February 9. A formal list of the questions will be forwarded to the Commission prior to the interviews.

BUSINESS FROM COMMISSION – none

ADJOURNMENT - The meeting adjourned at 9:45 p.m. The next regularly scheduled meeting is March 2, 2015.

SANDY COOK, Staff Assistant

EXHIBIT 6



CITY OF ROSEBURG PLANNING COMMISSION SUPPLEMENTAL STAFF REPORT

Major Amendment to Rocky Ridge PUD Phase 1 File No. AMD-14-2

Meeting Date: February 2, 2015

Completeness Date: N/A
120-Day Limit: N/A

Staff Contact: John K. Lazur, Assistant Planner

Applicant: IE Engineering representing Ralph Winterode

ISSUE STATEMENT AND SUMMARY:

At the public hearing on December 1, 2014, additional testimony was heard by the following parties: Steve Lovemark, representing the applicant; Jillann Michell, Donald and David Kitzman, Doug John, Todd Boyd, Scott Fray, Denny and Beverly Cumpston, Rita Fleck, and David Littlejohn, representing Rocky Ridge Homeowners Association.

The following information is intended to consolidate the concerns raised at the December 1, 2014 hearing and help the Commission make the most informed decision. Staff has reviewed the minutes from the previous meeting and reduced them to the summary below. Staff has also addressed each individual concern with a finding as it applies to the overall proposal and future development of the subject property.

FINDINGS RAISED

The following issues were raised by the parties speaking in opposition to the proposal and Staff has made findings addressing each issue as it pertains to the approval criteria:

1. Water runoff from development of the lot and storm water collection on Cambrian and/or Steele Court negatively affects adjacent properties downstream.

Finding: There are no proposed alterations that affect the natural drainage of the site. However, recognizing that the site may eventually be developed with a residence, adequate provisions will be installed as a condition of approval in accordance with the Site Development Standards of LUDO. LUDO requires adequate provisions to be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage Ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase

being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

2. When the property is developed, erosion, soil stability and geologic hazards will be potential hazards to the development itself, as well as properties below the development.

Finding: The applicant did not submit a development proposal as a supplement to this application. However, recognizing that the site may eventually be developed with a residence, the conditions of approval in accordance with the Site Development Standards of LUDO shall require the applicant to submit a Geotechnical Report for lots within the Hillside Development/Geologic Review Overlay prior to any development, which includes excavation, cuts, fills, and the removal of trees.

3. Visual, acoustic privacy are desired by abutting landowners and screening would be necessary due to objectionable views being created due to the development of the lot.

Finding: Visual and acoustic privacy are provided by several large oak trees and other low growing vegetation existing on site. The existing trees and vegetation are characteristically similar to adjacent development found in the immediate vicinity. Additional trees, landscaping, or fencing may be provided by the applicant or adjacent property owner to provide additional screening if desired. As a condition of the development of the property, the LUDO Section 2.10.060 establishes that ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved. This provision will be addressed in the Geotechnical Report prior to development.

4. Common Area IV currently serves as a wildlife refuge and should remain common area. The property should have been commonly owned by the Homeowners Association if planned as Common Area by the developer. Furthermore, if the developer would have proposed the lot during the original platting of the Rocky Ridge PUD Phase 1, adjacent owners on Steele Ct. would have objected.

Finding: The City of Roseburg comprehensive plan does not identify the subject property, which is designated for urban use, as a protected wildlife habitat area. While Common Area IV may have been recognized as an open space as identified on the final plat, that area remained privately owned. As proposed in the application, the current owner proposes to remove the Common Area designation from the subject property and develop the property residentially. Furthermore, the developer of Rocky Ridge PUD Phase 1 could have originally proposed Common Area IV to be developed as residential lot as they exceeded the open space requirement. Staff cannot speculate as to the concerns, if any, the Steele Court residents would have raised at the time of the original Rocky Ridge PUD Phase 1 plat. However, staff provided notice on November 6, 2014 to owners of record as identified in the attached notice map and have received several comments in opposition.

5. Site Development issues such as setbacks and spacing, perimeter design standard, site clearing before construction, installation of driveway, water and sewer lines.

Finding: Future residential site development standards and the associated Geotechnical Report will address these issues as part of LUDO Chapter 2, Article 10 (Hillside Development) and Chapter 3 Article 1 (Site Plan Review). The developer will be responsible for installing and financing their own improvements to be consistent with residential zoning district standards and hillside development overlays or more restrictive standards as recommended in an approved Geotechnical Report.

6. Does the site have access? Fire access?

Finding: The site has access via NE Rocky Drive, thence via NE Cambrian Court, thence via a future private driveway through Parcel 2 of PP2003-19. Fire access standards shall be a condition of approval for the development of the parcel and meet the minimum standards as applied in the Hillside Development/Geologic Review Overlay. Monte J. Bryan, Deputy Fire Marshal, stated that Roseburg Fire Department has *"No objections to the submitted Major Amendment. However, when the site is submitted for review and prior to construction, the applicant must submit plans and information to satisfy the Oregon Fire Code requirements for adequate Fire Department Access and water supply for fire suppression. This may include, but shall not be limited to, requirements for Fire Department turnarounds and a residential sprinkler system."* The applicant, as a condition of the development of the site, will be required to satisfy Oregon Fire Code requirements, meet local fire access standards and supplemental fire suppression requirements.

7. NE Beulah Drive, in its current condition, does not meet access improvement standards. If the owner is accessing his property from NE Beulah Drive, than Beulah would need to be improved, as it was never finished by the city as promised.

Finding: NE Beulah Drive is not proposed as an access to the subject property. The improvement of Beulah Drive is not subject to the approval criteria.

8. Doug John claimed he did not receive notice of the proposal.

Finding: LUDO Section 5.1.070 states that the records of the Douglas County Assessor's Office shall be used for notice required by this Ordinance...*The failure of a person to receive notice shall not impair or invalidate the action if the City can demonstrate by affidavit that the prescribed notice was sent to the persons entitled thereto as shown by the Assessor's records.* A copy of the notice to adjacent property owners and affidavit of mailing is attached.

ATTACHMENTS:

- 1. Revised Staff Report and Findings of Fact**
- 2. Affidavit of Notice to property owners**
- 3. Photographs of the Subject Property**

In the matter of the application) Major Amendment
by i.e. Engineering) File No. AMD-14-2

BEFORE THE ROSEBURG PLANNING COMMISSION

FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

The applicant is requesting approval of a Major Amendment (AMD) to Rocky Ridge PUD Phase 1. The requested action is to amend the final plat of Rocky Ridge PUD Phase 1 by converting Common Area IV (0.77 acres) to a buildable lot and consolidating with Parcel 2 of PP No. 2003-19 (formerly part of Lot 2 of Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres) **for the future construction of a single family dwelling**. Both lots are zoned Low Density Residential (R10) and designated Low Density Residential (LDR) by the Comprehensive Plan. The reconfiguration will give "Lot 40" frontage and access to NE Cambrian Court (a private road), identified in the map below. The applicant is proposing the Major Amendment in order to permit a dwelling to be constructed on Common Area IV.



II. PUBLIC HEARING

A public hearing was held on the application before the Roseburg Planning Commission on December 1, 2014 **and February 2, 2015**. At that hearing the Planning Commission reviewed Land Use File AMD-14-2 application for a Major Amendment and it was made part of the record.

III. 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 the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013, as both may have been amended from time-to-time.
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 application consists of a request to a Major Amendment to Rocky Ridge PUD Phase 1 as it applies to two lots within the City of Roseburg.
4. The lots may be described as Tax Lots 1301, Section 18BA and Tax Lot 5600, Section 18BD in Township 27 South, Range 05 West; Willamette Meridian. Property ID Numbers R119207 & R122955.
5. The lots are designated Low Density Residential (LDR), zoned Low Density Residential (R10) and surrounded by properties with a Comprehensive Plan Land-Use Designation of Low-Density Residential (LDR) and Medium-Density Residential (MDR) as well as zoning consisting of Single Family Residential (R7.5) and Limited Multiple-Family Residential (MR14).
6. Both of the lots that are subject to the Major Amendment (1.23 acres) are vacant and undeveloped. Common Area IV is currently designated as open space (0.77 acres). Parcel 2 of PP No. 2003-19 (0.46 acres) is a narrow lot for access which is a part of the former Lot 2 of Rocky Ridge PUD Phase 1.

B. PROPOSAL

The proposal is to convert Common Area IV from open space and consolidate Parcel 2 of PP No. 2003-19 to become Lot 40 of Rocky Ridge PUD Phase 1. The current subject properties are not developable in their current configuration. The proposed amendment will allow the applicant to develop the property residentially, subject to LUDO Chapter 3 Site Review standards.

C. AGENCY COMMENTS

No agency comments were received as of the writing of this staff report.

D. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per ORS 227.186 and LUDO 5.1.190 and **received letters of remonstrance from Jillanne Michell for 1231 NE Steele Court, Scott Fray for 1223 Steele Court, Donald Kitzman for 1780 NE Beulah Drive, Todd Boyd for 1760 Beulah Drive, Rita Fleck for 1212 NE Steele Court, and Denny and Beverly Cumpston for 1251 NE Cambrian Court**, as of the writing of this staff report.

E. ANALYSIS

Major Amendment applications are required to be processed in accordance with Chapter 5 and satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Sections 6.2.120 and 6.2.060, respectively.

F. REVIEW CRITERIA

Pursuant to LUDO Section 6.2.120, the following criteria must be demonstrated as being satisfied by the application for approval of the Major Amendment:

- a) A "major amendment" is any change which does not meet the definition of a "minor amendment".

Finding: The proposal changes the general location or amount of land within the PUD that is devoted to open space, which does not meet the definition of a "minor amendment". The proposal will change Common Area IV, a lot designated as open space on the Final Plat of Rocky Ridge PUD Phase 1, to Lot 40 of Rocky Ridge PUD Phase 1.

G. PUD CRITERIA

The applicant proposes to amend standards applied to a platted PUD, therefore, the appropriate standards found in LUDO Section 6.2.060 shall be evaluated as being satisfied by the application for approval of the Major Amendment:

- 1) Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation.

Finding: The subject properties are both designated Low Density Residential which allows a density of 10,000 sq. ft. per dwelling. The original proposal of Rocky Ridge PUD Phase 1 was for 39 lots on 45.1 acres, establishing a density of one dwelling per 1.15 acres. The proposal will increase the density to one dwelling per 1.12 acres. Therefore, the increase in one dwelling will not exceed the gross acreage by site allowed by the plan designation.

- 2) Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.

Finding: The proposed lot consolidation will establish a new lot shape which combines Common Area IV with Parcel 2 of PP 2003-19. The portion of the newly consolidated Lot 40 that is Common Area IV will serve as the site for a future dwelling, whereas, the narrow Parcel 2 will serve and be appropriate for access and frontage to NE Cambrian Court. The applicant will be subject to providing a geotechnical report prior to development of proposed Lot 40 and will be subject to Site Plan review standards.

3) Building Spacing and Yard Requirements

- a) General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
- b) Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

Finding: There is no reduction of setback proposed. The surrounding development is composed of single family residences. At the time of development, the applicable standards of Chapter 3, Site Plan review will be applied **as a condition of this approval**.

4) Open Space. Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone.

Finding: The existing average density of the Rocky Ridge PUD Phase 1 development is more than 10,000 sq. ft. per lot which exceeds the minimum density permitted in the underlying zone. In addition, the development currently provides a surplus of 17.34 acres of open space or "common area". The minimum requirement for open space for the original development was zero (0) acres of open space. Therefore, the conversion of Common Area IV would reduce the amount of open space to 16.60 acres which exceeds the minimum requirement of zero (0) acres.

5) Perimeter Design.

- a) The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.
- b) If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the development, the approving authority shall require one (1) or more of the following:
 - i) A special setback or setbacks of residential and nonresidential structures located on the perimeter.
 - ii) Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

Finding: The proposed development area of Lot 40 would be within former Common Area IV, which is adjacent to single family homes developed within an area with steep slopes. No special setbacks were proposed in the application as topographical barriers provide reasonable privacy and potential adverse impacts to existing residences.

G. PUBLIC COMMENTS

The following issues were raised by the parties speaking in opposition to the proposal and Staff has made findings addressing each issue as it pertains to the approval criteria:

- 1) Water runoff from development of the lot and storm water collection on Cambrian and/or Steele Court negatively affects adjacent properties downstream.

Finding: There are no proposed alterations that affect the natural drainage of the site. However, recognizing that the site may eventually be developed with a residence, adequate provisions will be installed as a condition of approval in accordance with the Site Development Standards of LUDO. LUDO requires adequate provisions to be made to ensure proper drainage of surface waters, and to prevent soil erosion and flooding. Site drainage provisions shall provide for acceptance of off-site drainage waters, and conveyance of all drainage waters, including crawlspace and roof drainage, such that they are discharged offsite at a location and in such a manner that they do not damage off-site properties, do not violate drainage Ordinances or laws, and are not increased in volume over natural or pre-project flows without said increase being in conformance with drainage law or first having obtained the approval of the downstream owner(s).

- 2) When the property is developed, erosion, soil stability and geologic hazards will be potential hazards to the development itself, as well as properties below the development.

Finding: The applicant did not submit a development proposal as a supplement to this application. However, recognizing that the site may eventually be developed with a residence, the conditions of approval in accordance with the Site Development Standards of LUDO shall require the applicant to submit a Geotechnical Report for lots within the Hillside Development/Geologic Review Overlay prior to any development, which includes excavation, cuts, fills, and the removal of trees.

- 3) Visual, acoustic privacy are desired by abutting landowners and screening would be necessary due to objectionable views being created due to the development of the lot.

Finding: Visual and acoustic privacy are provided by several large oak trees and other low growing vegetation existing on site. The existing trees and vegetation are characteristically similar to adjacent development found in the immediate vicinity. Additional trees, landscaping, or fencing may be provided by the applicant or adjacent property owner to provide additional screening if desired. As a condition of the development of the property, the LUDO Section 2.10.060 establishes that ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved. This provision will be addressed in the Geotechnical Report prior to development.

- 4) Common Area IV currently serves as a wildlife refuge and should remain common area. The property should have been commonly owned by the Homeowners Association if planned as Common Area by the developer. Furthermore, if the developer would have proposed the lot during the original platting of the Rocky Ridge PUD Phase 1, adjacent owners on Steele Ct. would have objected.

Finding: The City of Roseburg comprehensive plan does not identify the subject property, which is designated for urban use, as a protected wildlife habitat area. While Common Area IV may have been recognized as an open space as identified on the final plat, that area remained privately owned. As proposed in the application, the current owner proposes to remove the Common Area designation from the subject property and develop the property residentially. Furthermore, the developer of Rocky Ridge PUD Phase 1 could have originally proposed Common Area IV to be developed as residential lot as they exceeded the open space requirement. Staff cannot speculate as to the concerns, if any, the Steele Court residents would have raised at the time of the original Rocky Ridge PUD Phase 1 plat. However, staff provided notice on November 6, 2014 to owners of record as identified in the attached notice map and have received several comments in opposition.

- 5) Site Development issues such as setbacks and spacing, perimeter design standard, site clearing before construction, installation of driveway, water and sewer lines.

Finding: Future residential site development standards and the associated Geotechnical Report will address these issues as part of LUDO Chapter 2, Article 10 (Hillside Development) and Chapter 3 Article 1 (Site Plan Review). The

developer will be responsible for installing and financing their own improvements to be consistent with residential zoning district standards and hillside development overlays or more restrictive standards as recommended in an approved Geotechnical Report.

- 6) Does the site have access? Fire access?

Finding: The site has access via NE Rocky Drive, thence via NE Cambrian Court, thence via a future private driveway through Parcel 2 of PP2003-19. Fire access standards shall be a condition of approval for the development of the parcel and meet the minimum standards as applied in the Hillside Development/Geologic Review Overlay. Monte J. Bryan, Deputy Fire Marshal, stated that Roseburg Fire Department has *“No objections to the submitted Major Amendment. However, when the site is submitted for review and prior to construction, the applicant must submit plans and information to satisfy the Oregon Fire Code requirements for adequate Fire Department Access and water supply for fire suppression. This may include, but shall not be limited to, requirements for Fire Department turnarounds and a residential sprinkler system.”* The applicant, as a condition of the development of the site, will be required to satisfy Oregon Fire Code requirements, meet local fire access standards and supplemental fire suppression requirements.

- 7) NE Beulah Drive, in its current condition, does not meet access improvement standards. If the owner is accessing his property from NE Beulah Drive, than Beulah would need to be improved, as it was never finished by the city as promised.

Finding: NE Beulah Drive is not proposed as an access to the subject property. The improvement of Beulah Drive is not subject to the approval criteria.

- 8) Doug John claimed he did not receive notice of the proposal.

Finding: LUDO Section 5.1.070 states that the records of the Douglas County Assessor’s Office shall be used for notice required by this Ordinance...*The failure of a person to receive notice shall not impair or invalidate the action if the City can demonstrate by affidavit that the prescribed notice was sent to the persons entitled thereto as shown by the Assessor’s records.* A copy of the notice to adjacent property owners and affidavit of mailing is attached.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in LUDO 6.2.120 and 6.2.060.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission **APPROVES** this application subject to the following conditions for future site development:

- 1) Excavation, fill placement, or removal of trees or ground cover shall require the

applicant to provide a site development and grading plan illustrating and describing the following:

- a. Proposed location of all improvements, including but not limited to structures, utilities, roads, storm drainage, and retaining walls.
 - b. Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.
 - c. Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
 - d. General description and notation of trees and ground cover; general description of soils and characteristics.
 - e. Plan including cut and fill areas, existing and finish grades and slope height.
 - f. Drainage plan complying with the Storm Drainage Master Plan.
 - g. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
- 2) Any development associated with the excavation, fill placement or removal of trees or groundcover will require the applicant to obtain a permit from Community Development as described above. Said development shall, at minimum, meet the following criteria:
- a. Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
 - b. Removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - c. If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.
- 3) Development shall comply with Chapter 2, Article 10 (Hillside Development/Geologic Review Overlay & the recommendations addressed in the Geotechnical Report for the development of the subject property. The following requirements are generally the minimums that apply to lands shown on the City of Roseburg Slope Map or having a slope of greater than 12%; however, based on information provided by an accepted and approved Geotechnical Report verifying that the intent and purpose of this Ordinance is being carried out and appropriate mitigations are identified and in place, the Director of Community Development is authorized to allow for the recommendations contained in said report that may differ from the strict application of the following:
- a. Setbacks shall be consistent with the underlying zoning or those recommended in the approved Geotechnical Report.
 - b. Split pad or stepped footings shall be used when possible to allow the structure to more closely follow the slope.
 - c. Foundations shall be in conformance with the requirements of Geotechnical

Report and if required designed by a Geotechnical or Professional Engineer as provided by ORS 672.002 to 672.325.

- d. Split-level foundations are encouraged when appropriate for the site contours.
- e. When appropriate, based on recommendations included in the Geotechnical Report, multi-level building footprint shall be used to reduce scarring.
- f. Driveways used to access onsite parking shall comply with the following criteria as further defined by Figure 2-12: Hillside Driveway Access:
 - i. Maximum grade of driveway from property line to face of garage shall not exceed 15% at any point and shall be graded to allow clearance to pass an automobile 18 feet in length, except as provided otherwise herein.
 - ii. Maximum grade of driveway between the back of curb to the property line, within the right-of-way, shall not exceed five percent (5%) and shall be graded to allow for clearance to pass an automobile 18 feet in length.
 - iii. When determined necessary at the time of site plan review, to provide for emergency apparatus access, access drives exceeding 20 feet in length may need to provide a minimum 20 feet wide paved area back from the face of the garage/parking not exceeding five percent (5%) grade.
 - iv. Landscape features, retaining wall, fences, and other elements shall comply with clear vision requirements and shall be located solely behind the property line.
 - v. Unless otherwise approved, in the cases of a curved driveway, the inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the center point to provide for emergency apparatus access.
 - vi. With the approval of the Fire Chief, driveways that are greater than 100 feet in length may have intermittent sections of grades up to a maximum of 20% provided that:
 - 1. The 100 foot distance back from the structure maintains the 15% grade described herein.
 - 2. Travel widths, turnouts, and level pad areas are provided as determined necessary for fire protection and emergency access purposes.
 - 3. An approved fire apparatus turnaround area having a grade no greater than ten percent (10%) is provided.
 - vii. Driveways shall conform to the width requirements of Section 3.2.100; however, the Director of Public Works and the Fire Chief may require additional width in order to meet the purpose and intent of this Ordinance.
 - viii. Parking shall meet the requirements of Section 3.2.010; in addition, when driveways exceed 150 feet in length, one additional on-site

paved parking area shall be provided for each additional 50 feet up to a maximum of five (5) spaces.

- g. Grading, drainage improvements, or other ground disturbances on slopes of greater than 12% shall occur from April 15 to October 15; however, nothing in the Ordinance shall preclude immediate action to be taken in cases of emergency.
 - h. Steep cut or fill slopes greater than two-to-one (2:1) shall be retained with engineered retaining structures, such as stacked rock, retaining walls, rock buttresses or a functional equivalent engineered structure to control erosion and stabilize slope.
 - i. Cut faces on terraced sections shall not exceed a maximum height of 15 feet.
 - ii. Retaining structures greater than four (4) feet in height, as measured from the bottom of the footing to the highest point, are required to be engineered. Retaining structures at the toe of a slope or within six (6) feet of a foundation shall be engineered regardless of height.
 - i. Prior to the removal of vegetation, including trees, and in conjunction with the required Geotechnical Report, an analysis shall be submitted to identify the slope stability with and without such plantings. Based on the information contained in the report, measures shall be implemented to assure that the intent and purpose of this Ordinance is met, including tree replacement.
 - i. Ground disturbances outside the established building pad are to be done in such a manner so that the maximum number of trees can be preserved with care taken to preserve specimen trees.
- 4) The property owner shall provide a minimum of 2 off-street parking spaces.
 - 5) The driveway shall not be located closer than 5 feet from side lot lines.
 - 6) When it is determined necessary at the time of site plan review to provide emergency apparatus access, access drives exceeding 30 feet in length are to provide a minimum 20 feet-wide paved area back from the face of the garage/parking not exceeding five percent (5%) grade.
 - 7) Driveway shall be paved with asphalt, concrete, or pavers brick a minimum 2.5 inches over 4 inches of aggregate or 4 inches of Portland cement.
 - 8) Architectural features (including eaves) shall not project more than 25 inches into a required yard.
 - 9) Utilities shall be underground where available.

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

Ron Hughes, Planning Commission Chair

Date

Brian Davis, Community Development Director

Date

Planning Commission Members:

Ron Hughes, Chair

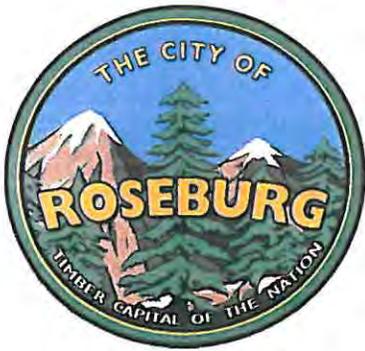
Patrick Parson

Scotty Ingeman

Matthew Powell

Dan Onchuck

Jesse McLean



AFFIDAVIT OF MAILING

I, Christine Morgan, affirm that I am on the staff of the City of Roseburg Community Development Department. On November 6, 2014 I mailed a true copy of the Notice of Proposed Major Amendment regarding the application of i.e. Engineering/Ralph Wintrode to property located at 1210 NE Cambrian Court, Roseburg, Oregon to those persons listed in File No. AMD-14-2.

Christine Morgan

State of OREGON

County of DOUGLAS

Signed or attested before me on (date) November 6, 2014.



Koree D Tate

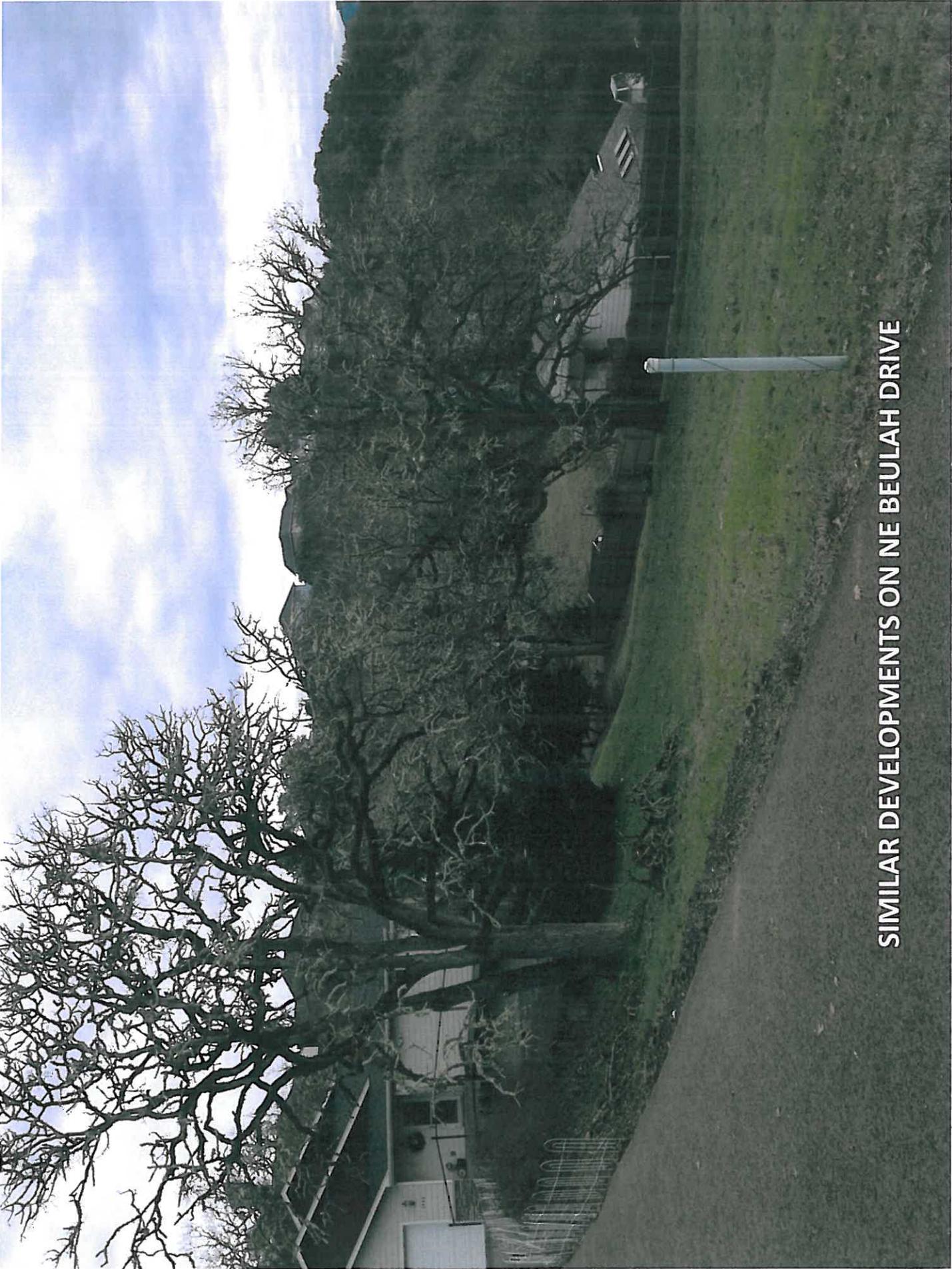
Notary Public for Oregon

NAME	ADDR1	CSZ
✓Anderson, Ralph & Michell, Jillanne	P.O. Box 82	Winchester,OR 97495
Baker, Theodore R & Loretta	201 W Bradley Court	Roseburg,OR 97470
Bentley, Karen M	920 NE Granite Ridge St	Roseburg,OR 97470
Boyd, David J & Marna J Trs &	921 NE Granite Ridge Street	Roseburg,OR 97470
✓Boyd, Todd D	1760 NE Beulah Drive	Roseburg,OR 97470
Brady, Timothy Ralph & Shirley Ann	1381 NE Lincoln St	Roseburg,OR 97470
Bright, Jeff W & Justina R	1121 NE Granite Ridge	Roseburg,OR 97470
Burzynski, Lane T	P.O. Box 1004	Conrad,MT 59425
Calhoun, Philco C & Annelisa S	1201 NE Granite Ridge St	Roseburg,OR 97470
Caskey, Deborah Jean	1511 NE Rocky Ridge Dr	Roseburg,OR 97470
Cheney, Melvin C & Elaine M	1161 NE Granite Ridge St	Roseburg,OR 97470
Cumpston, Denny & Beverly A	1251 NE Cambrian Ct	Roseburg,OR 97470
Devries Living Trust &	311 S Margin St	Franklin,TN 37064
Dunlap, Gerald R & Rhonda J	1297 NE Lincoln St	Roseburg,OR 97470
Fleck, Donald O & Rita J	1212 NE Steele Ct	Roseburg,OR 97470
Fray, Scott E	1223 NE Steele Court	Roseburg,OR 97470
Gornowski, Edward J & Sprouse, Sharon R	460 Basswood Lane	Roseburg,OR 97471
Gottfried, H A & P E Trs	961 Granite Ridge	Roseburg,OR 97470
Granite Ridge Homeowners Association Inc	1224 NE Walnut #177	Roseburg,OR 97470
Gregory, Stephen Phillip Trs &	1000 NE Granite Ridge St	Roseburg,OR 97470
Haas, William F & Kathye M	1100 NE Granite Ridge Dr	Roseburg,OR 97470
Hamilton, Thomas Ross & Georgia	1080 NE Granite Ridge St	Roseburg,OR 97470
Hansen, Glen E & Patricia A	1200 NE Granite Ridge St	Roseburg,OR 97470
Hansen, Michael D & Sandra J	P.O. Box 2588	Roseburg,OR 97470
Hastings, Loyd L & Ethel	1060 NE Granite Ridge Street	Roseburg,OR 97470
Hempt, Dolores Trs of the	1261 Granite Ridge	Roseburg,OR 97470
Higley, Geoffrey Kip & Kay I	981 NE Granite Ridge St	Roseburg,OR 97470
J R W & D J V Living Trust	1220 NE Cambrian Court	Roseburg,OR 97470
✓John, Douglas C & Margaret W	386 Elbridge Ln	Roseburg,OR 97471-8536
Johnson, Bradley E & Heidi M	1257 NE Lincoln St	Roseburg,OR 97470
Junker, Werner W & Virginia L	1230 NE Junker Ave	Roseburg,OR 97470-2106
Kipperman, Kyle Alan	820 NE Ventura St	Roseburg,OR 97470-7604
✓Kitzman Family Trust & Elisabeth Marie Trustees	1780 NE Beulah Drive	Roseburg,OR 97470
Kolker, Robert L & Sandra	1001 NE Granite Ridge Street	Roseburg,OR 97470
Koziol, Mary A	1214 NE Steele Ct	Roseburg,OR 97470
Krebs, William John & Nancy Lee	900 NE Granite Ridge St	Roseburg,OR 97470
Lavin, Gina R	1761 NE Beulah Dr	Roseburg,OR 97470

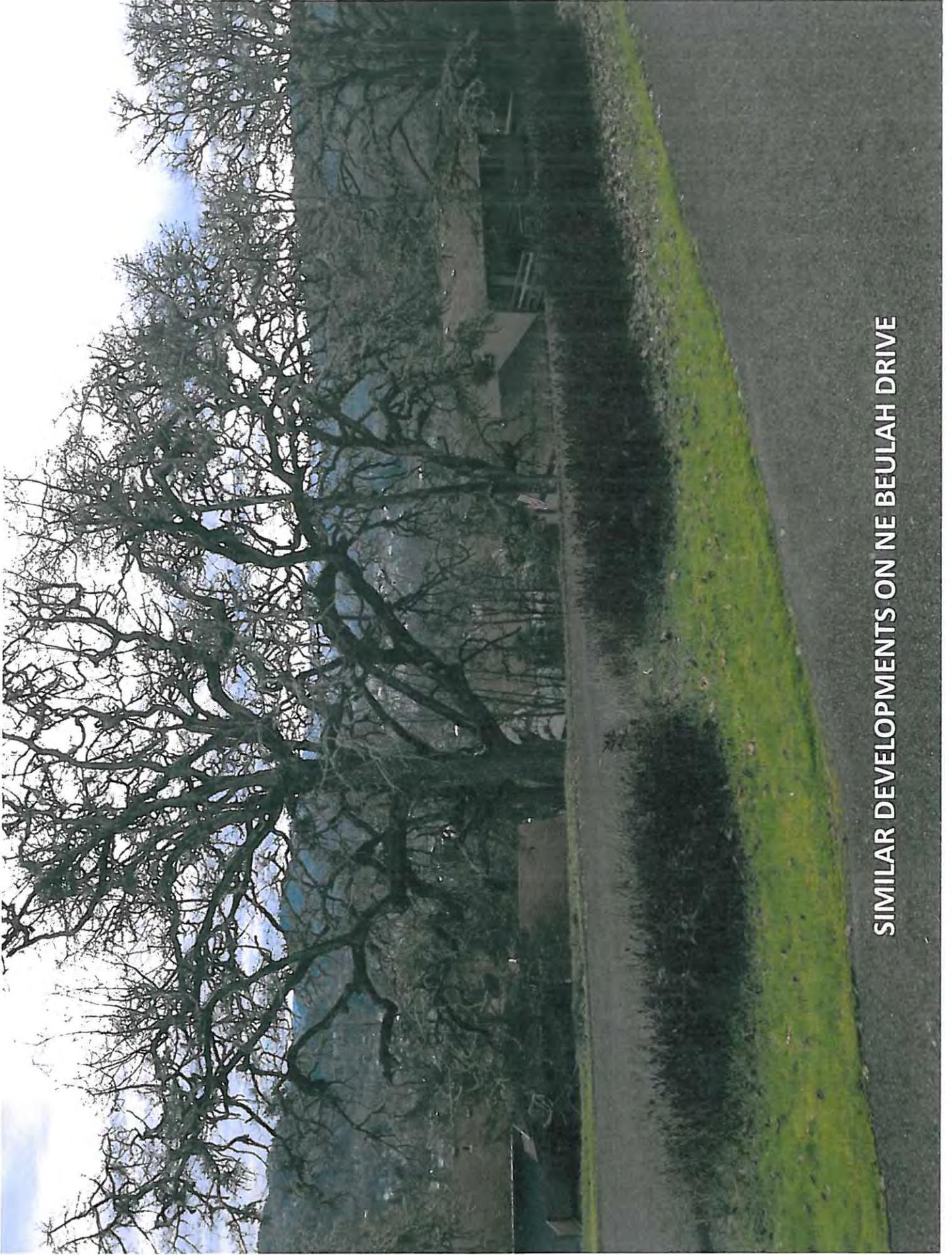
Malepsy, Casey & Mary	1501 NE Rocky Ridge Dr	Roseburg, OR 97470
Marsh, John T	800 NE Granite Ridge Street	Roseburg, OR 97470
McGlone, Michael K & Carol J	960 Granite Ridge St	Roseburg, OR 97470
Noland, Lavera M K & Daniel A	1771 NE Beulah Drive	Roseburg, OR 97470
Ocwen Loan Servicing LLC	1100 Virginia Dr Ste 175 P.O. Box 8300	Fort Washington, PA 19034
Parker, Robert K & Frances S	941 Granite Ridge Dr	Roseburg, OR 97470
Powell, Anthony R	1240 NE Cambrian Ct	Roseburg, OR 97470
Preciado-Rich, Anne	980 NE Granite Ridge Street	Roseburg, OR 97470
Ralph C Winthrode Trust	3161 Michelson Dr 14th Floor	Irvine, CA 92612
Record, Jack L & Doris E	1120 NE Granite Ridge St	Roseburg, OR 97470
Rice, George P & Lynn A	1201 NE Cambrian Ct	Roseburg, OR 97470
Rocky Ridge Homeowners Association Inc	1224 NE Walnut Ste 158	Roseburg, OR 97470
Rocky Ridge Venture LLC > Beckis Bookkeeping & Tax Services	P.O. Box 389	Roseburg, OR 97470
Rodriguez, Abel Jr & Patricia Ann	1260 NE Cambrian Court	Roseburg, OR 97470
Rogness, Jeanne M	1220 NE Granite Ridge Street	Roseburg, OR 97470
Scarantino, Joe A & Katy M	1503 NE Rocky Ridge Drive	Roseburg, OR 97470
Schultz, Merle R & Barbara A	1180 NE Granite Ridge St	Roseburg, OR 97470
Schwendener, John C & Patty G	25 Windsor Ave	Medford, OR 97504
Sherman, Richard L & Donna J	41955 Crest Drive	Hemet, CA 92544
Spellmeyer, Elaine A	1221 NE Granite Ridge St	Roseburg, OR 97470
Steller, Edward K & Kathleen D	319 Chandler Dr	Roseburg, OR 97471
Stewart, Helen B & Fisher, Linda	1803 NE Beulah Dr	Roseburg, OR 97470
Sumstine, Donald Alan & Susan L Stiles	881 NE Granite Ridge Street	Roseburg, OR 97470
Van Aken, Marilyn Claire Trs &	1260 NE Granite Ridge	Roseburg, OR 97470
Whitbeck, Blaine C & Angela	1391 NE Lincoln	Roseburg, OR 97470
Yates, Robert W & Cherie P	940 NE Granite Ridge St	Roseburg, OR 97470
Yuma, Aaron & Ronette	1800 NE Beulah Dr	Roseburg, OR 97470
Zahler, Norman A	1420 SE 95th Ave	Vancouver, WA 98664

AMD-14-2

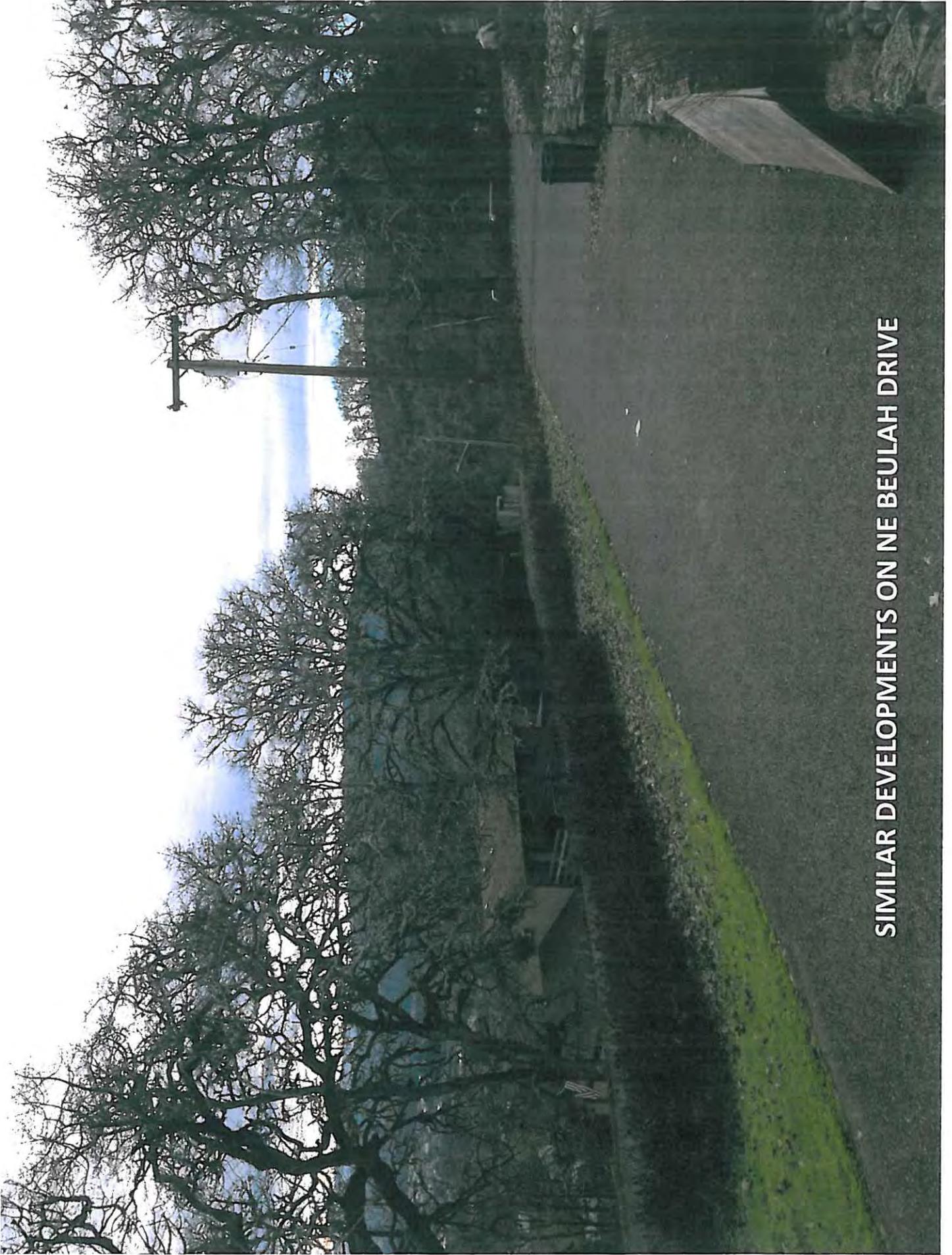
Site Photographs



SIMILAR DEVELOPMENTS ON NE BEULAH DRIVE



SIMILAR DEVELOPMENTS ON NE BEULAH DRIVE

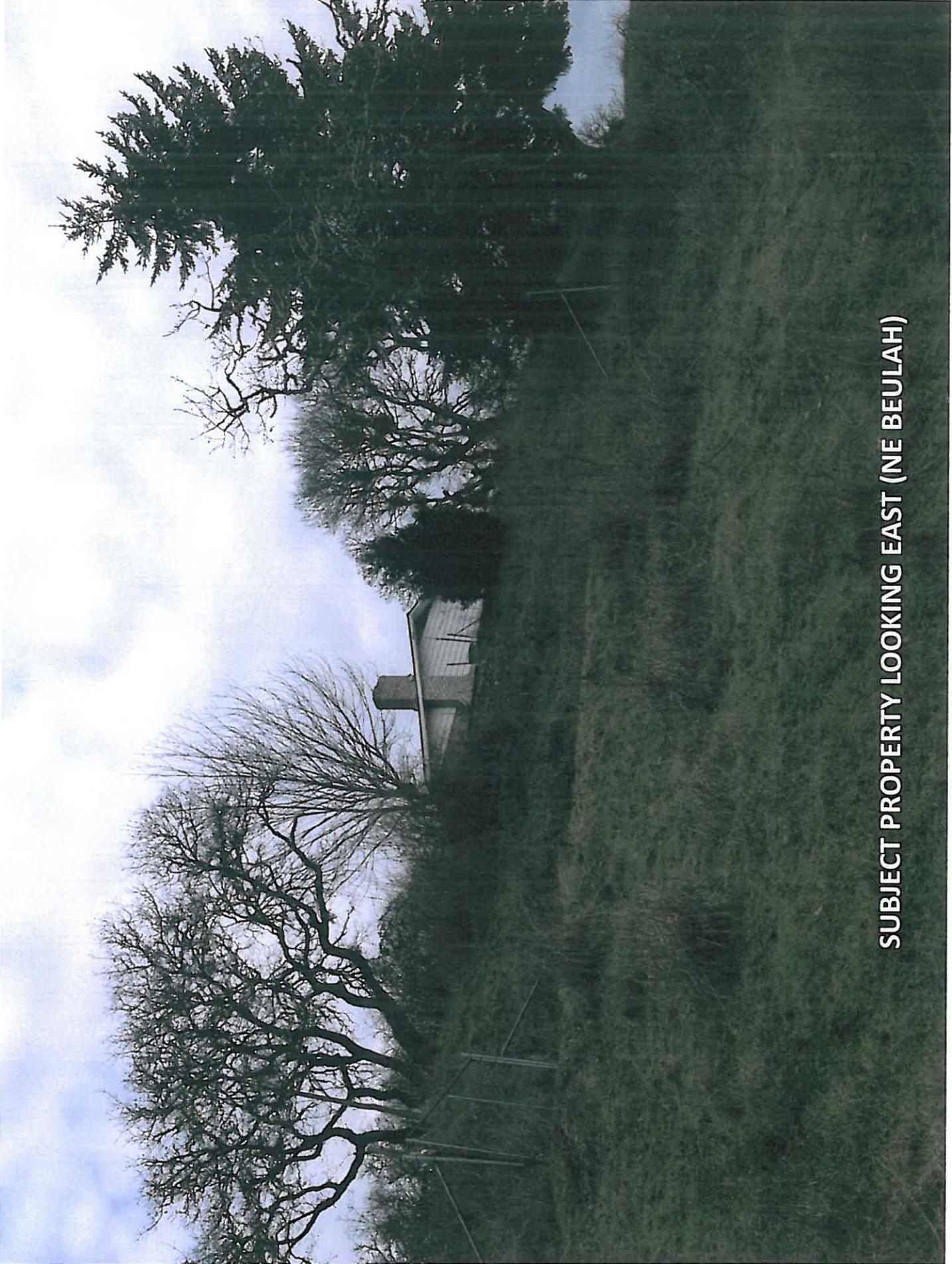


SIMILAR DEVELOPMENTS ON NE BEULAH DRIVE

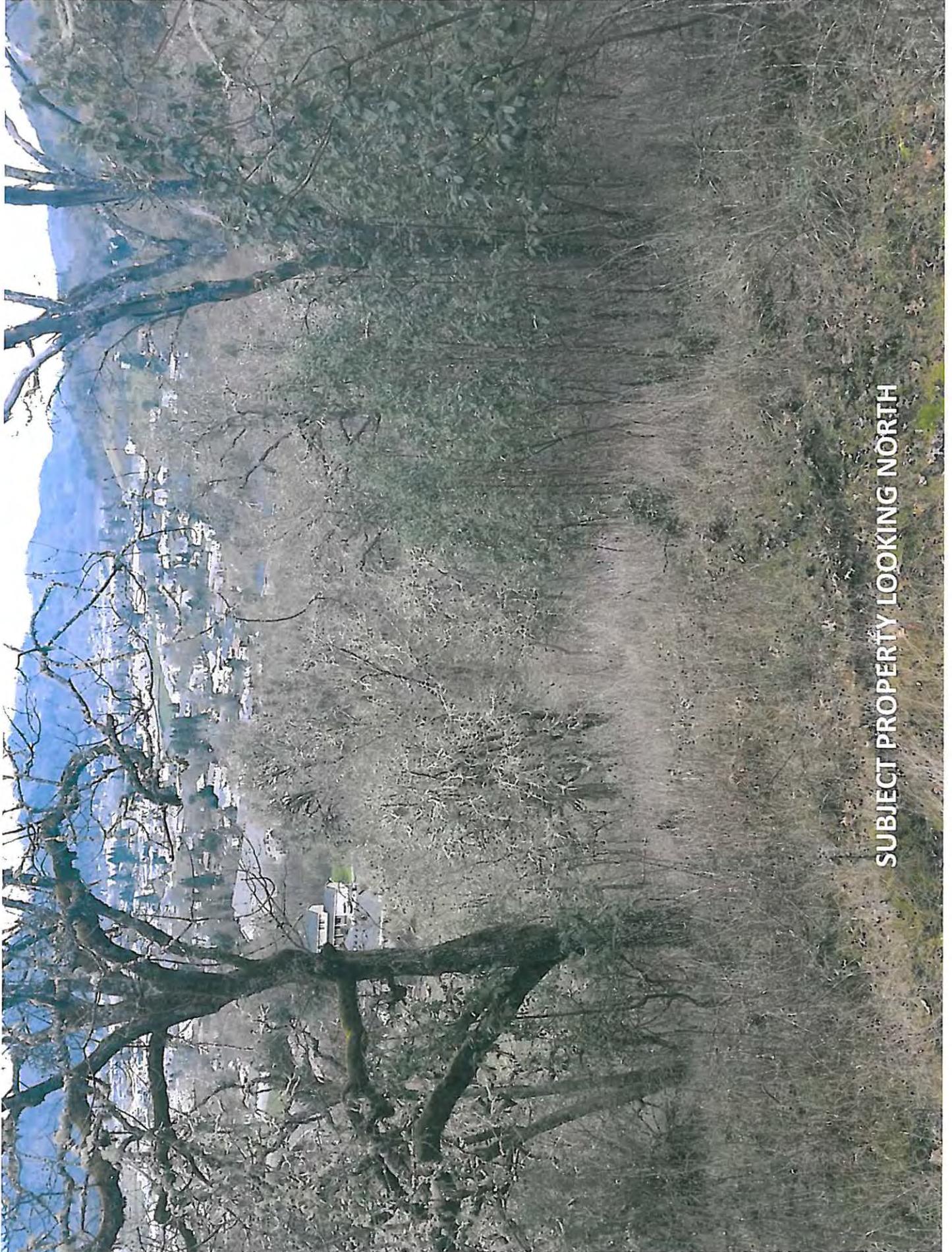


NE CAMBRIAN COURT

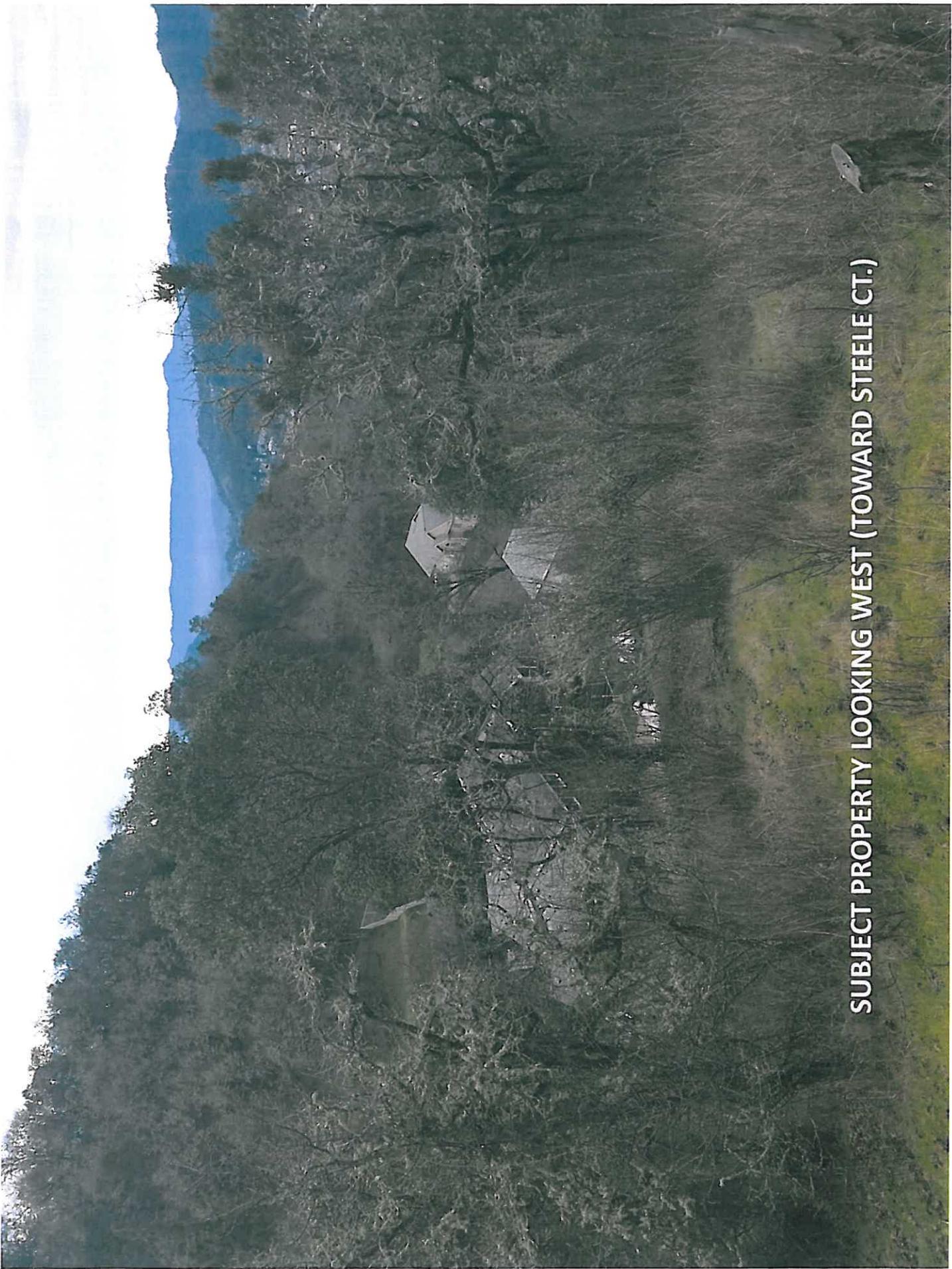
ACCESS DRIVE



SUBJECT PROPERTY LOOKING EAST (NE BEULAH)



SUBJECT PROPERTY LOOKING NORTH

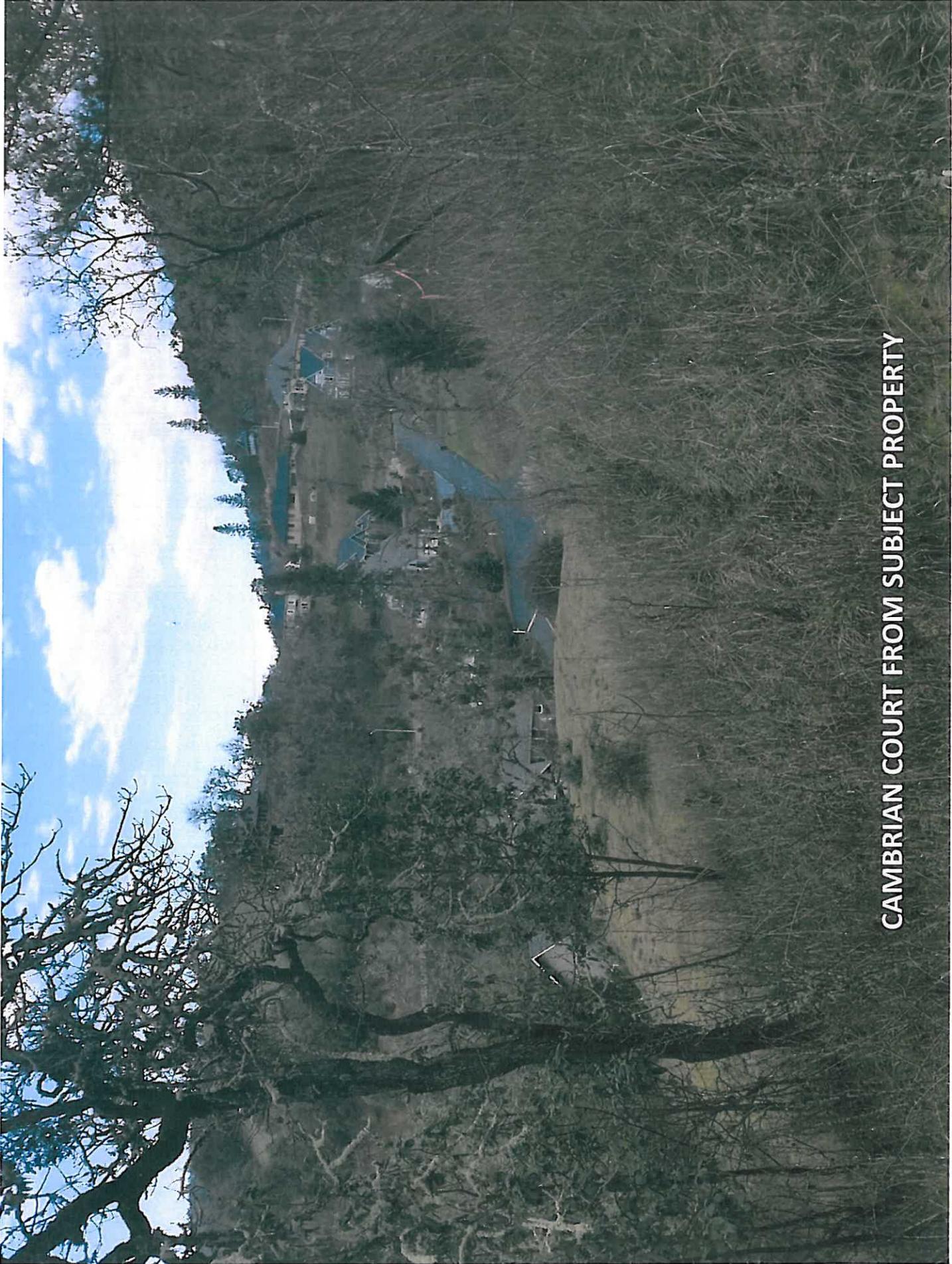


SUBJECT PROPERTY LOOKING WEST (TOWARD STEELE CT.)

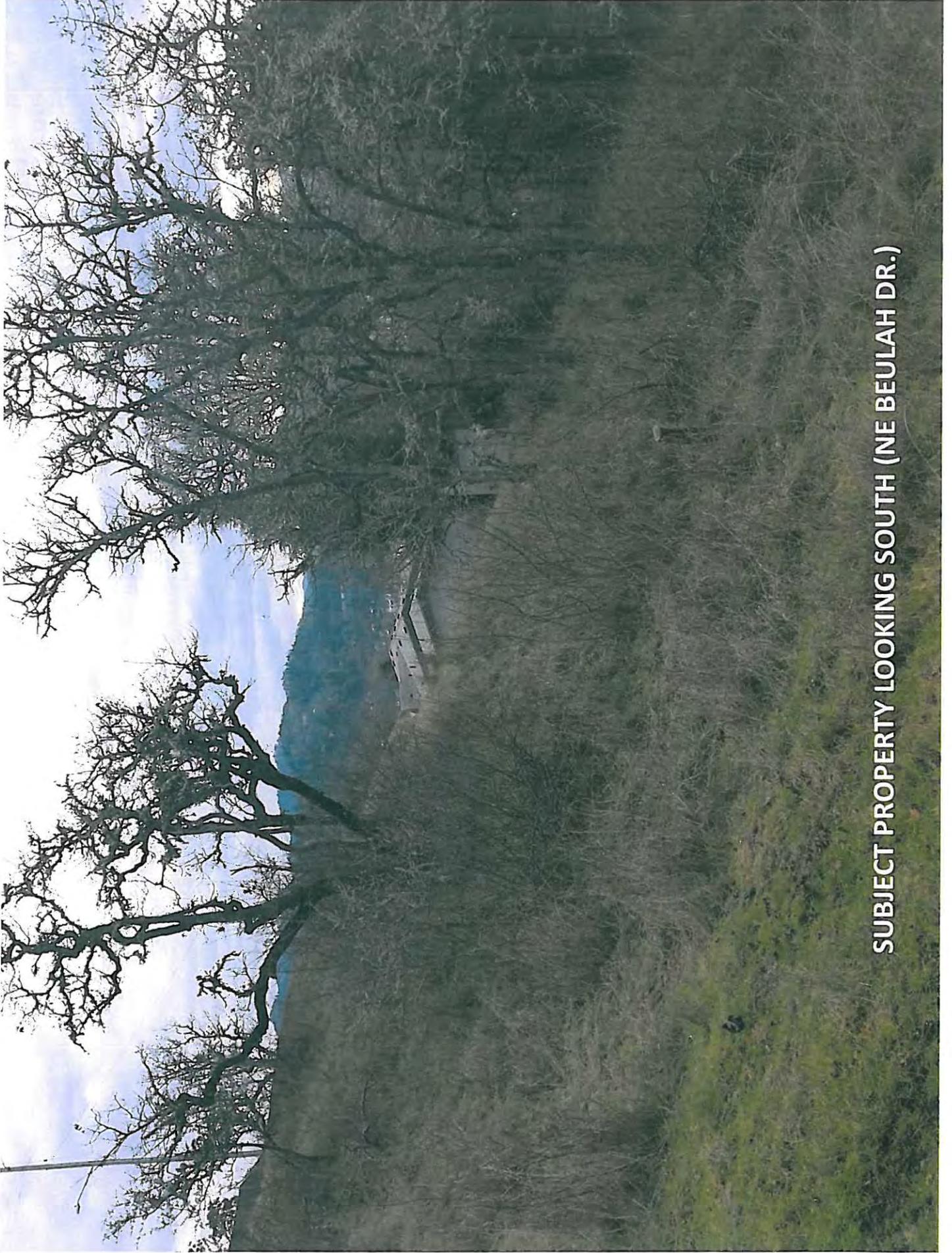


SOUTHWEST PROPERTY MARKER

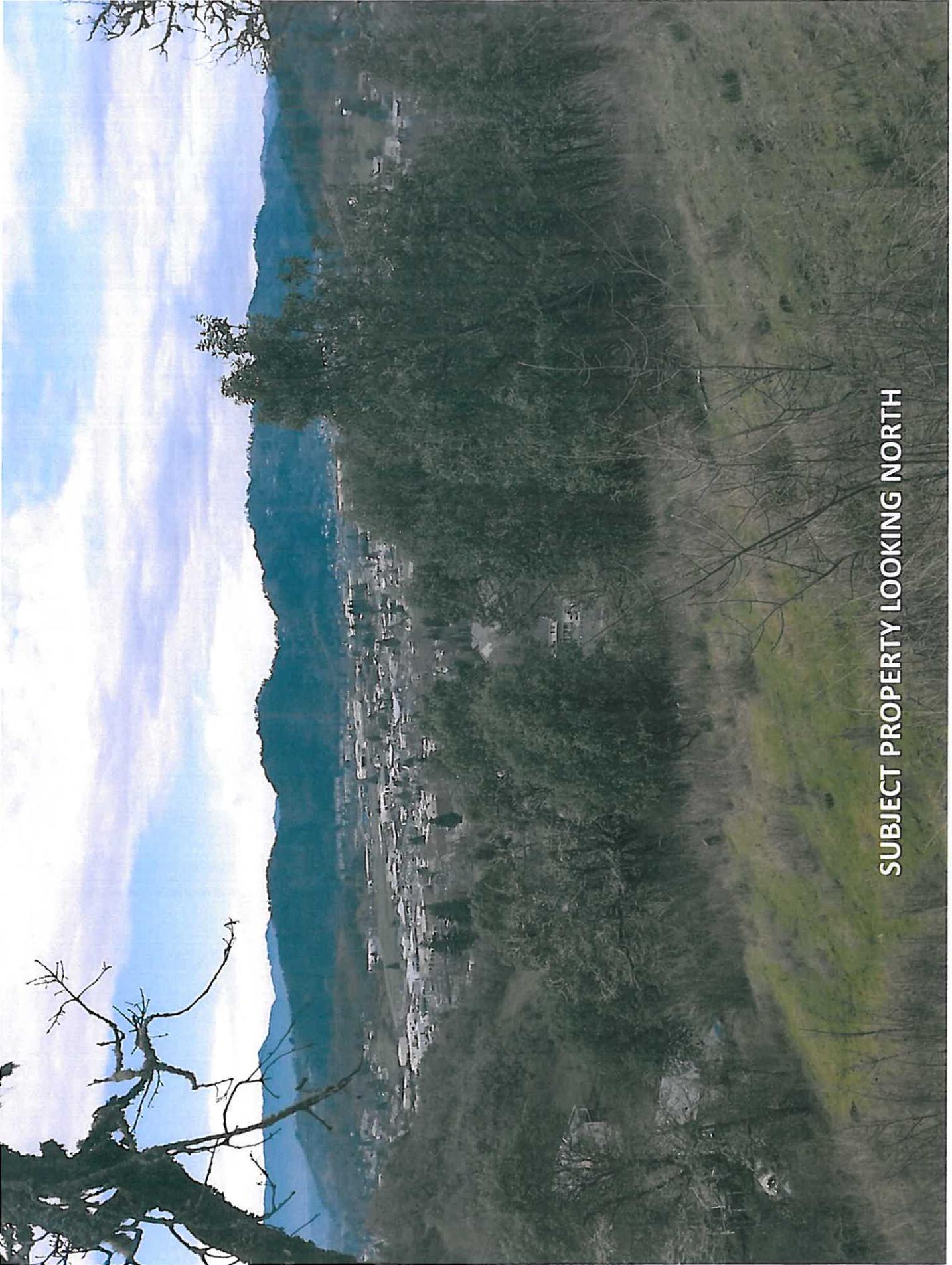
SUBJECT PROPERTY LOOKING WEST (TOWARD STEELE CT.)



CAMBRIAN COURT FROM SUBJECT PROPERTY



SUBJECT PROPERTY LOOKING SOUTH (NE BEULAH DR.)



SUBJECT PROPERTY LOOKING NORTH

EXHIBIT 7

CITY OF ROSEBURG PLANNING COMMISSION MEETING MINUTES December 1, 2014

CALL TO ORDER: Chair Ron Hughes called the regular meeting of the Roseburg Planning Commission to order at 7:03 p.m. on Monday, December 1, 2014, in the Roseburg City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Chair Ron Hughes and Commissioners Scott Ingeman, Jesse McLean, Daniel Onchuck, Patrick Parson and Matthew Powell

Others present: Community Development Director Brian Davis, Assistant Planner John Lazur and Staff Assistant Sandy Cook

APPROVAL OF MINUTES

Powell requested a correction on page 2 subsection LUDO, lighting standards – remove “more specific language be included.” And replace with “..requested that the standards be set out in clear and objective language.” Powell moved to approve the minutes of November 3, 2014 as amended. Motion was seconded by Parson and passed unanimously.

AMD-14-2, Rocky Ridge PUD Phase 1 Major Amendment

Hughes read the public hearing procedures to be followed for this quasi-judicial action and opened the public hearing. Upon questioning, there were no declarations of ex-parte contact.

With no objection from the applicant’s representative, Steve Lovemark, the Commission granted party status to the following: Jillanne Michell, 1231 Steele Ct; Scott Fray, 1223 Steele Ct; David Littlejohn, president of the Rocky Ridge Homeowners Associations (HOA); Doug John, 1222 Steele Court; Todd Boyd, 1760 NE Beulah; Rita Fleck, 1212 Steele; and, Denny & Beverly Cumpston, 1251 Cambrian Ct.

The Staff Report was presented by Lazur. The applicant, Ralph Winterode, is requesting a Major Amendment in order to permit a dwelling to be constructed on a lot currently designated as Common Area IV on the final plat of Rocky Ridge PUD Phase 1. The applicant has proposed converting Common Area IV (0.77 acres) in the final plat of Rocky Ridge PUD Phase 1 to become a buildable lot and consolidate it with Parcel 2 of PP No. 2003-19, Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres). This property is currently zoned Low Density Residential (R10).

Notification was provided to those properties within 300’ of the subject property and the entire Rocky Ridge Phase 1 development. The applicant recently purchased the subject property and proposes to consolidate two lots into one legal lot of record - lot 40 of Rocky Ridge PUD and Common Area IV. A minimum amount of open space was not required in the original platting and approval of Rocky Ridge Phase 1. However, the developer exceeded the open space requirement by providing lots in excess of 10,000 sq. ft. in size.

In 2002, a similar request was submitted proposing access to the Common Area from Beulah St., but that application did not include Parcel 2. This proposal meets the development requirements and the City water service rules. The previous request was denied with the primary reasons cited as frontage and access issues. Ownership of common areas was discussed and Lazur explained that designated open space is typically privately owned or owned jointly by the Homeowners Association. "Common Area" can be defined as land that is jointly owned by the residents of the development. This is typically a term included on the plat, but is not a designation within city codes.

Applicant's representative, Steve Lovemark of i.e. Engineering, 809 SE Pine St addressed the Commission and agreed with the findings in the Staff Report. The Rocky Ridge PUD developer deeded some of the open space to the homeowners association, but not all of it. The applicant intends to construct a lot on Common Area IV with Lot 40 to be used as the access driveway from Cambrian Ct. There will be some cut/fill situations to be dealt with during City review and construction. The property is in the hillside development area and will require a geo tech report as part of the site review process.

OPPONENTS

Jillanne Michell, 1231 NE Steele Ct, read letters into the record from Rita Fleck, the Cumpston's and Scott Fray. As stated by Staff, a similar request was denied by the Commission in 2002.

Michell disagreed with Staff's recommendation that LUDO criteria have been met. This development has a direct impact on the privacy and safety of area residents and would be detrimental to neighboring homes. Concerns included a very steep slope behind the properties on Steele Ct. Site development standards and requirements do not address the effect on neighboring properties. Michell mentioned that the minutes from the 2002 decision indicate that screening and buffering for sight/noise/light and vibration were major factors in the denial, a point that was not emphasized in the 2014 staff report. Other concerns for this proposal include water erosion, access road development standards, hillside stability, decreased home values, and the common area for wildlife refuge. Michell questioned the ownership of the common area and requested that it be resolved before moving forward.

David Kitzman/Donald Kitzman, 1780 NE Beulah, purchased their property in 1969 and still owns it. David Kitzman agreed with the issues identified by Ms. Michell and also expressed concern about fire access and drainage. He requested assurances that the lot would not have access to Beulah Street, even as a back driveway. Donald Kitzman provided background information on the property. Upon questioning, Lazur advised that Rocky Ridge Drive is a public street while Cambrian and Granite Ridge are both private streets. Beulah is public to the street plug at the Kitzman's property, and then it is a private street. Requirements for drainage on both private and public streets are the same, while the responsibility and maintenance is different.

Doug John resides at 386 Eldridge Lane, but owns 1222 Steele Ct. He advised he had not received notification of this hearing. Through the various development processes, John had expected the open space to continue to be maintained as open space. He suggested

that permission to access from Cambrian Court would have to be provided by the HOA.

David Littlejohn, owns 1793 NE Rocky Drive and serves as board president for the Master Homeowners Association. He suggested that "Common Area" is probably a poor name for these lots while "undevelopable area" is probably more appropriate. There is some joint ownership of parts of the common areas throughout the PUD. This lot is steep and drainage concerns are legitimate. The HOA Board has not had an opportunity to review and discuss this application/development. He requested additional time to allow the HOA to review the issue. He explained that the HOA is a multi-stage structure, as there is a master board with two sub-organizations below the master HOA board. Powell questioned whether there were covenants and restrictions regarding the use or development of the public open areas. Littlejohn noted that those lots with aggressive slopes were developed as walking trail areas and given to the HOA. Some of the areas with potential for development were retained by the developer but were still designated as undeveloped in the CCR's. There are common areas associated with the various lots but some are owned by the LLC and maintained as well. Those areas owned by homeowners are their responsibility for maintenance, clean-up, etc. Littlejohn explained that there are CCR's for every lot covering a variety of categories. Regarding run-off, the lot that inherits that water becomes responsible for it. Upon questioning, Littlejohn advised that most of the property owners are not supportive of this proposal. Most concerns include – topography, adjacent/directly affected homeowners, property values and a lingering anger with the developer regarding promises that were not followed through with.

REBUTTAL

Lovemark proposed continuing the hearing to allow time to work with the homeowners association and address concerns of the adjacent property owners. On behalf of the Applicant, he gave verbal approval to continue the hearing until February 2nd.

Parson moved to continue the hearing and leave the record open until the February 2nd meeting. Powell seconded; motion passed unanimously.

Davis advised that this serves as notice of the continuation of this hearing until February 2nd. Written testimony and letters can be submitted to the City during that time.

BUSINESS FROM STAFF – Davis reminded Commissioners whose terms expire at the end of the year, to submit their reapplications as soon as possible.

BUSINESS FROM COMMISSION – none

ADJOURNMENT - The meeting adjourned at 8:38 p.m. The next regularly scheduled meeting is January 5, 2015.

SANDY COOK
Staff Assistant

EXHIBIT 8

CITY OF ROSEBURG PLANNING COMMISSION AGENDA ITEM REPORT



File No. AMD-14-2

Meeting Date: December 1, 2014

To: Roseburg Planning Commission **Completeness Date:** 10/28/2014

From: John Lazur, Assistant Planner **120-Day Limit:** 2/25/2015

Via: Brian Davis, Community Development Director

Request: Major Amendment to Rocky Ridge PUD Phase 1

ISSUE STATEMENT AND SUMMARY:

Applicant ie Engineering, acting on behalf of Ralph Winterode, has requested a Major Amendment (AMD) to Rocky Ridge PUD Phase 1. The requested action is to amend the final plat of Rocky Ridge PUD Phase 1 by converting Common Area IV (0.77 acres) to a buildable lot and consolidating with Parcel 2 of PP No. 2003-19 (formerly part of Lot 2 of Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres). Both lots, in their present configuration are zoned Low Density Residential (R10) and, if approved, will have frontage and access to NE Cambrian Court (a private road). The applicant is proposing the Major Amendment in order to permit a dwelling to be constructed on the lot designated on the plat as Common Area IV.

OPTIONS:

- Adopt proposed or modified Findings of Fact recommending approval of the Major Amendment request.
- Continue consideration of the request.
- Adopt Findings of Fact recommending the City Council deny the requested Major Amendment.

CONCLUSION/RECOMMENDATION:

Based on the information provided by the applicant and in the Findings document, staff finds the proposed Major Amendment is in keeping with the criteria provided in the Land Use and Development Ordinance (LUDO) and is consistent with the City of Roseburg Comprehensive Plan policies. Therefore, it is recommended the Planning Commission adopt the following motion:

SUGGESTED MOTION:

I MOVE TO ADOPT PROPOSED FINDINGS OF FACT AND ORDER RECOMMENDING CITY COUNCIL **APPROVAL** OF FILE NO. AMD-14-2.

ATTACHMENTS:

1 – Proposed Findings of Fact and Order

In the matter of the application) Major Amendment
by i.e. Engineering) File No. AMD-14-2

BEFORE THE ROSEBURG PLANNING COMMISSION

FINDINGS OF FACT AND ORDER

I. NATURE OF APPLICATION

The applicant is requesting approval of a Major Amendment (AMD) to Rocky Ridge PUD Phase 1. The requested action is to amend the final plat of Rocky Ridge PUD Phase 1 by converting Common Area IV (0.77 acres) to a buildable lot and consolidating with Parcel 2 of PP No. 2003-19 (formerly part of Lot 2 of Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres). Both lots are zoned Low Density Residential (R10) and designated Low Density Residential (LDR) by the Comprehensive Plan. The reconfiguration will give "Lot 40" frontage and access to NE Cambrian Court (a private road), identified in the map below. The applicant is proposing the Major Amendment in order to permit a dwelling to be constructed on Common Area IV.



II. PUBLIC HEARING

A public hearing was held on the application before the Roseburg Planning Commission on December 1, 2014. At that hearing the Planning Commission reviewed Land Use File AMD-14-2 application for a Major Amendment and it was made part of the record.

III. 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 the Roseburg Land Use and Development Ordinance (LUDO) No. 2363, as originally adopted July 1, 1984, and re-adopted in Ordinance No. 3408 on March 11, 2013, as both may have been amended from time-to-time.
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 application consists of a request to a Major Amendment to Rocky Ridge PUD Phase 1 as it applies to two lots within the City of Roseburg.
4. The lots may be described as Tax Lots 1301, Section 18BA and Tax Lot 5600, Section 18BD in Township 27 South, Range 05 West; Willamette Meridian. Property ID Numbers R119207 & R122955.
5. The lots are designated Low Density Residential (LDR), zoned Low Density Residential (R10) and surrounded by properties with a Comprehensive Plan Land-Use Designation of Low-Density Residential (LDR) and Medium-Density Residential (MDR) as well as zoning consisting of Single Family Residential (R7.5) and Limited Multiple-Family Residential (MR14).
6. Both of the lots that are subject to the Major Amendment (1.23 acres) are vacant and undeveloped. Common Area IV is currently designated as open space (0.77 acres). Parcel 2 of PP No. 2003-19 (0.46 acres) is a narrow lot for access which is a part of the former Lot 2 of Rocky Ridge PUD Phase 1.

B. PROPOSAL

The proposal is to convert Common Area IV from open space and consolidate Parcel 2 of PP No. 2003-19 to become Lot 40 of Rocky Ridge PUD Phase 1. The current subject properties are not developable in their current configuration. The proposed amendment will allow the applicant to develop the property residentially, subject to LUDO Chapter 3 Site Review standards.

C. AGENCY COMMENTS

No agency comments were received as of the writing of this staff report.

D. PUBLIC COMMENTS

The Community Development Department notified all owners of subject properties per ORS 227.186 and LUDO 5.1.190 and received no letters of remonstrance as of the writing of this staff report.

E. ANALYSIS

Major Amendment applications are required to be processed in accordance with Chapter 5 and satisfy approval criteria contained within Roseburg Land Use and Development Ordinance (LUDO) Sections 6.2.120 and 6.2.060, respectively.

F. REVIEW CRITERIA

Pursuant to LUDO Section 6.2.120, the following criteria must be demonstrated as being satisfied by the application for approval of the Major Amendment:

- a) A "major amendment" is any change which does not meet the definition of a "minor amendment".

Finding: The proposal changes the general location or amount of land within the PUD that is devoted to open space, which does not meet the definition of a "minor amendment". The proposal will change Common Area IV, a lot designated as open space on the Final Plat of Rocky Ridge PUD Phase 1, to Lot 40 of Rocky Ridge PUD Phase 1.

G. PUD CRITERIA

The applicant proposes to amend standards applied to a platted PUD, therefore, the appropriate standards found in LUDO Section 6.2.060 shall be evaluated as being satisfied by the application for approval of the Major Amendment:

- 1) Density Criteria. The number of dwelling units in a PUD shall not exceed the number that would be allowed on the gross acreage of the site by the Comprehensive Plan Land Use Designation.

Finding: The subject properties are both designated Low Density Residential which allows a density of 10,000 sq. ft. per dwelling. The original proposal of Rocky Ridge PUD Phase 1 was for 39 lots on 45.1 acres, establishing a density of one dwelling per 1.15 acres. The proposal will increase the density to one dwelling per 1.12 acres. Therefore, the increase in one dwelling will not exceed the gross acreage by site allowed by the plan designation.

- 2) Lot Sizes. Where lots are proposed, size and shape shall be determined with consideration given to the types of structures contemplated and the privacy and safety needs of the residents. Appropriateness shall be demonstrated.

Finding: The proposed lot consolidation will establish a new lot shape which combines Common Area IV with Parcel 2 of PP 2003-19. The portion of the newly consolidated Lot 40 that is Common Area IV will serve as the site for a future dwelling, whereas, the narrow Parcel 2 will serve and be appropriate for access and

frontage to NE Cambrian Court. The applicant will be subject to providing a geotechnical report prior to development of proposed Lot 40 and will be subject to Site Plan review standards.

3) Building Spacing and Yard Requirements

- a) General Requirements. A preliminary development plan shall provide for reasonable light, ventilation, safety separation and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.
- b) Yard Requirements - Detached Dwellings. Yard requirements (setbacks) for detached dwellings in a PUD shall be as established by the applicable zoning district, except that one side yard may be reduced or eliminated, providing the adjoining side yard of the abutting lot shall be increased by an amount equal to the reduction, or by 50% over the minimum side yard requirement of the applicable zoning district, whichever is less.

Finding: There is no reduction of setback proposed. The surrounding development is composed of single family residences. At the time of development, the applicable standards of Chapter 3, Site Plan review will be applied.

- 4) Open Space. Open space must be provided to an extent at least equal to that which would be provided in standard development in conformance with the underlying zone.

Finding: The existing average density of the Rocky Ridge PUD Phase 1 development is more than 10,000 sq. ft. per lot which exceeds the minimum density permitted in the underlying zone. In addition, the development currently provides a surplus of 17.34 acres of open space or "common area". The minimum requirement for open space for the original development was zero (0) acres of open space. Therefore, the conversion of Common Area IV would reduce the amount of open space to 16.60 acres which exceeds the minimum requirement of zero (0) acres.

5) Perimeter Design.

- a) The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.
- b) If topographical or other barriers do not provide reasonable privacy and the mitigation of potential adverse impacts on existing uses adjacent to the

development, the approving authority shall require one (1) or more of the following:

- i) A special setback or setbacks of residential and nonresidential structures located on the perimeter.
- ii) Residential and nonresidential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

Finding: The proposed development area of Lot 40 would be within former Common Area IV, which is adjacent to single family homes developed within an area with steep slopes. No special setbacks were proposed in the application as topographical barriers provide reasonable privacy and potential adverse impacts to existing residences.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in LUDO 6.2.120 and 6.2.060.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends **APPROVAL** of this application to the City Council.

Ron Hughes, Planning Commission Chair

Date

Brian Davis, Community Development Director

Date

Planning Commission Members:
Ron Hughes, Chair
Patrick Parson
Scotty Ingeman
Matthew Powell
Dan Onchuck
Jesse McLean

①

EXHIBIT 9

John K. Lazur

From: jillanne@rosenet.net
Sent: Friday, November 21, 2014 2:36 PM
To: John K. Lazur; scottfray82@gmail.com
Subject: Proposed Major Amendment - File Number AMD-14-2

Dear Mr. Lazur,

My name is Jillanne Michell, and I and my husband own a house at 1231 NE Steele Ct., which is adjacent to the Rocky Ridge common area in question for rezoning.

My husband and I and our neighbors are strongly opposed to this proposed rezoning. There was an attempt to rezone this common area about ten years ago, and the request to rezone was denied after the testimony of my neighbors, Scott Fray and Doug John, among others.

I'm e-mailing because we would like to obtain the file on this case along with any records you have of the prior hearing ten years ago.

Please let me know what I need to do to obtain these materials.

Thank you for your assistance in this matter.

Sincerely,

Jillanne Michell

1-541-440-2253

2

John K. Lazur

From: Scott Fray <scottfray82@gmail.com>
Sent: Sunday, November 23, 2014 10:46 AM
To: John K. Lazur
Subject: Proposed re-zoning of Rocky Ridge Common Area.

Hello Mr. Lazur,

My name is Scott Fray and I own a home on Steele Ct. Please see the letter I have inserted below describing my strong opposition to the re-zoning of the Rocky Ridge common area. An attempt at this was done several years ago and the petition denied by the planning commission at that time. As I mention in my letter, myself, former Mayor Doug John and several other home owners testified at that hearing and the city heard our concerns and sided with us. I'm not sure why this situation is any different. In any case, my letter describes in more detail my opposition. At this time i'm not sure my work schedule will allow me to be present. I would like this letter read on my behalf if that is possible.

Thank you for your time.

--

Scott E. Fray
(503)467-6203 -Work cell
(541)680-2440 -Personal Cell
scottfray82@gmail.com

City of Roseburg,

My apologies for my work schedule not allowing me to be able to be in attendance at your hearing regarding the re-zoning of the Rocky Ridge common area. I purchased my home in Roseburg located at 1223 N.E. Steele Ct when I was 28 years old. I am now 50 years old and raised my three children in that home, worked for Douglas County for 24 years and still own a small business in Roseburg. I feel very connected to the Roseburg community and my intention has been to retire in that same home.

One of the reasons I purchased that home was the close proximity to the city while still having a nature setting behind my home. At that time, Lincoln street ended at Steele court and Garden Valley Blvd had not yet been run up the hill to connect to it. It was the best of both worlds.

A little over 10 years ago (I don't have the exact date) I woke up to the sound of chainsaws. I looked up the hill behind my home and saw oak trees falling down just beyond my property line. As it turned out, someone had decided to develop the common area that was established due to the close proximity of the lots on Rocky Ridge

when it was developed. The trees were all cut down prior to any re-zoning being approved by the city. A hearing just like this was held, and I was one of several adjacent home owners including former mayor Doug John who attended and testified.

As a result of that hearing, the petition was denied and the lots remained common area. I'm sure the details of that hearing are still on record which describe noise, water runoff and soil stability concerns in addition to going back on the zoning agreement itself. All of the original criteria used to deny the first petition are still in place today. Nothing has changed.

I was very impressed that the City heard the concerns of its citizens and denied a builder's desire to cash in regardless of the zoning requirements established and agreed upon when Rocky Ridge was developed. Since that time, homes and vehicles up on Rocky Ridge can now look right into my back yard when the common area oak trees used to give us privacy. I had no choice but to live with the decreased privacy since clearly trees can't be re-grown fast.

Well here we are again. Since that last hearing, I have invested over \$130,000.00 in my home by building a large addition approximately seven years ago and multiple interior improvements. I currently have another building permit from the city and I am nearly complete in building a new detached garage. Needless to say, the values of all of the adjacent properties will decrease should this petition be approved. Never would I have invested as much as I have in this home had I known that the results of the previous re-zoning hearing might be reversed. At least now the houses on Rocky Ridge are a ways away. New homes built on the common area will literally look into my living room from above based on the steep terrain and lack of oak trees originally on site. My home value will undoubtedly decrease.

Why would the reasons the City of Roseburg used to deny the original petition NOT be adhered to today when nothing has changed? Just because a few years have gone by and somebody now wants to make a profit, the wisdom and decision-making used by the city during the first hearing should not be discarded and reversed. I would ask the city to stand by its original decision and not disregard previous agreements and decisions that protect the interests of taxpaying property owners in the vicinity.

Sincerely,

Scott E. Fray

3

John K. Lazur

From: jillanne@rosenet.net
Sent: Monday, November 24, 2014 1:23 PM
To: John K. Lazur
Subject: RE: Opposition to Proposed Amendment to Rezone Rocky Ridge Common Area IV

Hello John,

I seem to have misspelled his name: it's actually Kitzman with "K." Here is the text of his letter: "November 21, 2014--I Donald Kitzman 1780 NE Beulah Dr. Roseburg OR 97470 oppose the proposal on the amendment of Rocky Ridge PUD. I will attend the meeting of Dec 1, 2014 and wish to speak. Donald Kitzman."

If you need anything else, please let me know.

Thanks,

Jillanne Michell

On 24.11.2014 13:14, John K. Lazur wrote:

Jillanne, could you email me Donald Fitzman's letter?

JOHN K LAZUR | CITY OF ROSEBURG

ASSISTANT PLANNER

541.492.6876

From: jillanne@rosenet.net [mailto:jillanne@rosenet.net]
Sent: Monday, November 24, 2014 8:08 AM
To: John K. Lazur; scottfray82@gmail.com; dpjohn3449@gmail.com
Subject: Opposition to Proposed Amendment to Rezone Rocky Ridge Common Area IV

Hello John,

I understand that Scott Fray has sent you a letter in opposition, and I have a handwritten note from Donald Fitzman (who owns the house at 1780 NE Beulah) stating his opposition and desire to speak at the upcoming hearing. I can hand deliver his note to you today, if you need it, or fax it, or e-mail you

(4)

November 24, 2014

John Lazur
Community Development Department
City of Roseburg
900 SE Douglas Avenue
Roseburg, Oregon 97470

RE: Proposal Rocky Ridge – Common area 4

Opposed!

As a resident and home owner located at 1760 NE Beulah, Roseburg, Oregon 97470 I would not want to see a development in what was originally promised to be a 'Common Area'. In short this proposal would destroy the natural life in and around the area.

I strongly oppose this proposal.

Sincerely,



Todd D. Boyd
1760 NE Beulah
Roseburg, Oregon 97470

Cellular phone 503.702.9536

5)

December 1, 2014

I, Rita Fleck, live at 1212 NE Steele Ct., in Roseburg, and I am opposed to the proposed zoning change of Rocky Ridge Common Area IV. Currently, the common area provides a centrally located buffer zone for the cul-de-sac of Steele Ct., providing privacy and quiet to the many homes below it, and offering a refuge for wildlife. Construction of a house on this lot would damage the view from many homes, create issues with noise, and lead to potential problems with water run-off and the stability of the steep slope that surrounds the cul-de-sac. Building a home on this lot would negatively impact the property values of nearby homes, and this is also a major concern.

For all the reasons above, I believe the City should keep the agreement made when the Rocky Ridge PUD was originally approved and keep Common Area IV as a permanent undeveloped area.

Sincerely, *Rita Fleck*

Rita Fleck

December 1, 2014

To Whom It May Concern:

We are opposed to the proposed major amendment, file no. AMD-14-2, which includes building another driveway on Cambrian Ct., a cul-de-sac where major problems with water drainage have been an ongoing issue.

It would also take away the amenity, agreed upon by the Rocky Ridge developers and the City of Roseburg, of Rocky Ridge Common Area IV, which is currently an undeveloped area that helps create privacy for many homes and also provides a significant measure of protection from water drainage issues.

If this lot were to be developed, it would cause many potentially devastating issues, including water drainage issues, which have already been a big problem on Cambrian Ct. It would also create serious problems with noise, vibrations, and visual and acoustic privacy. This would have adverse effects on nearby residences, including our own, and negatively impact property values.

Sincerely,

Denny and Beverly Cumpston

Beverly Cumpston
Denny Cumpston
12.1.14

"Open Area"

Feb 2 2015
Meeting @ 7:00 TONIGHT

By signing this paper today
you agree by the already
ZONED By the city "Open Area"
* NOT to Be Changed
* OR Rezoned by the city

Property in question is between Beaulieu & Rocky Ridge
steak court, Juniper Ave,

Please sign if you agree to keep this "Open Area"

Name	Address
Ibbie Brown	885 Sunset
Shelley Bakergan	1151 NE Garden Valley Blvd Roseburg OR 97471

Michelle Mousseau
1451 NE Lincoln St. Rsbq OR 97470

Mary A. Koziol
1214 NE Steele Ct Rsbq 97470

Jill & Michelle
9231 NE Steele Ct.

Dori John
1222 NE Steele Ct.

Rita Flock
1212 N E. Steele Ct

Tiffany + Levi Forse
1288 NE Lincoln St Rsbq, OR 97470

Open Area

Name

Address

Juday A. Chase 1227 N.E. LINCOLN ST.

Jason Strickland 1187 N.E. Lincoln St.

Laura Hampton 1066 NE Lincoln St.

Andy Hirstead 1064 N.E. Lincoln St.

John m. Dem 1057 NE Lincoln St.

Marty B. Bortor 1037 N.E. Lincoln St.

Kathleen Shayler 1016 NE Lincoln St.



OPPONENT'S EXHIBIT #1



EXHIBIT 10



CITY OF ROSEBURG NOTICE OF PROPOSED MAJOR AMENDMENT FILE NUMBER AMD-14-2

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the City of Roseburg Planning Commission on Monday, December 1, 2014 at 7:00 PM in the Council Chambers, City Hall, 900 SE Douglas Avenue, Roseburg, Oregon to consider a proposed Major Amendment.

The requested action is for a Major Amendment (AMD) to the Rocky Ridge PUD Phase 1. The requested action is to amend the final plat of Rocky Ridge PUD Phase 1 by converting Common Area IV (0.77 acres) to a buildable lot and consolidating with Parcel 2 of PP No. 2003-19 (formerly part of Lot 2 of Rocky Ridge PUD Phase 1 (0.46 acres) together to become Lot 40 of Rocky Ridge PUD Phase 1 (1.23 acres). The subject properties are designated as Low Density Residential and zoned R10, identified on the map shown on the opposite page of this notification. The subject properties may be described as Tax Lots 1301, Section 18BA and Tax Lot 5600, Section 18BD in Township 27 South, Range 06 West; Willamette Meridian. The request will be evaluated based on criteria in LUDO 6.2.060 and 6.2.120;

Any person who wishes to speak may do so, testimony and evidence must be directed to the criteria. The file is available for review and copies can be made for a reasonable cost by contacting the Community Development Department, 900 SE Douglas Avenue, Roseburg, Oregon 97470, (541) 492-6750, Monday through Friday from 8:00 a.m. to 5:00 p.m. or John Lazur, Assistant Planner at jlazur@cityofroseburg.org

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

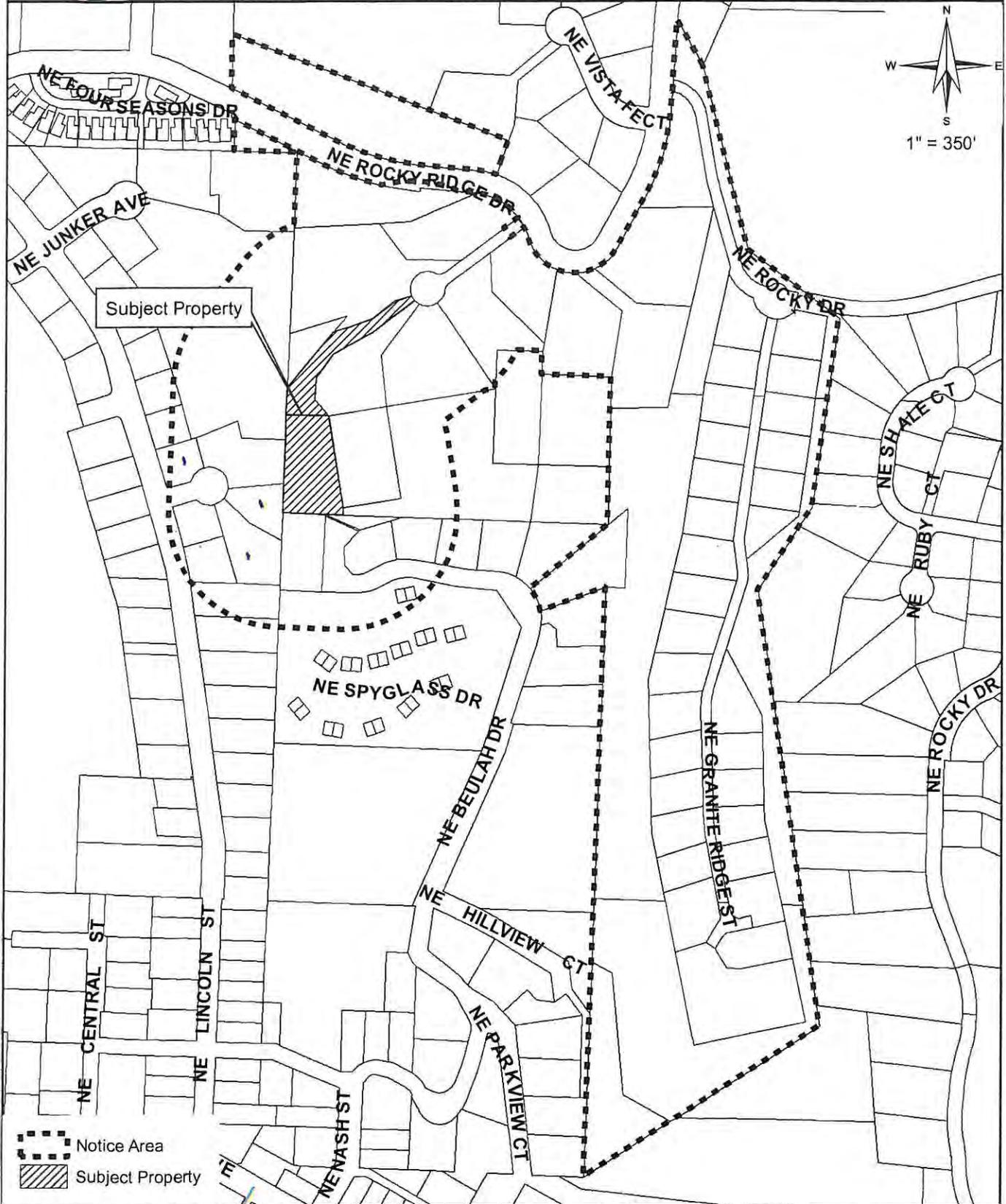
Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470 (Phone 541-492-6700) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTD users please call Oregon Telecommunications Relay at 1-800-735-2900.



Proposed Major Amendment File No. AMD-14-2

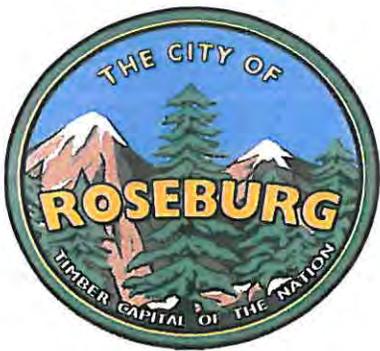
1001 NE STEPHENS - T27 R06W SEC12DA TL2100-

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



- Notice Area
- Subject Property

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.



AFFIDAVIT OF POSTING

I, Elaine Berg affirm that on November 13, 2014, I conspicuously posted three true copies of the Notice of Proposed Major Amendment in the immediate vicinity of property addressed as 1210 NE Cambrian Ct, Roseburg, Oregon which is the subject of application File No. AMD-14-2

Elaine Berg

State of OREGON

County of DOUGLAS

Signed or attested before me on (date) 11-13-2014.

Christine L Morgan
Notary Public for Oregon



EXHIBIT 11

CITY OF ROSEBURG Community Development Department



LAND USE APPLICATION

APPLICANT/AUTHORIZED AGENT:

CONTACT PERSON: (if different)

IC ENGINEERING

PO Box 1271
Mailing Address

ROSEBURG OR 97470

Phone Number: 541 673 0166

Phone Number: _____

E-mail: _____

e-mail: _____

PROPERTY OWNER: *

RALPH O. WINTKODE TRUST

Phone: _____

3161 MICHELSON DR 14TH FLR.

Mailing Address:

e-mail: _____

IRVINE, CA 92612

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.

Wintkods
Signature

9/21/2014
Date

Check as appropriate - Owner Option Holder Contract Buyer

PROPERTY INFORMATION:*

Legal Description: Assessor's Parcel Map Number:

Township 27 Range 05 Section 188D Lot Number 5600 Tax Account R119207

Township _____ Range _____ Section _____ Lot Number _____ Tax Account _____

Property Address/Location: 1210 NE CAMBRIAN CT.
ROSEBURG OR 97470

Comprehensive Plan Designation: LDR Proposed Change if any: _____

Existing Zoning: R-1-10 Proposed Change if any: _____

Total land area: 0.77 AC.

PROJECT PROPOSAL: * (complete all applicable information)

Briefly describe the project, including:

Current use: NON-RESIDENTIAL LOT

Proposed use: RESIDENTIAL

Is any demolition proposed/needed? NO Describe: _____

Estimated time schedule for development: _____

Land Use Action requested: MAJOR AMENDMENT TO ZONING DISTRICT COMMERCIAL AREA IV TO BECOME LOT

Site Data:

Site Use	Square Feet Existing	Square Feet Proposed
Area Covered by Building(s)		
Area paved for parking walkways		
Landscape Area		
Total		

Building data:

Number of stories
One story
Two stories
Three stories
Four stories
Total

OPEN SPACE

- EXISTING = 17.37 ±

- PROPOSED = 16.60 ±

If residential complete the following.

Type of Unit	Existing number of units	Proposed number of units
Single Family		
Duplex		
Condominium/Townhouse		
Apartments (Rentals)		
Studio		
One bedroom		
Two bedrooms		
Three or more bedrooms		
Mobile/Manufactured Home		
Total number of units		

Parking Data:

Type	Existing spaces	New Spaces	Space dimensions
Open			
Carport			
Garage			
Total			

Number of compact parking spaces, if any: _____

Number of accessible parking spaces provided: _____

Briefly describe public and/or private utilities, including existing and proposed: existing, public utilities

Is future division or lot area adjustment anticipated? No

If commercial, estimated number of employees and hours of operation: 1

Is the property located in the Hillside/Geologic Review Area or have slopes greater than 12%?
 Yes ✓ No _____

Is the property located in the Flood Plain? No If yes, Flood Certificate required.
 Does the property have a City Historic designation? _____ If yes, describe: _____

Was there a Pre-Application Conference? _____ If yes date: _____

Any other information that may be pertinent or useful for the review and analysis: _____

*Use Additional sheets if needed.

FOR STAFF USE ONLY

Dated Received:	Case Planner:
File No:	Administrative:
Received By:	Planning Commission:
Fee:	DLCD Noticing:

LAND USE APPLICATION SUBMITTAL REQUIREMENT

The following checklist will be used to determine completeness

<input type="checkbox"/> One complete/signed application form
5 copies of plans larger than 11" X 17"; 1 copy if 11" X 17" or smaller Site Plan shall include: <ul style="list-style-type: none"><input type="checkbox"/> Title block<input type="checkbox"/> North arrow and scale of drawing<input type="checkbox"/> Vicinity map showing property location within the City of Roseburg<input type="checkbox"/> Adjacent existing and proposed streets and name of each street, dimensioned to show width and distance from centerlines<input type="checkbox"/> Points of access (vehicular and pedestrian from each street)<input type="checkbox"/> All property lines and their dimensions and total lot area<input type="checkbox"/> All existing and proposed building(s), their dimensions and setback from property line<input type="checkbox"/> All existing and proposed paved surfaces, including walkways, driveways, etc.<input type="checkbox"/> All existing and proposed parking spaces, loading spaces, and bicycle parking, and their dimensions<input type="checkbox"/> All existing and proposed landscape areas<input type="checkbox"/> All trash enclosures and/or recycling facilities<input type="checkbox"/> All existing and proposed freestanding signs and their dimensions<input type="checkbox"/> Location of nearest building on abutting lots illustrated with edge line and use type identified<input type="checkbox"/> All existing and proposed pad, ground or wall mounted equipment, utility vaults, transformers, backflow devices, gas meters, fire hydrants, mail boxes, light poles<input type="checkbox"/> All existing and proposed fences including height and types<input type="checkbox"/> All existing and proposed easements and their purpose<input type="checkbox"/> Existing contour lines at two-foot intervals
5 copies of plans larger than 11" X 17"; 1 copy if 11" X 17" or smaller Elevations that includes** <ul style="list-style-type: none"><input type="checkbox"/> Title Block<input type="checkbox"/> Elevations labeled appropriately north, south, east and west of all existing and proposed building(s)<input type="checkbox"/> Height from top of nearest adjacent curb at the front property line to the highest point of the structure(s)<input type="checkbox"/> General architectural features (windows; door, trim, roof pitch, etc.)
5 copies of plans larger than 11" X 17"; 1 copy if 11" X 17" or smaller Floor Plans that includes** <ul style="list-style-type: none"><input type="checkbox"/> Use and dimensions of all existing and proposed areas<input type="checkbox"/> All entrance and exit points<input type="checkbox"/> All enclosed and/or covered parking areas

<input type="checkbox"/> Supportive Findings of Fact statement - The applicant is required to submit at least one written document to support the application based on the applicable criteria provided in LUDO. (see Review/Approval Criteria for appropriate type of land use action)
<input type="checkbox"/> Legal Description - It may be necessary to submit a metes and bounds legal description. Staff will advise as a part of the completeness check.
<input type="checkbox"/> Fee(s) as established by the City Council
<input type="checkbox"/> Electronic copy of plans for application that are to be reviewed by the Planning Commission and/or City Council as PowerPoint or PDF presentation. (Slides are not to be animated or have large borders)
<p>*As noted, the initial submittal is distributed for review; additional plan sets may be needed to complete the processing.</p> <p>**If the proposal does not include any structures and/or buildings, elevations and floor plans are not required.</p>

I hereby certify that I have reviewed the above checklist and have provided all applicable Submittal Requirements for this project.

Wentz
Applicant's Signature

8/31/2014
Date

City of Roseburg

Derek Feigel
C/O ie Engineering, Inc.
809 S.E. Pine Street
Roseburg, OR 97470

10/28/2014

RE: NOTICE REGARDING COMPLETION OF SUBMISSION

FILE NUMBER: AMD-14-2
TYPE: Major Amendment
PROJECT NAME: 1210 NE Cambrian Court / Winterode
LOCATION: 1210 NE Cambrian Ct. T27S05W18BA1301
APPLICATION RECEIVED: 9/18/2014

The above referenced application you submitted was accepted and deemed complete on 10/28/2014 for the purpose of beginning the required 120-day processing period. Staff will now begin processing the application in conformance with applicable standards and City of Roseburg Land Use Development Ordinance Chapter 5 procedures.

Please call me at (541) 492-6750 if you have any questions.



John K. Lazur
Assistant Planner

CC: Planning File

City of Roseburg

10/14/2014

Derek Feigel
c/o i.e. Engineering
PO Box 1271
Roseburg, OR 97470

Re: File No. AMD-14-2

Dear Sir:

The Community Development Department has reviewed the Major Amendment application you filed on 9/18/2014. According to the submittal, the proposal is to convert open space and consolidate two lots into one common residential lot. The property is located at 1210 Cambrian Court and has a zone designation of R7.5. Based on the initial review, the application has been deemed incomplete and requires submission of one of the following:

1. All of the missing information listed below; or,
2. Some of the missing information and written notice that no other information will be provided; or,
3. Written notice that none of the missing information will be provided.

If one of the above is not received by the Community Development Department within 180 days from date of submittal or by 3/17/2015, the application will be void per ORS 227.178(4).

The missing information is:

- 1) A revised application requesting the consolidation of the 2 lots into one common legal lot.
- 2) A plot plan showing the entire Rocky Ridge PUD phase 1 development, with language or information describing the consolidation of the 2 lots and conversion of open space, contours, and public utilities serving the site titled Major Amendment

If you have any questions regarding any of the above or need further clarification, please contact me at 541-492-6750.

Sincerely,



Assistant Planner

**REQUEST FOR EXTENSION OF TIME FOR FINAL
LOCAL LAND USE DECISION**

RE: AMD-14-2
File Number

(I/We), Ralph C. Wintrode Trust, applicant, do hereby voluntarily request an extension of the time limit as a condition for taking any action on an application.

(I/We) recognize the City of Roseburg has not compelled (me/us) to sign this waiver of the 120-Day Rule (ORS 227.178).

(I/We) hereby waive our right for a decision to be made on our current land use action with the City of Roseburg (File No. AMD-14-2) within the 120 day limit as required by Oregon State Law.

(I/We), as applicant(s) in this request for approval of a:
Major Amendment to Rocky Ridge PUD Phase 1, hereby irrevocably offer to extend the date for the final City decision on the above request to the 30th* day of June, 2015.

*Number of days cannot exceed 245 days from date deemed complete per ORS 227.178(5))

Signed: Ralph C. Wintrode Trust (Applicant) 12/3/2014 (Date)

Signed: _____ (Applicant) _____ (Date)

Signed: _____ (Applicant) _____ (Date)

Signed: _____ (Applicant) _____ (Date)

EXHIBIT 12

MINUTES ROSEBURG PLANNING COMMISSION REGULAR MEETING May 6, 2002

The regular meeting of the Roseburg Planning Commission was called to order by Chairman Meyer at 7:00 p.m. in the City Hall Council Chambers at 900 SE Douglas Avenue, Roseburg, Oregon.

Commissioners present: Chairman Paul Meyer, Dallas Horn, Richard Weckerle, Ric Webb, Paul Allen, Larry Brooks, and Mike Baker.

Commissioners absent: none.

Staff present: Community Development Director Dan Huff, Community Planner Mark Stephens, City Attorney Bruce Coalwell, and Community Development Secretary Vicki Tower.

III. ADOPTION OF MINUTES

A. Regular Meeting of April 1, 2002

Brooks made a motion to approve the minutes as drafted. Motion was seconded by Webb. Motion was unanimous.

IV. PUBLIC HEARING

A. AMD-02-1/PUD-98-1, Rocky Ridge PUD

Chairman Paul Meyer read the hearing procedures for a PUD and made changes as necessary to address the major amendment.

Meyer asked the Commissioners if any of them had any bias, conflict of interest, site visits, or ex-parte contacts that they should disclose.

Meyer stated Aaron Yuma had written a letter. He is a neighbor and has concerns about the file. Yuma and Meyer are both employed by the County and work together on occasion. Meyer did not think his professional working relationship with Yuma causes him to have any bias or conflict of interest, and he does not intend to not participate.

Brooks stated he lives in the general area of the parcel in question. He does not have any connection with it or any financial interest. It is far enough away from him that he cannot even see it, and he has not been in that area for months. He feels he still qualifies to make an unbiased judgment.

Baker stated he also knows Aaron Yuma. They have not discussed this issue at all. It has been a year or two since Baker has been to Yuma's house. Baker is

somewhat familiar with the area. He did not feel he has any conflicts or bias as a result of that.

Allen stated he works with Aaron Yuma, and they have not discussed it or has Yuma brought it to Allen's attention.

Weckerle stated he knows Aaron Yuma also. Weckerle is president of the homeowners association of some condominiums that are downhill from the property in question.

No one in the audience challenged the ability of the Commissioners to serve on the Commission this evening.

Meyer then brought up the issue of qualification of party status. He stated the staff report had a list of parties. The City received correspondence from a number of people that are within the notification boundary and are deemed to be parties:

- Lane and Maria Burzynski
- Scott and Johanna Fray
- Doug John
- Donald and Elizabeth Kitzman
- Virginia Lee Rice
- Suzy Rush
- Aaron Yuma

The staff report also indicates that correspondence was received from three individuals beyond the notification boundary:

- Charles Becherer
- Sandra J. Rehm
- Isabel D. Stocks

Meyer stated that typically people beyond the notification boundary need to demonstrate why they believe they should be found to be parties. Meyer asked if staff had looked at the letters and had a recommendation. Stephens stated staff had not been able to retrieve any information from the assessor's records giving any description of ownership or who it should be addressed to, and whether there is an owner's association that notice should be sent to. Staff did not have a recommendation.

Meyer asked Reed if he objected to the three people having party status. Reed stated he did not object.

Meyer asked for the staff report. Stephens stated he would like to read a letter from Linda Fisher that was hand delivered to staff prior to the meeting. He stated the staff report referred to a triangular shaped parcel known as tax lot 600 that fronts the subject property. One of the owners of that property is Linda Fisher of 1803 NE

Beulah Drive, and someone representing Fisher handed Fisher's letter to staff. Stephens proceeded to read the letter. The letter requested postponement of Reed's application and stated Reed and Fisher were in the process of attempting to determine if an access easement over Fisher's property to the property in question was feasible. Meyer asked Stephens if Fisher was a party. Stephens stated Fisher has not requested status or sent in a letter prior to the hearing. Meyer stated someone that is not a party couldn't request a postponement. Coalwell stated the known applicant party would have to make a very strong showing in order to get a postponement if the applicant wasn't requesting a postponement. Meyer stated the applicant was not requesting a postponement; Fisher is negotiating with the applicant. Coalwell stated Fisher was negotiating with the applicant, not speaking for the applicant. Meyer stated, based on that advice, the request for postponement is denied.

Stephens proceeded with the staff report. He stated the request involves changing the designated common area in Rocky Ridge PUD to a building lot. Gary Reed, agent for Rocky Ridge Venture LLC, has submitted an application for a Major Amendment to a PUD, as well as a grading permit for the .77 acre parcel that is identified as Common Area IV. Stephens stated correspondents have alleged that a substantial amount of vegetation has been removed from Common Area IV, and if this is correct, it may constitute a violation of LUDO, as well as the development conditions. Staff believes the development conditions that were produced during the examination of the PUD are adequate to protect neighboring properties. Removal of the Common Area IV would affect the plan of the PUD and reduce the open space from 17.34 acres to 16.57 acres. A principal concern is Common Area IV's lack of access. The proponents have no plans to provide access from the Cambrian Court cul-de-sac and the intervening Lot 2 that borders the subject property to the north. The primary route to the property would be NE Beulah Drive, and this public right-of-way ends before it reaches the boundary of the subject property. The property is fronted by a triangular shaped privately owned parcel that functions as a driveway to several other parcels. LUDO specifies that no more than one lot or parcel may be provided access via a single easement, and it is likely that this standard is already exceeded. NE Beulah is substandard in several respects. An item of concern is the lack of vehicle turnaround. The steep topography of the subject property makes it unlikely that it could provide emergency service vehicle turnaround on site. The property is also unlikely to meet the requirement of 60 foot of frontage on a right-of-way for a conventional lot. Gary Reed indicated he is attempting to negotiate access arrangements with the owner of the triangle, which is identified as lot 600.

Stephens stated for the reasons indicated in the report, staff recommends denial of the request for a Major Amendment to Rocky Ridge PUD, AMD-02-1.

Meyer asked if there were any questions of staff. Baker asked, since the time the staff report was sent, if staff had checked to see if the applicant has removed vegetation as Stephens indicated in his staff report may have been done. Stephens stated staff has not been on site to verify that.

Horn asked if the limitation for three parcels accessible to an easement necessarily applies to a PUD. Coalwell stated you start with the basic principle in a PUD that if you are going to vary from the regular standards, there has to be a basis for that and also there usually has to be something else that compensates for that, and there has not been a showing of that yet. Baker asked if they were requesting access from a lot that is clearly outside of the PUD. Stephens stated that was correct.

Meyer requested the applicant Gary Reed present his request for the Major Amendment to the PUD. Gary Reed stated he believed Lot 4 was included in the PUD by mistake. He felt it probably would have been better to leave it as a remnant. He stated it was not visible or useful to the residents of the development; they have no access to it except for Lot 2, which is unsold. He said that rather than leave it as an unused parcel, the applicants felt it was reasonable to develop it as a single-family site and get access via Beulah. He stated its use is compatible with the surrounding residences and thought all of the servicing problems could be resolved. Reed stated he had been speaking with Linda Fisher about getting access and time ran out on them. Reed stated he had no objection to the Commission delaying a decision.

Meyer asked for people that wished to speak in support of the Major Amendment to the PUD to come forward. There was no one in the audience that wished to speak in favor of the Major Amendment.

Meyer then asked for people in the audience that wished to speak in opposition to the Major Amendment to the PUD to come forward. The names were called in the order they appeared in the staff report.

Meyer called for Lane and Maria Burzynski. They were not present.

Meyer called for Scott and Johanna Fray. Scott Fray of 1223 NE Steele Court, which is directly west and downhill from the Common Area, stated he had a couple of concerns. His main concern was erosion and to the northwest corner of his property every time that it rains, there is a stream that comes downhill into his backyard next to the pool. At this time it is not a big problem, but he stated in the last week or two all of the trees have been cut down, with the exception of maybe one or two above his property line. He has concerns that as the root structure deteriorates over time, and because that stream runs down, what may happen to his property. Fray asked what his repercussions would be. Johanna Fray of 1223 Steele Court requested clarification regarding the first sentence on page 5 of the staff report. She wanted to know what the implementation of controls means in the referenced sentence and how that would affect her. She asked if the controls are for the erosion concerns. Stephens clarified the process for her. Johanna Fray was concerned with a slide and what her recourse would be.

Meyer called for Doug John. Doug John of 1222 NE Steele Court had concerns with the drainage, but felt Mr. Fray had addressed that issue. His other concern was the

Common Area issue. He stated he did not originally object to the PUD, because this Common Area was to be a buffer and not to be allowed for development. He stated they could not start piecing the Common Area out for other uses once the PUD is formed. If they want to start doing that, he stated they should go back and readdress the entire PUD, because he now objects strongly to the PUD if that area is not Common Area protecting his existing neighborhood.

Meyer called Donald and Elizabeth Kitzman. Donald Kitzman of 1780 NE Beulah Drive (lot 300) stated he had no complaints with the development up to this point, but opposes changes to the PUD. His issues were with lack of water, fire, and sewer systems near his house. He objected to the removal of trees and vegetation from the subject lot without prior approval. Kitzman stated he and his wife want to leave the Common Area as open area or single-family with a 2-story maximum on the building. Kitzman read from the original neighborhood covenant that was recorded in 1968 and was effective for a period of twenty-five years, unless it was extended. Kitzman stated he was not happy with the mobile home that had been placed on lot 400. Huff clarified that covenants could restrict mobile homes, but the City cannot restrict mobile homes in a single-family zone, and lot 400 is not part of the PUD. Stephens stated there is a covenant that prohibits manufactured dwellings, as well as mobile homes from being within the Rocky Ridge PUD. Meyer asked if this included the Common Area parcel. Stephens stated that it did. Elizabeth Kitzman of 1780 NE Beulah stated when she saw the first tree come down, that must have been at least a 70 year old Madrone, she got sick. She stated because of the tree removal, she can now look in the backyards of the people who live on Steele Court. She was also unhappy with the mobile home placement on lot 400.

Meyer called Virginia Lee Rice. Virginia Lee Rice of 1 Spyglass Drive stated she was confused about the application and which site was at issue. The map Rice had of the site was received as Exhibit #7. Rice brought up the issue of 1/24 interest in the common ground area for the Spyglass property owners and did not feel there had been an error in the notification process. Meyer asked Rice if everyone in the Spyglass Condominiums know about the hearing. Rice stated she had let them know. She also had concerns with the mobile home placement and excavation without a permit in a geological hazard area.

Meyer called Suzy Rush of 1231 NE Steele Court. Rush stated she was in agreement with the Frays and Doug John. She is also concerned with the tree removal and was wondering if the Major Amendment was not granted would the applicant have to put something back on the property. Meyer stated staff mentioned the tree issue is potentially a violation of prior requirements, and staff will be dealing with that in some appropriate fashion. Meyer suggested Rush could contact City staff tomorrow and find out what their plans are.

Meyer called Aaron Yuma of 1800 NE Beulah Drive. Yuma stated he does not have a problem with the lot being developed. His issue is with the existing public street that was built prior to today's standards for street widths, sidewalks, and turnarounds. Yuma's objection is that when you have an established street with

established lots on a non-conforming situation, you don't increase the traffic use of that area without addressing the substandard conditions. One of the nuisances that Yuma deals with is that Beulah Drive does not have a turnaround at the end, and many private vehicles, as well as City-owned fire trucks, etc., use the wide spot in his driveway for a turnaround. Yuma requested these issues be addressed, because it is stated that Reed's primary access would be off of Beulah, and for these reasons he objects.

Meyer called Charles Becherer of 19 NE Spyglass Drive. Becherer stated he was not notified, and his major objection was traffic on Beulah. He was concerned with the possibility that this lot may provide access from Beulah to the rest of Rocky Ridge. Meyer stated the approved Rocky Ridge PUD does not show access coming down through Beulah Drive, and if that were to happen, that would require another Major Amendment.

Meyer called Sandra Rhem. Rhem was not present.

Meyer called Isabel Stocks. Stocks was not present.

Donald Kitzman spoke again and stated he does have a copy of his easement at home and knows that between 300, 5700, and 200 there is an existing recorded easement. These easements are for Kitzman, Aaron Yuma, and Linda Fisher.

Meyer gave Gary Reed the opportunity to respond. Reed stated he had nothing to add unless there were questions. Baker stated he had a couple of questions. Reed came forward to address the questions. Baker stated he read in the staff report and there had been a lot discussion tonight regarding access from Beulah and easements. Baker stated in the staff report it also talks about the need for an easement or mentions the possibility of access from Cambrian Court. Reed stated he has no plans to have an access or easement there; it is too steep and impractical. Weckerle asked Reed if the Common Area was ever defined in the PUD as to what it was to be dedicated to, was it open space or a community building. Reed stated there was to be some common property on which a shelter was to be built, and that was indicated in the original approval process. Reed stated this parcel was never addressed, and he thinks it was included by mistake. Reed stated it should have been left as a remnant. Reed said the parcel is not part of the PUD now and Rocky Ridge Venture has title to it, and he did not plan to dedicate it to the Community Association. Weckerle stated he was confused and asked Reed if Common Area IV was part of the original PUD. Reed stated it was included in the boundary. Weckerle said, "So it is part of the PUD?" Reed said he supposed it was included under the PUD approval, but it was never dedicated to the association. Meyer stated this might be another issue, and Reed agreed.

Public hearing closed at 8:28 p.m.

Allen asked if there was a process in which to remove open space from a PUD in lieu of amending the PUD. Stephens stated none that he was aware of; this was a

change of use of a parcel within the PUD and that constitutes a Major Amendment under LUDO. Huff stated no.

Baker asked when the lot was created was it done as part of the PUD. He stated what he was getting at was that in LUDO access is required to lots when they are subdivided or partitioned. Baker asked if access was not provided because this was to be an open space. Stephens stated this was part of the approved plat for Phase I, and it was designated as open space, so access would not be an issue in that consideration.

Brooks stated he opposed the change because the lot was proposed as open space. The fact that it juts out from the PUD is very obvious on the map that was there, and if they did not address it then, he considered it just poor business practices, and that is something they just have to live with. It was designed as open space; it was debated as open space. He felt waiting a few years after the decision was made and trying to undo it is not proper.

Baker stated that in the LUDO when you subdivide property, you need to abut a street, and when you abut a street it is okay to divide that property as long as access is provided for an easement and that easement has been recorded. At this time, he stated he did not see any instrument or anything presented that indicates that access to this parcel has been recorded. He stated letters have also been presented, and they have heard testimony about emergency access to the property. He stated he did not want to permit development to occur where we are requiring city vehicles and others to have to turn around on other people's property. Baker said he was inclined to deny the request.

Webb stated he was reluctant to restrict anybody from being able to have some sort of common sense usage of the parcel. He stated he had a difficult time denying that.

Horn stated he agrees with what some of the other members of the Commission said. He felt the issue was that the common area did provide a buffer space for the people on Steele Court, and that was probably pretty significant in the fact that they did not remonstrate in the original PUD. He stated Mr. John was probably right and you would have to open up the whole thing, and that is not going to happen.

Brooks made a motion to recommend the Commission deny AMD-02-1. Horn seconded the motion. Webb voted nay. All others voted aye. Motion carried.

Meyer asked Stephens if there would be a written decision document at the next meeting. The next meeting is scheduled for May 20, 2002.

VI. BUSINESS FROM THE GENERAL PUBLIC - None.

VII. BUSINESS FROM THE STAFF - None.

VIII. BUSINESS FROM THE COMMISSION - Horn questioned staff on the excavation situation on the last issue addressed at this meeting and asked staff what their policy would be. Stephens stated on the lot Rice was referring to there is a stop work order, and he was not sure where staff was in the process of reviewing the grading permit for that. On the site that was subject to this land use action, staff would evaluate as to whether further investigation of the complaints about the vegetation removal is needed and how to respond to that. Huff stated it becomes a compliance and enforcement issue, and it could end up in Municipal Court. Huff said that as far as the City is concerned it is an issue of enforcing previously approved requirements that he has failed to comply with. The original PUD had a requirement that the trees not be cut without prior approval. Before doing anything, a plan is to be submitted that included the grading, the vegetation removal, the stabilization, the replanting of areas that were cleared, and erosion control not only at the curb, but also on adjoining properties. Stephens stated not only in a PUD, but also in a geologic hazard area.

IX. ADJOURNMENT - Meeting adjourned at 8:50 p.m.

VICKI TOWER, SECRETARY
COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT 13

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROSEBURG

IN THE MATTER of the application)	
of GARY REED, AGENT FOR)	FINDINGS OF FACT
ROCKY RIDGE VENTURE LLC.,)	AND DECISION
to amend the approved development)	
plan of PUD-98-1 by changing a lot)	Amendment to
from open space to a building parcel.)	PUD-98-1/AMD-02-1
The parcel is identified as Common)	
Area IV on the approved plan and is)	
located to the northwest of the)	
northern terminus of NE Beulah)	
Drive right-of-way.)	

1. This matter came before the Planning Commission on May 6, 2002.
2. Notice of the hearing was provided to all property owners within 300 feet of the subject property.
3. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, as originally adopted on July 1, 1982, and re-adopted in Ordinance No. 2980 on December 9, 1996 and of the Roseburg Land Use and Development Ordinance No. 2363, as originally adopted on June 28, 1982, and re-adopted in Ordinance No. 2981 on December 9, 1996, as both have been amended from time to time.
4. The Planning Commission takes official notice of the following persons as having party status:

Charles Becherer	19 NE Spyglass Drive
Lane and Maria Burzynski	1781 NE Beulah Drive
Scott and Johanna Fray	1223 NE Steele Court
Doug John	1222 NE Steele Court
Donald and Elizabeth Kitzman	1780 NE Beulah Drive
Sandra J. Rehm	20 NE Spyglass Drive
Virginia Lee Rice	1 NE Spyglass Drive
Isabel D. Stocks	6 NE Spyglass Drive

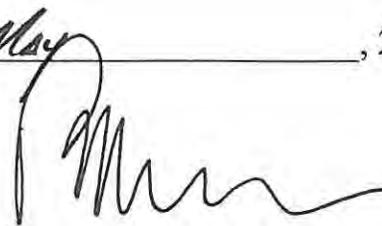
5. The Applicant, Gary Reed, Agent for Rocky Ridge Venture LLC requested an amendment to the plan for PUD-98-1 (Rocky Ridge Planned Unit Development). The Applicant seeks to change the status of the .77 acre parcel that is designated as Common Area IV on the approved plan for Rocky Ridge PUD Phase 1 (PUD-98-1) from open space to a building lot. The open space meets the definition of Private Open Space under Land Use and Development Ordinance (LUDO) 5.100 in that within the PUD it is accessible only to the adjacent Lot 2.
6. The Commission considered the February 2, 1999 decision of the Planning Commission for PUD-98-1 pursuant to LUDO Section 5.550. The proposed change of use to the subject property qualifies as a Major Amendment to the PUD under subsections 1.a. and b. of that section.
7. The Commission considered the recommendations with the Staff Report and comments from the Applicant and Parties to the application.
8. The Commission considered standards for access to the public right-of-way and lot frontage requirements within LUDO Chapter 4 and the following applicable PUD preliminary development plan criteria within Section 5.200:
 - a. The proposed P.U.D. is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose set forth in Section 5.250 to 5.350 of this Chapter.
 - b. The preliminary development plan meets the development standards of Section 5.250 to 5.350 of this Chapter.
 - c. If the preliminary development plan provides for phased development, pursuant to Section 5.300 of this Chapter, that each phase meets the standards of Section 5.300(3), and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
 - d. Exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 4 of this Ordinance are warranted by amenities and other design features of the P.U.D. furthering the purpose of Section 5.000.

- e. Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section 5.250 to 5.350, to further the purposes of Section 5.000, or to comply with the Comprehensive Plan.
9. The Commission finds that the proposed development of the subject property does not meet the access requirements described in LUDO Chapter 4, Section 4.100.b. The subject property does not have direct access to a public street or road or an easement that satisfies the criteria of LUDO.
 10. The Commission finds that the proposed development of the subject property does not meet the criteria for frontage specified in LUDO Chapter 4, Section 4.300. The subject property does not have the required 60 feet of frontage on a public street. Neither an exception to PUD frontage requirements was requested as provided for in subsection 1.b. or was a Variance requested as provided for in LUDO Article 40.
 11. The Commission finds that the factors that are applied during the consideration of a PUD as specified in Section 5.050.c. are relevant to the consideration of this Major Amendment in that they include: (1) *Screening and buffering of sight, access, noise, light, vibration, etc., from neighboring properties, uses and rights-of-way.* The Commission finds that the proposed conversion of the lot designated as Common Area IV from Private Open Space to a building lot would have a detrimental impact to neighboring properties in terms of these factors.

DECISION

Based on the evidence and testimony and the foregoing findings, the Planning Commission **DENIES** the requested Major Amendment to the Rocky Ridge Planned Unit Development AMD-02-1/PUD-98-1.

DATED THIS 20th DAY OF May, 2002.



PAUL MEYER, CHAIRMAN
Planning Commission



DAN HUFF, DIRECTOR
Community Development Director

Planning Commission Members:

Paul Meyer
Paul Allen - **Absent, non-participating**
Michael Baker
Larry Brooks
Ric Webb - **Absent, non-participating**
Dallas Horn
Richard Weckerle - **Absent, non-participating**

EXHIBIT 14

MINUTES ROSEBURG PLANNING COMMISSION REGULAR MEETING December 7, 1998

The regular meeting of the Roseburg Planning Commission was called to order by Chairman Deane at 7:10 p.m. in the City of Roseburg Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

Commissioners present: Chairman Deane and Commissioners Weckerle, Webb, Brooks and Horn

Commissioners absent: Commissioner Meyer, Rich

Staff present: Community Development Director Dan Huff, City Attorney Bruce Coalwell, Principal Planner Ernie Luna, and Community Development Secretary Sandy Cook

Others present: Monte Muirhead of KPIC, John Sowell of the News Review, Mike Baker of ODOT, and Councillor Verna Ward

Deane reminded everyone that the Commission had adopted a policy to end meetings at 10:00 pm.

III. ADOPTION OF MINUTES

A. **Regular Meeting of November 30, 1998**

Weckerle made a motion to approve the minutes as drafted; Horn seconded. The motion passed unanimously.

IV. PUBLIC HEARINGS

A. **CPA-98-6/ZC-98-6, Jack & Tami Trowbridge**

Deane asked for objections to waiving the reading of the public hearing procedures and there were none. Deane then opened the public hearing. Huff stated that there were no requests for party status and then he gave the Staff Report. The request is from Jack & Tami Trowbridge to change the property from Industrial to Low Density Residential. The applicant has indicated their intent to partition this parcel off from the larger parcel upon approval of this CPA/ZC. Staff has reviewed the applicable criteria and feels they have been met. Development of single family would be more compatible with the surrounding residential area to the north. Huff advised that the applicant would be responsible for upgrading or extending any necessary utilities. Staff recommends approval of this request with one condition. There was some discussion about extension of Emerald Drive if necessary.

Ron Schofield spoke to the commission as the representative for the applicant, Jack Trowbridge. The applicant agrees with Staff's report and recommended condition and was available for questions. Deane noted that approving this request to residential would make the property surrounded on three sides by

industrial or commercial properties. This could create some concern regarding screening the residential use. Schofield stated that the applicant was attempting to reduce the potential conflict between this parcel and the adjacent industrial uses in part by developing this portion on the terraced part only. This will separate the residential use from the industrial/commercial uses with a natural buffer. The applicant intends to construct a fence along the west and south property lines as a safety measure because of the potential liability. Weckerle expressed concern about the existing industrial zones around this property being required to provide buffering with the residential use when they did not have to as industrial. Schofield suggested this parcel would actually be more beneficial to the residential uses to the north as an assurance that the property does not develop industrially that close to the existing developments. The Commission was assured that the applicants, and the adjacent property owners are aware that buffering would be required between the residential and commercial uses.

Deane closed the public hearing and asked for further discussion or questions. Weckerle requested a change in the wording of the condition – “That the applicant’s file a partition plat with the City for the subject property which is in substantial conformance with Applicant’s Exhibits B and C within 30 days following the City’s final action on this matter.” ***Brooks made a motion to recommend approval of the CPA/ZC to the City Council with the recommended condition as modified. Weckerle seconded, the motion passed unanimously.***

B. PUD-98-1, Rocky Ridge

Deane asked for any declarations from the Commission. Weckerle declared that he is the President of the Homeowners Association for the condominiums and his family owns property ~~north~~ west of this proposed development. Brooks declared he works with the Geo-Tech Engineer, Karl Broda, but they have not talked about this project. Both Commissioners felt they would not be affected in their decision making. Deane then read the public hearing procedures and opened the public hearing.

Deane asked for the names of those requesting party status and Luna read from the names identified in the Staff Report. Luna distributed a letter received from Noel Groshong of 1741 NE Beulah Dr. that was received after the deadline requesting party status. Deane asked if the applicant had any objections to granting party status to those people outside the 300’ boundary. Reed asked to let the Commission make the decision and Coalwell advised that the applicant had not objected in previous hearings. In the past, most of the parties had a representative to speak for them and that appears to be the case this time as well. After some discussion, Reed stated he had no objections to granting party status noting that his property does not connect with the Cloverdale property. Deane asked if there were others who wished to request party status. After much discussion it was determined that Gayle Rosellini had authorization to

represent the following people who requested party status – Don Federighi, 1469 NE Brooklyn; Jesse Schum, 1668 NE Taylor; Andy Nelson, 1670 NE Winter; Dorothy Shipley, 1868 NE Todd; and Rebecca Monroe, 1645 NE Todd. There were no objections from Reed to grant party status.

Luna gave the Staff Report noting this is a new application. The applicant has proposed some modifications to his original proposal. Rocky Ridge Drive is proposed to be a public street and the remaining streets will be private. Luna reviewed the applicable policies and the proposed Staff conditions of approval. Staff has modified the original forty-three conditions by combining and clarifying them thereby reducing the amount to thirty-one.

Applicant, Gary Reed of 243 Ridgecrest Dr., Roseburg, spoke to the commission stating that he had been unable to get the water tank situation resolved soon enough to begin or complete infrastructure work. The original application had received an extension but another one would not have been permitted. Reed explained that the public street is necessary to connect the water reservoir to the lower portion of the property and to the Rose Mountain Subdivision. This will also reduce through traffic through the Rocky Ridge PUD. Reed provided history of this project. The current proposal includes no parking on either side, and sidewalks on one side only of the 30'-34' roadway (from curb to curb). These changes will make it easier to align and preserve more of the natural area adjacent to the roadway.

Deane asked for questions of the applicant. Deane expressed concern about only one access for these 267 homes and asked for consideration of an upper access point for other than emergency access only. Reed advised that access to the south was difficult and they did not want that for this type of development. Reed felt the proposed access was sufficient and the impact would be minimal. Deane was concerned about emergency vehicle access. Reed did agree that a southern emergency access connection might be feasible. Webb suggested consideration of access to Fulton, but it is unknown if or when Fulton was expected to be upgraded. Deane expressed concern about the cul-de-sac in Phase 1 and that it appeared to be disconnected from the rest of the development. Deane suggested developing to city street standards and Reed thought a Variance would be necessary.

BREAK 8:30 – 8:40 PM

Deane asked for parties in favor and there were none. Deane then asked for parties opposed to the proposal. Gayle Rosellini of 1530 NE Morris spoke to the Commission as the representative for the Cloverdale Neighborhood. Rosellini stated that her representation would not preclude those parties who wish to speak the opportunity to do so. Rosellini supported Deane's assessment of the suggestion for an additional access point. She had spoken to representatives of the Oregon Department of Transportation regarding the previous application and

it was suggested at that time that a second access be considered. Rosellini would support a second access if some connectivity could be found.

The neighborhood concurs with the staff recommendations and congratulated Staff on a well done report. These conditions are more concise and they do address the concerns. Rosellini submitted Opponent's Exhibit #1 with requested additional conditions. Rosellini suggested a change to Condition #27 deleting Phase 2 from the condition as an option – "That development of the Community Area shall occur with Phase 1-~~or 2~~-development."

Rosellini suggested that this proposal is not in fact a PUD as defined in LUDO because it is not consistent with the definition of PUD Section 5.200.3(d). This development does not have the amenities or design features called for in Section 5.000 that allow for a PUD to be constructed with substandard improvements. The applicant identifies sewer access roads as a trail system that is misleading and unacceptable. The applicant labels geologically unstable and unbuildable areas as "open spaces". The master plan indicates "Community Areas" that are no more than a picnic area with a shelter. The previous application included a clubhouse that would be more applicable. The people buying into this development will be maintaining the private roads and they need good amenities to make it worthwhile. Rosellini suggested that other PUD's in the city have had continuous problems and have asked the City to take over the street maintenance. City taxpayers should not be burdened with paying for the costs of repairing and maintaining substandard services and the lack of amenities to keep the homeowners satisfied. Rosellini suggested that this PUD lacks the amenities and design features to be considered a valid PUD. It also lacks the essential services to be a standard subdivision.

The Neighborhood would be willing to withdraw the objection to the application if the four conditions they have suggested were to be included as conditions along with the requested change to Condition #27. The change to Condition #27 is to remove the applicants ability to provide the Community Area during Phase 2. Rosellini believes the Community Area should be constructed in Phase 1. The Neighborhood does not believe the applicant is capable of obtaining approvals in a timely manner. There is nothing that allows for additional extensions over the six years allowed for the three phased development. It has been two years since the original approval and Reed was unable to ~~much of the road completed~~ to complete the road. Rosellini submitted pictures (Opponents Exhibits #2-7) of the property and the beginning work that has been done. The work that has already been down is unsightly from the Cloverdale Neighborhood and may cause additional drainage problems as well. Rosellini had talked with DEQ regarding the sedimentation ponds and was told they are inadequate and have created excessive silt. With the help of a member of the audience she identified the existing creek that runs through the proposed development property. Rosellini described additional concerns about the work that has been done and the work

that has not been done on this property that has created problems for the neighborhood.

Rosellini then reviewed the Neighborhood's four additionally requested conditions. Condition #32 is an effort to clean up the grading problems that have been created by the work that was started. Condition #33 clarifies the requirement of a professional registered engineer. Condition #34 is an effort to identify the proper authority to inspect and approve the work. Rosellini feels that Reed's past record indicates he will be unable to do the entire three phases of this project in the next six years. This will give him a chance to clean up the problems that he had already created. Condition #35 is an emphasis on the right-of-way situation and an effort to provide a better view for the neighborhood. The neighborhood would have requested outright denial of the project, but if the Commission would include the additionally requested conditions, they would be willing to withdraw the request for denial.

Upon questioning, Rosellini agreed that consolidating the conditions would be acceptable. Deane asked for clarification of the request for approved street trees in the right-of-way. Rosellini said that the trees would provide a buffer between the development and the neighborhood. The right-of-way would be city owned property and is proposed only for a portion of the roadway. Weckerle suggested a more flexibly written condition and Rosellini said the intent is to provide a visual and noise buffer between the properties. Deane asked for clarification on the amenities and asked if there were any suggestions. After some discussion, Rosellini felt a park similar to the Laurelwood Park would be a wonderful trade-off for the requested reduction in street widths. Rosellini did note that the developer should determine the type of community area. The neighborhood requested the community area be included in the first phase as a way to insure it is completed. Deane pointed out that the developers plan included the community area within the boundaries of Phase 2 and would therefore not have access to it if it were completed in Phase 1 because it is not a part of that phase. Upon questioning, Huff stated that if there is going to be an engineer's stamp on plans, they must be registered in the State of Oregon.

Deane asked for additional testimony. Carolee Blatter of 1258 NE Lincoln expressed concern about additional traffic on Lincoln Street. Blatter noted that with an additional 277 homes and each home having two vehicles and travelling twice a day, there would be a minimum of 1080+ vehicles daily on Lincoln Street. An additional access point would be very beneficial.

Don Gingery of 945 Brooklyn expressed concern about the change of the location of the street creating problems with drainage on Brooklyn. After some discussion, it was suggested that Gingery talk with the City Public Works Director Chris Berquist for further clarification. Those facilities that are undersized will need to be improved to meet the necessary requirements.

Richard Scrafford of 1117 NE Brooklyn expressed concern about who would pay the costs and if the City pays the tax payers are paying that fee. Huff advised that the City does have SDC fees to cover some of those improvement costs for the areas affected such as within the Cloverdale Neighborhood and added that the Planning Commission is not the commission that determines who pays for certain infrastructure improvements.

There were no additional requests to speak in opposition to the proposal. It was the decision of the Commission to continue the hearing to a date certain and begin with the applicant's rebuttal. ***Brooks made a motion to set a date of January 4 at 7:00 pm in the City of Roseburg Council Chambers. Weckerle seconded; the motion passed unanimously.***

- C. **S-96-3/MAJ-98-2, Rose Mountain** – This item was not addressed because of the time the previous hearing took.

- V. BUSINESS FROM STAFF – none
- VI. BUSINESS FROM THE GENERAL PUBLIC – none
- VII. BUSINESS FROM THE COMMISSION
- VIII. ADJOURNMENT - The meeting adjourned at 10:02 p.m.

SANDY COOK, SECRETARY
Community Development Department

MINUTES
ROSEBURG PLANNING COMMISSION REGULAR MEETING
January 4, 1999

The regular meeting of the Roseburg Planning Commission was called to order by Chairman Deane at 7:00 p.m. in the City of Roseburg Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

Commissioners present: Chairman Deane and Commissioners Weckerle, Webb, Brooks and Horn

Commissioners absent: Commissioner Meyer

Staff present: Community Development Director Dan Huff, City Attorney Bruce Coalwell, Principal Planner Ernie Luna, and Community Development Secretary Sandy Cook

Others present: Monte Muirhead of KPIC, John Sowell of the News Review and Councillor Verna Ward

III. ADOPTION OF MINUTES

A. **Regular Meeting of December 7, 1998**

Weckerle requested a correction on page 2 "...and his family owns property north west of this proposed development." Weckerle also requested a correction on page 4 "...Reed was unable to much of the road completed to complete the road." *Weckerle made a motion to approve the minutes as corrected; Webb seconded. The motion passed unanimously.*

IV. PUBLIC HEARINGS

A. **PUD-98-1, Rocky Ridge**

Deane advised that the previous hearing ended after initial testimony and would therefore begin with Rebuttal. Deane re-opened the public hearing. Gary Reed, Applicant submitted "Applicant's Exhibit A – Response to Opposition" and reviewed his responses. Regarding the request for a connection to Diamond Lake Blvd., Reed advised that they had done extensive market research and a connection did not justify the investment. Reed cited an example of a similar area in Northwest Roseburg on Kline Street that has only the one street connection with many residential units accessing it. In regards to the request to include the Community area in Phase 1, Reed advised the proposed area is not within or adjacent to Phase 1. Reed believes the facilities would not be necessary until the development is in its final phase. Extensive market research indicates potential customers do not desire increased community facilities with the increased cost associated with those facilities. Reed denied that the project had run out of money, but instead chose not to continue spending money on the project. All bills have been paid and are current. There was an indication that this project was a "grading disaster". Reed stated there has not been any construction since November of 1997 and the area has been regularly inspected since that time. It was most recently inspected last week and the

results are not yet ready. Reed noted that the Opponents had requested street trees but much of the area will be blocked by buildings on the site.

Questions followed. Reed advised that two siltation basins had been designed, engineered, approved by the City and then constructed on the site. The engineer had recommended no water bars or mulching. Brooks noted that approval of the project had included a requirement that the berm be landscaped and that did not appear to have been done. Reed advised that it has natural grass and the berm is not on his property, but an adjoining property. The berm was created by the overburden from the driveway construction. Huff noted that the requirement for landscaping was a condition of approval for the Partition and not the PUD. It involves an agreement between Reed and the adjoining landowner. That partition has never been finalized and recorded at the County Surveyor's. The adjoining property is being sold and Staff understands that the new owners will want that berm removed or distributed over the site.

There was discussion about the possibility of a connection to Diamond Lake Blvd. Weckerle suggested a second access into the development to be used for emergency vehicle access. Reed did not want a second access into the development from the south. Deane expressed concern about additional access for residences as well. Just because the site Reed mentioned on Kline Street had only the one access doesn't make sound planning practice and that area was inherited by the City from the County.

Deane asked if Reed had considered another location for the Community Area in Phase 1. Reed stated that he had planned on locating the Community Area in a centralized location for the entire development rather than central for Phase 1 or 2 residents. Reed suggested additional amenities would include – larger development lots, natural areas, reduced street widths and privacy in addition to a proposed Community Area. Weckerle suggested modifying the boundary of Phase 1 to include the Community Area currently planned for Phase 2 and Reed agreed that was a viable option. Reed said he envisions each Phase having its own Homeowners Association and then one master Association for all three phases. The hiking trails will be constructed with each phase. Upon questioning, Reed advised he expects the houses in this development to be upwards from \$200,000 with some of the smaller lots or locations less.

There were no Proponents who wished to speak. Upon a request for Rebuttal from Opponents, Gayle Rosellini spoke to the Commission. Rosellini is spokesperson for the Cloverdale Neighborhood, but reserves the right for those identified as parties the right to speak for themselves as well. In regards to the additional connection to Diamond Lake Blvd., Rosellini stated that the Neighborhood would be agreeable to a connection if the Commission would see fit to recommend it. Rosellini said the Neighborhood had originally requested denial of this request because they believed it did not meet the standards of LUDO. By including the Community Area in Phase 1 it might bring the

development up to the standards of LUDO and then if the project never proceeds further than Phase 1 then a Community Area is in place. Rosellini noted that the new Mayor had received many calls from people in the Warewood PUD requesting that the City sand their roads during the recent freeze. These streets are not maintained by the City, but by the Homeowners Association and people just don't understand. Amenities are supposed to make up for those services. Rosellini did not have a concern about the type of community area, stating that a picnic area would be just as important as a larger facility.

In response to the concern about the development running out of money, Rosellini noted that the City Council was prepared to assist with the placement of a water tank in this area and Reed failed to meet the requirements of the Council before time to award the bid.

In regards to the comment about the work being a "grading disaster", Rosellini submitted "Opponent's Exhibits #8-12" (pictures of land sliding). The City has an agreement with DEQ to require Permit #1200C for work on 5 acres or more. There has been some dispute about which agency is responsible for monitoring the work. Rosellini wants this project to be in compliance with this permitting and monitored regularly. DEQ did cite Reed last year for excessive silt.

The neighborhood has had a beautiful view of this hillside over the years and the thought of 200' of roadway without some sort of screening is what has prompted the request for street trees. Rosellini then reviewed her proposed conditions 32, 33 and 34 suggesting they could be included as one condition. The neighborhood is concerned about the hillside sliding and the drainage undermining existing foundations in the neighborhood. The neighborhood wants this grading disaster cleaned up. Deane advised the Planning Commission had recommended approval of an Ordinance for grading to the City Council that should be approved and in place soon. This will give Staff and developers a better understanding of grading requirements. Deane suggested Staff's recommended conditions #3, 4 and 5 appear to address the concerns and say the same thing as the conditions Rosellini has proposed. There was further discussion about the proposed Community Area and amenities. Weckerle suggested incorporating the Community Area into Phase 2 rather than Phase 3 as shown on the plans.

Deane asked for additional Rebuttal comments from the Opponents. Ted Blatter of 1258 NE Lincoln spoke to the commission expressing concern about traffic and encouraging the inclusion of a second access into the development. Blatter felt the development would have the potential to increase traffic at Stephens and Garden Valley to an unacceptable point. Blatter also expressed concern about mud sloughing from the hillside and suggested taking care of that berm at the bottom of hill.

Yolanda Chittum of 1695 NE Todd St. spoke to the Commission with a concern about the hillside sliding and who becomes the responsible party if that occurs.

There has already been some sliding over the years. Huff advised that the property owner/developer is required to meet the requirements of the City's Storm Drainage Master Plan. In addition, the re-written conditions of approval for this project require the developer to do a number of things prior to beginning the work. The conditions apply to the property and not the individual. In other words, for development to occur as this PUD, the conditions apply to whomever does that work within the timeframe allowed.

Gregg Orton of 1421 NE Morris discussed his perception that there was a lack of monitoring in relation to permit 1200C. Orton asked for a guarantee that someone would monitor the work, since he felt there was no on going monitoring.

Andy Nelson of 1670 NE Winter St. is concerned about erosion control. Nelson works in construction and does a lot of foundation repairs. Nelson felt this proposed development would be good for the tax base and the construction industry in the city, but erosion does need to be taken care of properly.

Rebecca Monroe 1645 NE Todd St, suggested a second access into the development for emergency vehicles and especially for wildfires. Huff advised that the Fire Department had reviewed the proposal and submitted comments and recommended conditions.

Deane closed the public hearing and called for discussion. Deane stated that Staff noted in the Staff Report that some existing facilities may be deficient to handle the run-off and Staff has included a condition to address those concerns. Horn advised that much of the concerns are related to engineering issues that are handled by the engineer for the project during construction plan submittal.

The Commission chose to review all the conditions broken down by groups. Conditions #1 – 6 are site development and grading issues – no comments. Conditions #7-11 were okay with a modification to Condition #8. There was some discussion about the berm placed during the road construction that might provide some screening possibilities. Weckerle expressed concern about requiring street trees if they are not necessary for screening. Deane suggested trusting Staff's judgment and writing the condition to allow that flexibility. It was decided to modify Condition #8 as follows: "That Rocky Ridge Drive from Lincoln Street to the north boundary line of the project be built with a variable roadway width of 34' to 30', to include curb, gutter, sidewalk on one side, street trees on the north and west side, street lights, monumentation, with both vertical and horizontal control and mail delivery locations and boxes, subject to Public Works final review and approval."

Deane went on reviewing the conditions. Conditions #12-18 deal with water facilities and there were no changes. Condition #19 is the Fire Department comments and there were no changes. Deane recommended and the commission agreed to modify Condition #20 as follows: "That a final storm

drainage plan, to include downstream storm drainage improvements and mitigation measures for impacts on adjacent land if any, in accordance with the Roseburg Storm Drainage Master Plan, be prepared with each phase construction plans, subject to Public Works final review and approval.” Conditions 21-24 are sanitary sewer requirements. After some discussion, the commission directed Staff to clarify condition #21 and to include a change “That the sanitary sewer lines including improvements requiring connections at undersized locations shall be designed and approved by RUSA and DEQ and mainlines shall be installed, inspected, and tested according to RUSA specifications.”

Conditions #25 and 26 had no changes. Condition #27 deals with the Community Area and discussion followed. There was some concern about requiring the Community Area to be created in an area within Phase 3 as proposed, but being created during Phase 1. This would create an area that would basically be unprotected because there would be no houses in the immediate area, which would provide some security. The Commission chose to leave this condition alone with no changes. Conditions #28 and 29 are the pathway system and there were no changes. Condition #30 is about parking spaces and #31 is about timelines and there were no changes to these conditions.

In regards to the Opponents proposed conditions #32-34, it was decided that Staff Conditions 3, 4 and 5 had addressed these issues adequately so no modification was necessary. Condition #35 had been addressed through modification of Condition #8.

Discussion followed in depth about the suggestion of a second connection into this development. It was decided that the applicant’s engineer would be able to determine the best location for the connection to be open for vehicular traffic as well as emergency vehicle access. Condition #32 was added as follows: “That a minimum of one additional connection to the existing streets to the south of the PUD be included in Phase 3.”

Weckerle made a motion to approve the proposed preliminary plan with conditions as modified and added with some flexibility for Staff modifications. Webb seconded; the motion passed unanimously.

MINUTES
ROSEBURG PLANNING COMMISSION REGULAR MEETING
February 1, 1999

The regular meeting of the Roseburg Planning Commission was called to order by Chairman Deane at 7:02 p.m. in the City of Roseburg Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

Commissioners present: Chairman Deane and Commissioners Weckerle, Webb, Brooks, Meyer and Horn

Commissioners absent: None

Staff present: Community Development Director Dan Huff, Principal Planner Ernie Luna, and Community Development Secretary Christine Morgan

Others present: None

II. ELECTION OF OFFICERS

Horn nominated Bob Deane for Chairman; Weckerle seconded. Horn made a motion to close nominations; Weckerle seconded. Both motions passed unanimously. Weckerle made a motion to nominate Paul Meyer as Vice Chairman; Horn seconded. Horn made a motion to close nominations ; Weckerle seconded. Both motions passed unanimously.

III. ADOPTION OF MINUTES

A. **Regular Meeting of January 4, 1999**

Weckerle made a motion to approve the minutes; Horn seconded. The motion passed unanimously with Meyer abstaining.

IV. FINDINGS OF FACT

A. **PUD-98-1, Rocky Ridge**

Luna presented the Staff Report. Horn expressed he would like a set standard pertaining to fire code for PUD's relating to cul-de-sacs and other road-types. As of now it is strictly done by interpretation by the Fire Chief. *Horn made a motion to approve the Findings of Fact for PUD-98-1; Weckerle seconded. The motion passed unanimously with Meyer abstaining.*

EXHIBIT 15

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROSEBURG

IN THE MATTER OF the application by)
Gary Reed for Planned Unit)
Development approval. Rocky Ridge)
Planned Unit Development located east)
of the N.E. Lincoln Street Extension and)
southeast of N.E. Winter Street. The site)
is designated Low Density Residential)
in the City of Roseburg Comprehensive)
Plan and is zoned R-1-10 (Low Density)
Residential) and R-1-7.5 (Single Family)
Residential with Geologic Hazard Overlay.)

FINDINGS OF FACT AND DECISION

FILE NO. PUD-98-1
ROCKY RIDGE PUD

1. This matter came before the Planning Commission for public hearing on December 7, 1998 and was continued date certain to January 4, 1999 in the Council Chambers of City Hall, Roseburg, Oregon.
2. Notice of the Quasi-Judicial hearing was given by publication in the News Review, a newspaper of general circulation, at least 20 days prior to the date of the hearing. Public notice was mailed to owners of properties within 300 feet of the subject property at least 20 days prior to the date of the hearing.
3. The Planning Commission takes official notice of the Roseburg Urban Area Comprehensive Plan adopted by the City Council in Ordinance No. 2345, effective July 1, 1982, and of the Roseburg Land Use and Development Ordinance No. 2363, effective July 1, 1984, as both may have been amended from time to time. The Planning Commission takes official notice of the records of the Community Development Department.
4. Requests for party status have been received from the following persons:

INSIDE THE 300' NOTICE BOUNDARY:

Eva LaMar	1531 NE Winter St.
Mike Sibley	1541 NE Winter St.
Terrisa Ledford	1551 NE Winter St.
Richard Reed	1550 NE Winter St.
Noel Gershong	1741 NE Beulah Dr.

OUTSIDE THE 300' NOTICE BOUNDARY:

Wendy Thompson	1534 NE Todd St.
Kimberly A. Moore	1544 NE Todd St.
Jim Crowe	1564 NE Todd St.
Gerry Jennie	1565 NE Todd St.
Michael C Dewbe	1575 NE Todd St.
Alice Bishop	1635 NE Todd St.
Agnes Monroe	1645 NE Todd St.
Tom O'Brien	1655 NE Todd St.
Don MacIsac	1181 NE Alameda Ave.
Ethel Croft	1644 NE Todd St.
Elizabeth Cerney	1624 NE Todd St.
Donald Gingery	945 NE Brooklyn Ave.
Kenneth Bly	1040 NE Brooklyn Ave.
Hugh Jones	1562 NE Hollis St.
Gayle Rosellini & Mark Worden	1530 NE Morris St.
Verna Ward	1615 NE Todd St.
Robert Triplett	1360 NE Brooklyn Ave.
Richard Scrafford	1179 NE Brooklyn Ave.
Gregg Dewater	1059 NE Brooklyn Ave.
Esmond & Lula Smith	1561 NE Morris St.
Bob & Char Ball	1560 NE Morris St.
Doris Steinhauer	1540 NE Morris St.
Mike & Rose	
Marie Hemmila	1369 NE Brooklyn Ave.
Greg Orton	1521 NE Morris St.
Bonnie Fender	1520 NE Morris St.
Blain & Kelly Middleton	1543 NE Hollis St.
Bill & Cindy Pvau	1523 NE Hollis St.
Kim Schlieff	1139 NE Brooklyn Ave.
Jeremy & Rachael Plumlee	1572 NE Hollis St.
Dennis & Christine Morgan	1553 NE Hollis St.

Irene & Noble Bixby	1531 NE Morris St.
George & Irene Marples	1541 NE Morris St.
Don Federighi	1469 NE Brooklyn
Jesse Schrum	1668 NE Taylor
Andy Nelson	1670 NE Winter
Dorothy Shipley	1868 NE Todd
Rebecca Monroe	1645 NE Todd

The applicant Gary Reed, did not object to those requesting party status.
The applicant addressed the Commission.

Gayle Rosellini, spokesperson for the Cloverdale Neighborhood spoke in opposition to the application and entered the following exhibits into the record:

Opponent's Exhibit 1: Additional conditions requested by Cloverdale Neighborhood as submitted by Gayle Rossellini, Cloverdale Neighborhood Spokesperson.

Opponent's Exhibit 2 – 12: Photographs of runoff, berm, erosion control measures and land slumping.

During rebuttal to the oppositions testimony , the applicant entered the following exhibit into the record:

Applicant's Exhibit 1: Response to oppositions testimony.

During rebuttal to the applicants testimony the following opponents addressed the Commission:

Gayle Rosellini
Ted Blatter
Yolanda Chittum
Gregg Orton
Andy Nelson
Rebecca Monroe

The opposition addressed issues related to project amenities, erosion control, storm drainage, and the need for a secondary access into the project.

5. Gary Reed, applicant, is requesting preliminary development plan approval for the Rocky Ridge Planned Unit Development (PUD) located east of Lincoln Street, north of Arrowhead Avenue and southeast of the southerly terminus of Winter Street and the Cloverdale Neighborhood. The subject PUD was initially approved in September

of 1996 for 277 units on 228 acres. Two amendments with additional conditions have also been approved, however, the approval time period for the project has subsequently expired, so the applicant has refiled a new application for the project (PUD-98-1:Rocky Ridge Planned Unit Development). Previous reports, findings of fact and conditions of approval will serve as the basis for this Staff report. The following is a chronological account of the decisions involving the project:

September 17, 1996: The Planning Commission initially approves the Findings of Fact and Decision for the Rocky Ridge PUD (PUD-96-1) consisting of 277 units on 228 acres. The project map dated April 1996 is the map associated with this approval.

February 5, 1997: The Planning Commission approves the Findings of Fact and Decision for a Major Amendment to the Rocky Ridge PUD (PUD-96-1/MAJ-96-2). This amendment consisted of a request to enlarge Phase 2 and to amend original condition number 4 which read:

4. That the entire length of Rocky Ridge Drive, to the northerly property line of this project be constructed with Phase 1 development.

The approved amended condition read as follows:

4. That the entire length of Rocky Ridge Drive, to the northerly property line of this project be constructed with Phase 2 development.

The Planning Commission also attached eight additional conditions of approval to the original 27 conditions, bringing the total number of conditions to 35. The large Rocky Ridge PUD map dated November 1996 is the map associated with this request.

May 22, 1997: The Community Development Director approves Findings of Fact and Decision for a minor amendment to the Rocky Ridge PUD (AMD-97-1) consisting of a request to realign Rocky Ridge Drive from the Junker Property through the Cleveland property. The Director also attached eight additional conditions of approval to the previous 35 conditions, bringing the total number of conditions to 43.

November 5, 1997: The Community Development Director grants the applicant a one-year extension of the preliminary development plan approval to **September 30, 1998.**

The subject refiled Rocky Ridge PUD application (PUD-98-1) is essentially the same application that has been previously approved, however, the applicant does propose some changes as follows:

- (1) The applicant proposes to eliminate the upper elevation connection of Rocky Ridge Drive between the Rocky Ridge PUD and the Rose Mountain Subdivision and to construct a new connection at a lower elevation. Beginning at Lincoln Street, travelling east towards the PUD, the applicant proposes to construct Rocky Ridge Drive as a 34' wide paved roadway with sidewalk on the south side of the road to a point where it enters the actual Rocky Ridge Project. As it enters the project it would then reduce down to a 30' wide paved roadway with sidewalk on the south side and then eventually connect with the Rose Mountain Subdivision to the north. This section of the road will be a public road. The applicant also proposes to construct a 30' wide private road called Rocky Ridge Road which will serve the upper elevations of the project and then terminate in the vicinity of the 1 Million Gallon reservoir near the northerly property line of the project. All interior roads will be 20' wide paved private roads. The Rocky Ridge Drive/Rocky Ridge Road intersection is depicted in Exhibit 6 attached.

- (2) The applicant also proposes increasing the lot count for Phase 1 from 46 lots to 52 lots and reducing the lot count for Phase 3 from 136 lots to 130 lots. Phase 2-lot count of 55 will remain the same. Once again, the refiled application is for 277 units on 228 acres.

The applicant's statement indicates the developer proposes to begin construction in May of 1999 with installation of underground utilities to occur during the summer of 1999. Road construction for Phase 1 is to begin in the fall of 1999 and lot sales are expected to commence around June 1, 1999. Phases will be scheduled in approximately 40 lot increments and the multiple unit area will be the last to be developed, all within a 10-year time frame. A community area consisting of a shelter, picnic area and parking will be centrally located within the project for use by the residents. A pathway system will be integrated within the open space areas. A Homeowners Association will maintain common areas, private roads, and community structures. Area, lot size, and phase information is as follows:

Single Family Detached:

¼ acre to ½ acre lots	86	Phase 1	52 Units
½ acre to 1 acre lots	95	Phase 2	55 units
greater than 1 acre lots	<u>56</u>	Phase 3	170 units
237 lots on 136.0 acres			

Single Family Attached,
Multi-Family Units 40 units on 4.8 acres

Total Housing Units 277

Single Family Detached	136.0 acres	(60%)
Single Family/Multi-Family Attached	4.8 acres	(2%)
Open Space	70.6 acres	(31%)
Roads	<u>16.6 acres</u>	<u>(7%)</u>
Total	228 acres	(100%)

The subject area is Planned and Zoned Low Density Residential (7-14 du/ac)/Low Density Residential (R-1-10)/Single Family Residential (R-1-7.5) with Geologic Hazard Overlay. The surrounding area is Planned and Zoned as follows:

- North: Low Density Residential (1-6 du/ac); Low Density Residential (R-1-10). The Rose Mountain Subdivision has been approved on this property.
- South: Low Density Residential (1-6 du/ac) and Industrial; Single Family Residential (R-1-6)-Medium Industrial (M-2). This area is developed single family residential within the Casper-Fulton Streets area. Dixon Steel facilities are also located to the south.
- East: County Forest; Farm Forest (FF). The area is undeveloped woodlands under County jurisdiction.
- West: Medium Density Residential (7-14 du/ac) and Low Density Residential (1-6 du/ac); Limited Multi-Family Residential (MR-14), Single Family Residential (R-1-6 and R-1-7.5). The Virginia Heights Subdivision and remainder of the Junker property is to the west as is existing residential development in the Beulah Street area.

Overall density for the project is 1.2 Dwelling units per acre which is below the maximum allowed for the site.

6. CHAPTER 5 PLANNED UNIT DEVELOPMENT (PUD)

Chapter 5 Section 5.200.3 (PUD Preliminary Development Plan Approval) of the Land Use and Development Ordinance states that approving authority shall decide on the P.U.D. preliminary development plan application as provided in Chapter 2 of this Ordinance, and shall approve the preliminary development plan if it finds that the project is consistent with the following requirements set forth in Section 5.200.3 a-e of the Roseburg Land Use and Development Ordinance (LUDO):

- A. *The proposed PUD is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose set forth in Section 5.000(Purpose) of this Chapter.*
- B. *The preliminary development plan meets the development standards of Section 5.520 to 5.350 of this Chapter.*
- C. *If the preliminary development plan provides for phased development, pursuant to Section 5.300 of this Chapter, that each phase meets the standards of Section 5.300(3), and that the applicant has the capability to obtain final development plan approval in the time limits imposed.*
- D. *Exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 4 of this ordinance are warranted by amenities and other design features of the PUD furthering the purpose of Section 5.00.*
- E. *Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section 5.250 to 5.350, to further the purposes of Section 5.000, or to comply with the Comprehensive Plan.*

7. The Planning Commission makes the following findings:

- a. ***The proposed PUD is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose set forth in Section 5.000(Purpose) of this Chapter.***

The applicant states that the land is within city limits, is zoned residential R-1-10 and R-1-7.5. The proposed development is generally consistent with the goals of Section 5.000.

NATURAL RESOURCES

POLICIES

7. *Development practices should avoid grading plans that expose unprotected surfaces from water flows and possible erosion.*
8. *Land form alterations proposed in areas with the following conditions should show that design and construction techniques eliminate public harm, public costs, and adverse effects to surrounding properties:*
 - *Slopes exceeding 13 percent.*
 - *Severe soil erosion potential.*
 - *Land subject to slumping or sliding.*

RESOURCE AREA AND HAZARDOUS AREA DEVELOPMENT

POLICIES

4. *Development in areas identified as geologically hazardous shall be permitted only to the extent the hazard can be mitigated without adversely impacting other properties.*

The site exhibits slopes exceeding 13% and is subject to Geologic Hazard Overlay requirements. A Geo-Technical Evaluation (Broda June, 1996) has been prepared for the project. The main findings of the evaluation indicate that:

- * There is no evidence of active or recent landslides or slumps within the planning area.
- * There is some evidence of soil creep (an imperceptible down-slope movement) in areas with deeper clay soils, and along the lower parts of the hill slopes and draws.

- * The potentially unstable areas are located primarily along lower reaches of the slopes.
- * The highly weathered and fractured bedrock unit directly underlying the soil mantle weathers relatively quickly; soils within the areas are primarily clays with high shrink swell potential.

Additionally, the report states that development recommendations contained within the report are based on limited review and that a more detailed investigation, analysis, and design should be performed when final development plans are prepared. Preliminary recommendations based on this review indicate:

- * Cut Banks in bedrock should be designed no steeper than 3/4H:1V.
- * That clayey soils should not be used for fill material.
- * That fills must be compacted and that proper drainage be provided.
- * That proper surface and subsurface drainage of cuts, fills, and foundations and building lots is essential.
- * That water reservoir tanks will need special geo-technical investigation and design.

Detailed construction plans for each phase will be required prior to any development occurring on the site and Staff would recommend that a Geo-technical Report with recommendations addressing road/water reservoir construction and building lot development be prepared and submitted with construction plans for each phase of development. Furthermore, Staff recommends that a temporary erosion/sedimentation control plan in compliance with Sections 7.0 (Erosion and Sediment Control) and 7.2 (Temporary Erosion/Sedimentation Control Plan) of the Storm Drainage Master Plan and Department of Environmental Quality (DEQ) Permit 1200-C requirements be submitted with construction plans for each phase of development and that said plan be prepared and stamped by a professional engineer registered in the State of Oregon.

TRANSPORTATION

POLICIES

4. *The City will encourage the development of alternate traffic routes, which will reduce traffic volumes.*
6. *The special needs of the transportation disadvantaged shall be considered when developing and implementing transportation improvements.*
7. *The City will continue to develop and refine street standards as necessary, particularly for local streets where site-specific characteristics are most important. Flexibility in the design of local streets shall be encouraged.*
10. *New developments shall include consideration of improvements which would accommodate public transit and other modes.*
11. *The City and County shall jointly reevaluate, revise as appropriate, and adopt the Roseburg Area Bikeway Plan. Such plan shall serve as the basis for guiding development of an urban area bikeway system.*

TRANSPORTATION DEVELOPMENT

POLICIES

1. *When practical, the circulation system shall utilize existing facilities and rights-of-way, and on-street parking shall be removed in preference to widening streets for additional travel lanes.*
2. *The transportation system should be located and constructed to preserve the character of the neighborhoods. The need for landscaping and noise reduction shall be considered in design.*
3. *Transportation facilities shall be designed and constructed to minimize noise, energy consumption, neighborhood disruption, cost, and social, environmental and institutional disruptions, and to encourage the use of public transit, bikeways, and walkways.*

4. *Traffic movement on arterial streets should be facilitated by limiting or controlling access wherever possible.*

As depicted on the project plan map, the primary access into and out of the project will be via Rocky Ridge Drive which will eventually connect with the Rose Mountain Subdivision.. As previously stated the applicant proposes to eliminate the upper elevation connection of Rocky Ridge Drive between the Rocky Ridge PUD and the Rose Mountain Subdivision and to construct a new connection at a lower elevation. Beginning at Lincoln Street, travelling east towards the PUD, the applicant proposes to construct Rocky Ridge Drive as a 34' wide paved roadway with sidewalk on the south side of the road to a point where it enters the actual Rocky Ridge Project. As it enters the project it would then reduce down to a 30' wide paved roadway with sidewalk on the south side and then eventually connect with the Rose Mountain Subdivision at the north property line. This section of the Rocky Ridge Drive will be a public road. The applicant also proposes to construct a 30' wide private " Rocky Ridge Road " which will serve the upper elevations of the project and then terminate in the vicinity of the 1-million gallon reservoir near the northerly property line. The remaining street network will consist of private streets constructed with 20' of pavement within a 30' right-of-way. The Planned Unit Development process allows for a combination of private streets and public streets with varying street standards as proposed, however, the Public Works Department indicates that the City will not be responsible for any construction or maintenance of private roads. Additionally, the developer will be responsible for storm drainage fees assessed for private roads.

Initially, Staff supported the lower elevation connection of Rocky Ridge Drive with the Rose Mountain Subdivision, however, preliminary street grades for this route indicated street grades approaching 22%. Exhibit 6 attached depicts a new design with a street grade approximating 14% which would be more acceptable. The Public Works Department indicates that proposed 30'-34' variable design width of Rocky Ridge Drive, with sidewalk on one side, would be acceptable in this instance because the City does not anticipate allowing on street parking along Rocky Ridge Drive. The City does anticipate requiring sidewalk on the other side of the street as property develops. Staff would note that the project plan map indicates that Rocky Ridge Drive will terminate at the north boundary line of Phase 1 which is approximately 360' to the south of the north property line. In order to facilitate a through connection with the Rose Mountain subdivision at this lower elevation, Staff would recommend that the entire length of Rocky Ridge Drive, to the northerly property line of the project, be constructed with Phase 1 development. Staff also recommends that Rocky Ridge Drive, from Lincoln Street to the north boundary line of the project, be built with a variable roadway width of 30' - 34', to include curb, gutter, sidewalk on one side, street lights, monumentation, with both vertical and horizontal control and mail delivery locations and boxes, subject to Public Works final review and approval.

A traffic impact study (Lancaster, April 1996) has been prepared for the project. The findings from this report indicate the following:

- * That the proposed project will generate approximately 242 site trips during the a.m. peak hour (59 entering and 183 exiting) and 321 trips during the p.m. peak hour (207 entering and 114 exiting).
- * That the intersection of Garden Valley Boulevard at NE Stephens is currently operating at a level of service C (HCM Methodology) and B (SIGCAP Methodology) during the a.m. peak hour and at C (HCM Methodology) and between C and D (SIGCAP Methodology) during the p.m. peak hour. With the addition of site trips from the Rocky Ridge development, level of service will be C (HCM Methodology) and B (SIGCAP Methodology) during the a.m. peak hour and C (HCM Methodology) and D (SIGCAP Methodology) during the p.m. peak hour. With the addition of site trips from the Mount Rose project, level of service will be C (both methodologies) during the a.m. peak hour and between C and D (HCM) and between D and E (SIGCAP) during the p.m. peak hour. Level D is generally considered to be the minimum acceptable level of service for signalized intersections.
- * The unsignalized intersection of Garden Valley Boulevard at Vine Street is currently operating at a level of service A during the a.m. peak hour and between A and B during the p.m. peak hour. With the addition of trips from the Rocky Ridge development, level of service will be between A and B during the a.m. peak hour and B during the p.m. peak hour. With the addition of trips from the Mount Rose project, level of service will be B during the a.m. peak hour and between B and C during the p.m. peak hour. Level E is generally considered to be the minimum acceptable level of service for unsignalized intersections.
- * The future intersection of Lincoln Street at Rocky Ridge Drive is expected to operate at a level of service of between A and B for a.m. and p.m. peak hours with the addition of trips from the Rocky Ridge and Mount Rose projects.
- * A left-turn lane is currently warranted at the intersection of Garden Valley Boulevard and Vine Street in the eastbound direction. A left turn lane will be warranted at the intersection of Rocky Ridge Drive and Lincoln Street with the addition of trips from the Rocky Ridge and Mount Rose projects.

The Garden Valley/NE Stephens intersection is currently operating at a level of service of between C and B during the a.m. peak hour and between C and D during the p.m. peak

hour. With the addition of site trips from the Rocky Ridge development, level of service will be C and B during the a.m. peak hour and D during the p.m. peak hour. The addition of trips from the Mount Rose development will decrease level of service to between D and E during the p.m. peak hour. Level D is generally considered to be the minimum acceptable level of service for signalized intersections. The Public works Department indicates that the improvement of the Garden Valley Boulevard/NE Stephens Street intersection and Vine Street have been planned City projects for a number of years and are identified in the Garden Valley Corridor Study (1992). The Garden Valley/NE Stephens Street intersection will continue to see an increase in traffic as the entire area and region grows. The City will continue to monitor traffic counts at the intersection and coordinate improvements to occur as the area grows. The striping of left turn lanes at the Garden Valley Boulevard/Vine Street and Lincoln Street/Rocky Ridge intersections can occur never the City schedules it and need not be an off-site improvement.

Based on the traffic report prepared for the project, the Planning Commission finds that the Level of Service (LOS) at the intersection of Garden Valley Boulevard and NE Stephens will decrease from C to D with the addition of site trips from the Rocky Ridge PUD. Combined site trips from the Rocky Ridge PUD and the Rose Mountain Subdivision will further decrease the LOS from D to E. Therefore, the Planning Commission recommends that a minimum of one additional connection to the existing streets south of the Rocky Ridge PUD be included with Phase 3 development.

ENERGY CONSERVATION

POLICIES

2. *The City shall incorporate into its land use and ordinance provisions which encourage new development to utilize density and location, in balance with the requirements of other planning policies, in order to reduce the need to travel, increase access to transit, and permit building configurations which increase the efficiency of space heating in residences.*

4. *As an energy conservation measure, the City will encourage the infilling of vacant land.*

The subject property is surrounded by residential development to the south and west and is some of the last remaining infill property within the City Limits and the Urban Growth Boundary.

PUBLIC FACILITIES AND SERVICES

POLICIES

2. *In addition to the physical, economic, energy, and social considerations addressed by other policies in this Plan, the timing and location of urban development within the urban area shall be based upon the current or imminent availability of urban services, particularly public sewer and water.*
3. *In those portions of the urban area where the full range of urban services is not available, capital improvement programming for that area will be developed prior to extension of services intended to facilitate further development of that area.*
7. *Wherever possible, new water distribution lines in the urban area shall be looped for all new developments; and, except for cul-de-sacs, all new water distribution lines shall be a minimum of six inches in diameter. The size of any new main is to be based on planned density and type of use designated in the Comprehensive Plan.*
8. *All new residential plans, industrial and commercial development in the urban area shall make provisions for fire hydrants and fire lines where applicable.*
9. *All new developments in the urban area shall have separate storm sewer and sanitary sewer lines. The City shall continue to work toward separation of all storm and sanitary sewer lines in the Roseburg sewer system.*
10. *The availability of adequate sewer service, both in terms of collection and treatment capacity, shall be precondition to a development project.*

The Water Department indicates water service is available to the project contingent upon facilities being provided to serve area above the 610' contour elevation. Staff recommends that water facilities shall be constructed pursuant to City Water Master Plan requirements, and City Water Department and State Health Division rules and regulations.

The Fire Department indicates that development of the site will be subject to the following Uniform Fire Code (UFC) and Uniform Building Code (UBC) requirements:

- * UFC Section 901.3: That hydrants and roads shall be installed prior to combustible construction activities.

- * UFC Section 902.2: That street and driveway access shall not exceed 12% grade for streets and 18% for driveways. Driveway terminations are to be level for parking.
- * UFC Section 903,AP IIIA: That a minimum fire flow of 1500 gpm is required.
- * UFC Section 903,AP IIIB: That a minimum 500' spacing between fire hydrants be provided and that there be no structure greater than 250' from a fire hydrant.
- * UFC APP II-A. Section 16.1 (Fuel Breaks): That a 30' minimum firebreak between house and wild land be provided. UBC APP V Section 16.1 (Wild Fire Hazard Mitigation): That a Class A or B roof be provided.

The Public Works Department indicates that facilities which will receive drainage from the project are currently undersized. Development will require downstream storm drainage improvements in accordance with the Roseburg Storm Drainage Master Plan. Staff recommends that final storm drainage plans, to include mitigation measures for impacts on adjacent land if any, in accordance with the Roseburg Storm Drainage Master Plan, be prepared with each phase construction plans, subject to Public Works final review and approval.

The Roseburg Urban Sanitary Authority indicates that service is available to serve the project, however, some of the lines presented on the plan may be connecting at undersized locations. They also note that for lines out of public right-of-way, standard 20' wide easements with private gravel access roads along main line locations shall be required for maintenance purposes. If road is gated then RUSA will require keys and lockbox to allow for entry. Sanitary sewer lines shall be designed and approved by RUSA and DEQ and mainlines shall be installed, inspected, and tested according to RUSA specifications. The project shall be subject to RUSA's standard connection and permit fee requirements.

HOUSING

POLICIES

1. *New residential development shall be coordinated with the provision of an adequate level of services and facilities.*
4. *Developers of tracts of land shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater*

population densities, and economy of land use, thereby promoting a harmonious variety of uses, a more efficient use of public facilities, and the creation of attractive, healthful, and stable environments for living, shopping, or working. The procedural and substantive requirements for processing an application shall be the minimum necessary to adequately evaluate the proposed development, and shall be coordinated with all other required reviews.

- 10. In order to enhance the living environment in multiple family development, the zoning ordinance shall contain specific standards which insure the adequate provision of open space, landscaping, recreation and play areas, and safe and convenient access. Density bonus techniques should also be considered as a means of inducement to further enhance multiple family developments as safe, healthy, and desirable places in which to live.*
- 12. The Zoning Ordinance shall specify density ranges which are consistent with the density categories established in the Comprehensive Plan.*

Adequate water and sanitary facilities are available to the serve the project contingent upon the developer meeting minimum requirements for service. The project is utilizing the Planned Unit Development concept and is incorporating single family and multi-family/cluster type development within the project. Multi-family development will be subject to the City site plan review process. As previously stated, overall density within the project is 1.2 dwelling units per acre which is below the maximum allowed for the site.

URBANIZATION, LAND USE, AND GROWTH MANAGEMENT (URBAN GROWTH)

POLICIES

- 7. The extension of major facilities, such as interceptors and transmission mains, shall be designed to accommodate expected densities as prescribed on the Land Use Plan Map.*
- 10. New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.*
- 13. New development creates a demand for new facilities and services, and because of widespread public reluctance to accept continual increases in the cost of local*

government, an increased share of the costs of new growth shall be borne by the new growth itself.

Major services and transportation facilities are available to serve the project, however, development of the property will require the extension of major service and road facilities into the project area. The majority or all of the cost for development will be borne by the developer. Maintenance of private roads, open space and common areas will be the responsibility of a Homeowners Association.

RESIDENTIAL DEVELOPMENT

POLICIES

1. *In designating residential densities throughout the urban area, the following shall be considered:*
 - a. *The capacity of land resources, public facilities, and services.*
 - b. *The public and private costs of providing necessary urban facilities and services.*
 - c. *The character of existing neighborhoods.*
 - d. *The need to accommodate increasing population within the Roseburg urban growth boundary.*

Residential uses and neighborhood facilities and services shall be located in relation to each other so as to:

- e. *Provide convenient and safe access.*
 - f. *Encourage the use of all facilities and services by residents.*
 - g. *Avoid nuisances and hazards to residents.*
 - h. *Produce the most efficient and economic land use pattern, and avoid unnecessary duplication of facilities.*
2. *Residential areas shall be protected by zoning ordinance, subdivision ordinance, and other regulations from any land use activity involving excessive level of noise, pollution, traffic volume, nuisances, and hazards to residents.*

The subject property has a Low Density Residential (1-6 du/ac) Comprehensive Plan designation and is zoned single Family residential R-1-7.5 and R-1-10. The proposed density of 1.2 dwelling units per acre is below the maximum allowed for the site. The site is adjacent to existing residential development to the south and west and the site is some of the last remaining large tract vacant residential property within the City Limits and the Urban Growth Boundary. Development of the site is constrained by topography and the natural wooded features of the site. The Planned Unit Development (PUD) concept will allow for more flexibility in design and use of the hillside property. The site is located within a Geologic Hazard Overlay District and a Geo-technical Evaluation with recommendations has been prepared for the site. A traffic impact study with recommendations has also been prepared for the project.

8. The Planning Commission finds that the proposed PUD, with conditions, **IS** consistent with applicable Comprehensive Plan goals, policies, and map designation and the purpose set forth in Section 5.000 of this Chapter and therefore **DOES** satisfy Criteria 5.2000(3)(a).

9. The Planning Commission finds the following:

B. *The preliminary development plan meets the development standards of Section 5.520 to 5.350 of this Chapter.*

The applicant states the following:

Density and Land Use: The parcels proposed for development would permit $936 + 75 = 1011$ units under the existing zoning. The master plan proposes a total of 277 residential units: 237 single family detached units and 40 units of cluster housing. There are no other uses proposed with the exception of the community area/pathway system and reservoir/pumping station sites.

Setbacks: The plan proposes that required front setbacks be reduced to 5 feet along private roads in order to accommodate side-drive attached garages along ridge tops. The reduced setback will allow greater use of the higher more level portion of the lots fronting both sides of the private roads along the ridges. The developer does not want to have this reduced setback become the common standard, but merely wants to accommodate those lot owners who require the increased design flexibility.

Because the proposed development is primarily larger lots, the developer does not contemplate any need for zero lot line development.

Open Space: Private open space is distributed throughout the development and will exist primarily as the natural steeper areas of individual lots. The pathway system and community center will be located on common open space to be maintained by the homeowners associations for the use of the residents. There is no public open space proposed.

Staff recommends that an equal proportion of the common open space and trail system be provided with each phase. Staff also recommends that development of the community area should occur with the development of Phase 1 or 2.

Environmental Design: The developer proposes to conduct a modest pre-grading program for individual home sites following installation of roads and services. This program will help to ensure that individual builders or homeowners make maximum use of the property with minimum negative impact to adjacent properties. A study of existing hillside development in the Roseburg area will reveal that builders often ignore significant grading problems in an effort to start building quickly. Grading problems will continue to impact the improvements and neighbors for the entire life of the property. Staff would support this concept and recommends that a grading plan to include the following provisions be submitted with construction plans for each phase of development:

- a. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control and future development.
- b. That all ground stabilization be maintained and not be allowed to deteriorate.
- c. That removal of vegetation shall not occur more than 30 days prior to grading or construction.
- d. That erosion control and stabilization methods shall be in place prior to and during the entire construction phase.

Storm Drainage: The developer proposes to preserve existing drainage patterns as much as possible to minimize the impact on downstream drainage facilities. The greater the time delay until introducing storm drainage into a pipe system, the less the impact on downstream facilities, and the smaller and more economical the collection facilities can be.

There are no major water courses or creeks traversing the property. Most of the natural drainage is picked up by the swale on Gardiner Street.

Public streets will be developed using standard widths, curb and gutter both sides, and a complete storm water collection system.

Development of the ridge tops using a crowned 20 foot width of pavement will minimize the impact of increased storm flow due to private street development. Rooftop collection and private paving will likely be a more significant source of runoff. The developer proposes that these sources be allowed to run naturally over the private lots to allow as much natural absorption as possible with the remnants, if any, being picked up in a swale alongside the pathway system and carried to specific pickup points. In this way, the storm runoff will have ample time and opportunity to disperse and be absorbed, thus introducing only the excess into the piped system.

Traffic Circulation: All private roads connect to the public road system for access and egress. A separate traffic study is being submitted with this proposal to demonstrate its acceptability.

10. The Planning Commission finds that the preliminary development plan **DOES** meet the development standards of Section 5.520 to 5.350 of this Chapter and therefore **DOES** satisfy Criteria 5.200(3)(b).
11. The Planning Commission finds the following:
 - C. ***If the preliminary development plan provides for phased development, pursuant to Section 5.300 of this Chapter, that each phase meets the standards of Section 5.300(3), and that the applicant has the capability to obtain final development plan approval in the time limits imposed.***

The applicant states that each proposed phase of this development contains a suitable share of the development facilities and the applicant has the capability to obtain final development approval in the time limits imposed. The applicant further states that contingent upon all development approvals, the installation of underground utilities, construction of the water and road facilities could be completed by the fall of 1999. Following phases will be scheduled to satisfy market requirements in approximately 40 lot increments. Multi-family/cluster housing will probably be the last to be developed, all within a ten year time period. This would extend final development of the project to the year 2006.

Staff would note that Section 5.300 (Development Phasing) of the LUDO states that a PUD may be developed in three phases; that each phase shall provide a suitable share of the development facilities and amenities as approved by the approving authority; that the approving authority shall establish time limitations for the approval of final development plans for each phase, except that the first phase must be approved within twelve months of the date of preliminary approval.

Based on the LUDO PUD phasing requirements, Phase 1 Final Development Plans must be approved within 12 months of the date of preliminary approval. Time limits on remaining phases shall be established by the approving authority. Based on the applicants findings that following phases will be developed in 40 lot increments, Staff recommends that Phase 1 Final Development Plans be approved within 12 months after the preliminary approval; that Phase 2 Final Development Plans be approved 12 months after Phase 1 Final Development Plans have been approved and that Phase 3 Final Development Plans be approved 12 months after Phase 2 Final development Plans have been approved. Each phase can be granted a one year extension which would theoretically extend approvals to the year 2004, which is approximately four years less than the anticipated time of full build out.

12. The Planning Commission finds that the preliminary development plan provides for phased development, pursuant to Section 5.300 of this Chapter, that each phase **DOES** meet the standards of Section 5.300(3), and the applicant has the capability to obtain final development plan approval in the time limits imposed and therefore **SATISFIES** Criteria 5.200(3)(c).
13. The Planning Commission finds the following:
 - D. ***Exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 4 of this ordinance are warranted by amenities and other design features of the PUD furthering the purpose of Section 5.00.***

The applicant states that ridge top and hillside development such as that proposed could not be accomplished using normal development standards. The privacy and security objectives could only be accomplished using extensive individual fencing and gate systems that would destroy the natural setting. The space requirements of normal street standards would severely compromise the lot layout proposed and would push building construction into steeper and less desirable portions of the lots crated. Larger streets and curbs and gutters required in standard development, would increase both the amount and intensity of storm runoff and increase the impacts on downstream development.

14. The Planning Commission finds that exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 4 **ARE** warranted by amenities and other design feature of the PUD furthering the purpose of Section 5.00 and therefore **SATISFIES** Criteria 5.200 (3)(d).

15. The Planning Commission finds the following:

- E. *Any conditions or modifications imposed by the approving authority in the preliminary development plan approval are necessary to meet the requirements of Section 5.250 to 5.350, to further the purposes of Section 5.000, or to comply with the Comprehensive Plan.***

The applicant indicates that there are no conditions or modifications to be imposed.

Staff would note that Section 5.050.1.c.(Types of PUD's and General Process of Consideration) of the LUDO state that the consideration process shall culminate in the review and approval of a detailed site plan and formal articulation of conditions and standards of development. Factors to be reviewed by the hearings body include the following:

1. Clustered or compact development with open space protection and enhancement.
2. Dedications of land to public for public recreational facilities.
3. Increased density.
4. Architectural design regulation.
5. Extraordinary landscaping.
6. Amenities and design for the special needs of children, the elderly, the handicapped, or disadvantaged persons.
7. Recreational and cultural amenities.
8. Urban agriculture/silviculture production.
9. Low-cost housing programs.
10. Traffic and parking regulation and provisions.
11. Energy conservation enhancement.
12. Special protection of environmentally sensitive areas and historical and natural resources on-site, and those off-site.
13. Development of uses not normally permitted in the zoning district(s) of the subject property.
14. Structure height, setbacks and lot coverage.
15. Lot area and dimension.

Staff would contend that the needs of the project residents including the handicapped, disadvantaged, seniors and children could be more adequately addressed by improving the connectivity and design of the trail system. Some areas do not appear to have convenient access to the trail system and the proposed crushed rock design, as depicted on the large November 1996 PUD Map, is not conducive to long term pedestrian use. Staff recommends that the trail system be redesigned to facilitate connectivity with Rocky Ridge Drive/ Rocky Ridge Road or function on its own, subject to Parks, Community Development, and Public Works Department final review and approval. Staff also recommends that an acceptable all weather trail surface be utilized, subject to Parks, Community Development, and Public Works Department final review and approval.

A majority of the project will utilize a private street system which will consist of 20' wide paved roads within a 30' wide right-of-way. This will not accommodate on-street parking and Staff would recommend that parking bays be incorporated into the design, subject to Community Development, Fire and Public Works Department final review and approval. As previously stated, development of the site is constrained by topography and the natural wooded features of the site. This coupled with an unpredictable construction season sometimes forces a developer to construct a project in a piecemeal fashion. Development of the Rocky Ridge Planned Unit Development may very well occur in this fashion. In order to accommodate this type of development and still maintain control, Staff would recommend that the following conditions be attached to the approval:

1. That excavation, fill placement, removal of trees or ground cover shall require a Site Development Permit from the Community Development Department if any of the following conditions apply:
 - a. Use of a bulldozer or other mechanical equipment is required
 - b. The volume of fill placement or excavation exceeds 5 cubic yards for every 1000 square feet of land area.
 - c. The proposed excavation will result in clearing 3000 or more square feet.
 - d. The affected area contains all or a portion of a stream, wetland, spring, or other source where continuous presence of water is indicated and which would be disturbed.
 - e. Any portion of a hillside or slope that is 12% or greater or is identified as a Geologic Hazard Area pursuant to Section 3.35.700 (Geologic Hazard Overlay) of the Roseburg Land Use and Development Ordinance (LUDO).
2. That Site Development Permit, if required, shall include the following provisions:
 - a. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control and future development.
 - b. That all ground stabilization be maintained and not be allowed to deteriorate.
 - c. That removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - d. That erosion control and stabilization methods shall be in place prior to and during the entire construction phase.

- e. That a Site Suitability Statement be provided, subject to Community Development Department and Public Works final review and approval
 - f. That no work shall proceed until Site Development Permit is issued.
16. The Planning Commission finds that the conditions or modifications imposed by the approving authority **ARE** necessary to meet the requirements of Section 5.250 to 5.350 to further the purposes of Section 5.000 or to comply with the Comprehensive Plan.

DECISION

Based on evidence and testimony and the foregoing Findings of Fact and Conclusions, the Planning Commission **GRANTS** Preliminary Development Plan approval for PUD-98-1 (Rocky Ridge PUD-277 units: 237 single family lots and 40 single family attached/multi-family units), subject to the following conditions of approval:

1. That a Geo-technical Report with recommendations addressing road/water reservoir construction and building lot development be prepared and submitted with construction plans for each phase of development.
2. That a Temporary Erosion/Sedimentation Control Plan, in compliance with Sections 7.0 (Erosion and Sediment Control) and 7.2 (Temporary Erosion/Sedimentation Control Plan) of the Storm Drainage Master Plan and Department of Environmental Quality (DEQ) Permit 1200-C requirements be submitted with construction plans for each phase of development and that said plan be prepared and stamped by a professional engineer registered in the State of Oregon.
3. That a grading plan to include the following provisions be required with each phase construction plans:
 - a. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control and future development.
 - b. That all ground stabilization be maintained and not be allowed to deteriorate.
 - c. That removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - d. That erosion control and stabilization methods shall be in place prior to and during the entire construction phase.
 - e. Stamp by a professional engineer registered in the State of Oregon.

4. That excavation, fill placement, removal of trees or ground cover shall require a Site Development Permit from the Community Development Department if any of the following conditions apply:
 - a. Use of a bulldozer or other mechanical equipment is required
 - b. The volume of fill placement or excavation exceeds 5 cubic yards for every 1000 square feet of land area.
 - c. The proposed excavation will result in clearing 3000 or more square feet.
 - d. The affected area contains all or a portion of a stream, wetland, spring, or other source where continuous presence of water is indicated and which would be disturbed.
 - e. Any portion of a hillside or slope that is 12% or greater or is identified as a Geologic Hazard Area pursuant to Section 3.35.700 (Geologic Hazard Overlay) of the Roseburg Land Use and Development Ordinance (LUDO).
5. That Site Development Permit, if required, shall include the following provisions:
 - a. Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control and future development.
 - b. That all ground stabilization be maintained and not be allowed to deteriorate.
 - c. That removal of vegetation shall not occur more than 30 days prior to grading or construction.
 - d. That erosion control and stabilization methods shall be in place prior to and during the entire construction phase.
 - e. That a Site Suitability Statement be provided, subject to Community Development Department and Public Works final review and approval
 - f. That no work shall proceed until Site Development Permit is issued.
6. During construction, construction machinery shall abide by the rules and regulations within the Roseburg Municipal Code regarding noise and nuisance prohibition.
7. That the entire length of Rocky Ridge Drive, to the northerly property line of this project, be constructed with Phase 1 development.
8. That Rocky Ridge Drive from Lincoln Street to the north boundary line of the project be built with a variable roadway width of 34' to 30', to include curb, gutter, sidewalk on one side, street trees on the north and west sides, street lights, monumentation, with both vertical and horizontal control and mail delivery locations and boxes, subject to Public Works final review and approval.
9. That the developer shall be responsible for storm drainage fees assessed for private roads.

10. That a one (1) foot street plug, dedicated to the City of Roseburg, be provided at the end of Rocky Ridge Drive at the time of final plat approval.
11. That street barricades be installed at the end of Rocky Ridge Drive at the time of construction.
12. That water facilities shall be constructed pursuant to City Water Master Plan requirements, and City Water Department and State Health Division rules and regulations. That all water line construction plans shall be prepared by an engineer registered in Oregon and approved by the Water Department prior to construction.
13. That all water mains shall be sized to furnish the required flow (domestic and fire) for the proposed and future service area.
14. That all water lines shall be constructed within street right-of-way if possible. All water mains outside these areas shall be in an acceptable easement with all weather access road for maintenance, replacement or other work as may be required, subject Water Department final review and approval.
15. That construction plans shall provide proposed water mains and sizes, looping of mains, mains for service to different pressure zones (pressures for service shall stay within the limits as required), provision for system tie-in with existing water system (per Water System Master Plan), reservoirs and pump stations.
16. That water system construction plans shall note, show or call out details for tie-ins, fire hydrants, blow off assemblies, and other items as required to make a complete and accurate plan of the proposed work. Complete construction plans shall be submitted for the reservoir(s) and pump station(s) as required by the Water Department.
17. That all water mains outside the public right of way shall be ductile iron pipe and shall be in an approved easement, minimum 15' wide with water line centered within the easement. That all water line easements shall be approved by the Water Department prior to signing and recording.
18. That all required items (engineers certification, affidavit, warranty letter, as-built plans on reproducible mylar, easements, etc.) shall be complete prior to water service being allowed.
19. That project shall comply with Uniform Fire Code (UFC) and Uniform Building Code (UBC) requirements including but not limited to the following:

UFC Section 901.3: That hydrants and roads shall be installed prior to combustible construction activities.

UFC Section 902.2: That street access shall not exceed 18% grade for streets and 12% for driveways. Driveway terminations are to be level for parking.

UFC Section 903, AP III-A: That a minimum fire flow of 1500 gpm is required.

UFC Section 903, AP III-B: That a maximum 500' spacing between fire hydrants be provided and that there be no structure greater than 250' from a fire hydrant

UFC APP II-A. Section 16.1 (Fuel Breaks): That a 30' minimum firebreak between house and wild land be provided. UBC APP V Section 16.1 (Wild Fire Hazard Mitigation): That a Class A or B roof be provided.

20. That a final storm drainage plan, to include down stream storm drainage improvements and mitigation measures for impacts on adjacent land if any, in accordance with the Roseburg Storm Drainage Master Plan, be prepared with each phase construction plans, subject to Public Works final review and approval.
21. That sanitary sewer lines, including improvements requiring connections at undersized locations, shall be designed and approved by RUSA and DEQ and mainlines shall be installed, inspected, and tested according to RUSA specifications.
22. That the project shall be subject to RUSA's standard connection and permit fee requirements.
23. That for sanitary sewer lines out of public right-of-way, standard 20' wide easements with private gravel access roads along main line location shall be required for maintenance purposes, subject to RUSA final review and approval.
24. That RUSA be provided with keys for any gated access roads.
25. That Phase 1 Final Development Plans be approved within 12 months after the preliminary approval; that Phase 2 Final Development Plans be approved 12 months after Phase 1 Final Development Plans have been approved and that Phase 3 Final Development Plans be approved 12 months after Phase 2 Final development Plans have been approved.
26. That an equal proportion of the common open space and pathway system be provided with each phase.
27. That development of the community area shall occur with Phase 1 or 2. Development.
28. That the pathway system be redesigned to facilitate connectivity with Rocky Ridge Drive or function on its own, subject to Parks, Community Development, and Public Works Department final review and approval.

29. That an acceptable all weather pathway surface be utilized, subject to Parks, Community development, and Public Works Department final review and approval.
30. That parking bays be incorporated into the design, where feasible subject to Community Development, Fire and Public Works Department final review and approval.
31. That it shall be the developer's responsibility to understand and abide by approved timelines. After initial preliminary plan approval, City Staff shall not be responsible for notifying applicant of phase expiration dates.
32. That a minimum of one additional connection to the existing streets south of the Rocky Ridge PUD be included with Phase 3 development.

DATED THIS 2nd DAY OF FEBRUARY, 1999



BOB DEANE, CHAIRMAN
Planning Commission



DAN HUFF
Community Development Director

Planning Commission Members:

Bob Deane
Paul Meyer (Absent)
Richard Weckerle
Dallas Horn
Ric Webb
Larry Brooks